



UNIVERSITAS  
INDONESIA  
*Yusuf Khatib, S.H., LL.M.*

FAKULTAS  
HUKUM

# 2nd icLave 2018

2nd International Conference on Law and Governance in Disruptive Era

Bali, 7 - 8 November 2018

## PROGRAM BOOK

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## GREETINGS FROM DEAN



Selamat datang, welcome, to the 2<sup>nd</sup> icLave 2018.

It is a great honor that I welcome distinguished guest and participants to the **2<sup>nd</sup> International Conference on Law and Governance 2018** is the second international conference, held by Faculty of Law, Universitas Indonesia

The theme for the 2<sup>nd</sup> icLave 2018 is **“Law and Governance in Disruptive Era”**. The term of disruptive refers to the latest trend related to utilization of technology, automation process, data exchange and cloud computing, and including cyber-physical system, Internet of things (IoT), cloud computing and cognitive computing as it refers to term of Industry 4.0. It is aimed to contribute to the discourse on law and government by highlighting the current development, progress, achievements, as well as challenges faced in research and studies on this issue.

I also honored to welcome all of you, speakers and participants. Many of you have travelled far to participate in this Conference and share your valuable work with us. I hope that this Conference will serve as a platform for stimulation intellectual curiosity, triggering academic discussion and creating network among all of researcher, academics, professionals, across different background.

*Sincerely,*

**Prof. Melda Kamil Ariadno, SH, LLM, Ph.D**

# PROGRAMS

## PROGRAMS

Day 1 – 7 November 2018	
08.00 – 08.30	Registration
08.30 – 09.30	Opening Ceremony
09.30 – 10.15	Keynote Speech by Director General of Post and Information Technology, Ministry of Communication and Information Republic of Indonesia – Prof. Dr. Ahmad M. Ramli, S.H, M.H., FCBARB
10.15 – 10.30	Coffee break
10.30 – 12.30	Plenary Session 1 <ol style="list-style-type: none"> <li>1. Dr Edmon Makarim (Universitas Indonesia)</li> <li>2. Dr Bruce Wardhaugh (University of Manchester, England)</li> <li>3. Prof Yuzuru Shimada (Nagoya University, Japan)</li> <li>4. Prof Andrew Mitchell (University of Melbourne, Australia)</li> <li>5. Prof Anis Bajrektarevic (University of Vienna, Austria)</li> </ol> <p style="text-align: right;">Moderator: Heru Susetyo, Ph.D</p>
12.30 – 13.30	Lunch break
13.30 – 14.45	Parallel panel session 1
14.45 – 16.00	Parallel panel session 2
16.00 – 16.15	Coffee break
16.15 – 17.30	Parallel panel session 3
17.30 – 18.30	Afternoon break
18.30 – 21.00	Gala dinner and social event Entertainment

Day 2 – 8 November 2018	
08.15 – 09.30	Parallel panel session 4
09.30 – 10.45	Parallel panel session 5
10.45 – 11.00	Coffee break
11.00 – 13.00	<p>Plenary Session 2</p> <ol style="list-style-type: none"> <li>1. Marsma TNI Bambang Eko (Head of Legal Bureau, Ministry of Defence Indonesia)</li> <li>2. Prof George Williams (University of New South Wales, Australia)</li> <li>3. Prof Sally Wheller (Australia National University)</li> <li>4. Prof Koh Kheng Lian (National University of Singapore, Singapore)</li> <li>5. Prof. Theodorus Adolphus De Roos (Former Judge Court of Appeal, Netherlands)</li> <li>6. Prof. Pasi Lehmusluoto (University of Helsinki, Finland)</li> </ol> <p>Moderator: Arie Afriansyah, Ph.D</p>
13.00 – 13.30	Closing ceremony
13.30 – 15.00	Lunch
15.00 – 21.00	Excursion session (optional, additional fee may apply)

# PARALLEL SESSION SCHEDULE

**PARALLEL SESSION 1**

**Wednesday, 7 November 2018**  
**13.30 – 14.45**

<b>Room 1</b>		
No.	Paper Title	First Author / Presenter
1	The Harmonization of Presidential Regulation No. 13 of 2018 Concerning Beneficial Ownership Principles with Indonesia Banking Sector Regulations	Abdul Salam
2	Counterfeit Cosmetics Cases in Indonesia: Is It Considered as Trademark Infringement?	Annisa Dinda Soraya
3	Consumer Protection on the Use of Electronic Money (E-Money) on Toll Road as an Access to Public Service	Ayu Galuh Anggraini
4	Indonesia's Legal Approach Towards the Marketing of Credit Card Insurance	Conde Claudia Amanda
5	The Existence of The State in The Protection of Consumers in an Effort to Increase the Quality of Production	Duhita Driyah Suprapti
<b>Room 2</b>		
No.	Paper Title	First Author / Presenter
1	Analysis On The Effectiveness Of “Unbundling” And “Open Access” In Indonesian Gas Business Sector	Parulian Paidi Aritonang
2	Open Access For Industrial Activities Using Pipeline Gas Competitive	Parulian Paidi Aritonang
3	Foreign Ownership Rights for Housing Good Governance and the Right of Housing	Ni Ketut Supasti Dharmawan
4	Implementation of Notary Duties and Position in Guaranteeing Legal Assistance In Investment in Indonesia, Singapore and Japan	Ninik Noviana



5	Maternity Leave for Nurses in District Hospital of Bogor City	Monica Octavianne Risti
<b>Room 3</b>		
No.	Paper Title	First Author / Presenter
1	Corruption in The Public Procurement: A Discussion Concerning Court Decision in Indonesia	Edita Elda
2	Corruption By Corporation Countermeasures In Indonesia: Is The Supreme Court Regulation Number 13/2016 Sufficient?	Febby Mutiara Nelson
3	Confidentiality Of Banks as Modus Operandi By Gatekeeper In Money Laundering	Isma Nurillah
4	Deradicalization From Within; Enhancing The Role Of Jihadits On Countering Violence Extremism	Muhammad Ismail
5	Terrorism and Radicalism as a Challenge For The World Peace and Security	Aulia Rosa Nasution
6	Law Enforcement Against Corporations Illegal Fishing Actor In Indonesia	Raden Agung Gunawan
<b>Room 4</b>		
No.	Paper Title	First Author / Presenter
1	Authority and Access To Justice Mechanism For Child Victims Of Violence In The Special Region Of Yogyakarta And Malang	Dianwidhi Michelle Pranoto
2	Access To The Right To Education For Marginal Communities (Case Study: Education Access To The Lapak Pancoran Community, South Jakarta)	Princesslady Kezia Hillary
3	Prevention Of Domestic Violence (KDRT) Through Adat Criminal Law Approach And Local Wisdom In West Sumatera	Aria Zurnetti

4	The Community Based Conservation: An Interpretation Gap Between State and Indigenous Peoples (Study of Kasepuhan Cirompang)	Luh Rina Apriani
5	Ceremony Administrative Ceremony In Marapu Trust With Appropriate Antropology Approach (Case Study In Kuta Village, Kanatang Sumba Timur)	Nazihatul Muna
<b>Room 5</b>		
No.	Paper Title	First Author / Presenter
1	Firm Valuation in the Moratorium Context in Indonesian Law	Kurnia Toha
2	Comparative Study Of Restitution In Indonesia, United States Of America, And Vietnam	Abdul Salam
3	The Meaning of Proportional Copyright Royalty Tariff: Case Study of Royalty Tariff-Setting for Television Broadcaster in Indonesia	Muhammad Sabilal Rasyah
4	Trademark Infringement in Online Marketplace: The Latest Development of Indonesia Law and Practices on the Marketplace Providers' Liability	Shabrina Aprilia Adani
5	Legal Protection of Indonesian Citizens in Mixed-Marriage with Rohingya Refugees	Agnes Galuh Sekarlangit

**PARALLEL SESSION 2**

**Wednesday, 7 November 2018**  
**14.45 – 16.00**

<b>Room 1</b>		
No.	Paper Title	First Author / Presenter
1	The Classic Misconceptions of Corporate Governance in Indonesia: Independent Directors and Institutional Investors's Comparisons with Malaysian Corporate Governance	Yetty Komalasari Dewi
2	Protection of Debtors in Completion of Debt Through Delivery of Obligations of Debt Payments in Indonesia	Teddy Anggoro
3	Protection of Personal Data on the Use of Digital Identity on E-Commerce Transactions In Indonesia	Mujadiddah Aslamiyah
4	Strategic Step Of Corporate Debtor Rehabilitation In The Modern Bankruptcy Law	Parulian Paidi Aritonang
5	Constraints In Application Of The Legal Protection Model Of Geographical Indications As A Strategic Solution For Unhealthy Business Competition	Yoan Nursari Simanjuntak
<b>Room 2</b>		
No.	Paper Title	First Author / Presenter
1	Chasing Liability of Ocean Negligence: Safeguarding the Marine Protected Areas in Indonesia	Arie Afriansyah
2	Assessing Indonesian Government Protection for Migrant Domestic Workers in Disruption Era: An Ethico-legal Case Study on Maids for Sale through Carousell in Singapore	Eva Maria Putri Salsabila

3	From Internationalism To Globalization - How Globalization Impacts On Tuvalu's Climate Due To Climate Change	Kezia Sahetapy
4	Maintaining Sea Sovereignty Through an Environmental Approach in the Age of Disruption	Maria Maya Lestari
5	Marine Resource Management By The Local Government Of Riau Islands Following The Enactment Of Law No. 23 Of 2014 Regarding Local Government	Rosita Candrakirana

### Room 3

No.	Paper Title	First Author / Presenter
1	Counterfeit Medicines Cases in Indonesia's Cases on Trademark Infringement? Analysing the Regulations and Court Decision in 2011-2016 on Illegal/Counterfeit Medicines	Henny Marlyna
2	The Eligibility of Foreign Established Companies to Record Intellectual Property Rights in the Custom Recordation System	Rizky Rakhmadita
3	Urgency of Legal Protection and Management of Intellectual Property Rights in Higher Education Institutions (Study at Universitas Sumatera Utara)	Jelly Leviza
4	New Regulation On Oil And Gas In Disruptive Era	Brigita P. Manohara
5	Indonesia's Mining Downstream Policy : A Study of Mineral Processing and Purification Obligation circa 2009	Genio Ladyan Finasisca

### Room 4

No.	Paper Title	First Author / Presenter
1	Deposit Refund System For Solid Waste Management In Indonesia: A Preliminary Assessment	Andri G. Wibisana
2	State of Responsibility for Forest and Land	Partahi Gabe Uli

3	Governing Biodiversity In Vietnam: The Issue of Law And Beyond	Ly Anh Hoang
4	The Development of REDD+ Funding Mechanism in Indonesia	Yosep Batubara
5	Environmental Compensation System: Seeking the Possibility for Implementing an Ideal Compensation System for Environmental Restoration in Indonesia	Theresia Endah Karini Hindriadita
<b>Room 5</b>		
No.	Paper Title	First Author / Presenter
1	The Importance Of Halal Certification Instruments For Hotel Services In Senggigi Village	Gemala Dewi
2	Juridical Analysis of Banker's Clause in Sharia Financing Contract	Muhamad Athoilah
3	Influence of Government Policy In the Management of Zakat in State Zakat Institutions After the Zakat Law 2011	Muhammad Izzuddin Abdul Aziz
4	Implementation Of The Insurable Interest Principles Between The Insured And The Beneficiary In Sharia Life Insurance	Muhammad Patra Rakutta Sinulingga
5	Implementation Of Good Governance To Improve the Public Trust In BAZNAS	Nurfahmi Islami Kaffah

**PARALLEL SESSION 3**

**Wednesday, 7 November 2018**  
**16.15 – 17.30**

<b>Room 1</b>		
No.	Paper Title	First Author / Presenter
1	Is Criminal Law Relevant For Democratic Election In Indonesia?	Topo Santoso
2	Ekonomi Rakyat, Quo Vadis? An Explanation on The Ideological Deviation of Economic Legislature in Indonesia	Aurora Jillena Meliala
3	The Future Issue of The House's Right to Investigate: An Implication of The Constitutional Court Judgment Number 36/PUU-XV/2017	Muhamad Dzadit Taqwa
4	Regional Regulation Annulment By Minister Of Internal Affairs As Executive Control For Regional Government	Sonia Ivana Barus
5	The Paradox Of Democracy Rationality At Local Level The Phenomena Of Single Candidate In The General Election Of The Regional Head	Syafri Hariansah
6	The Destiny Of The Presidential Threshold In The Constitutional Court	Qurrata Ayuni
7	Constitutionalism in Politic Transition	Kris Wijoyo Soepandji
<b>Room 2</b>		
No.	Paper Title	First Author / Presenter
1	Range of Diversion Options for Young Offenders Indonesia vs Australia	Kharisanty Soufi Aulia
2	The Revitalization Of Structural Criminal Responsibility Of Indigenous Peoples In The Reform Of The Criminal System In Indonesia	Pujiyono

3	Corruption Offence In Public Procurement: Understanding Article 2 Section (1) And Article 3 Of Corruption Law	Putri Vera Hutapea
4	Non-Conviction Based Asset Forfeiture In Indonesia: Discourse On Asset Forfeiture Regulation	Rahmaeni Zebua
5	Handling serious crimes, Best practices from the Netherlands in Application of ICT in the Penal System	Martin Moerings

### Room 3

No.	Paper Title	First Author / Presenter
1	Review On Regulation Of The Director General Of Tax Number Per-17/PJ/2015 On Norms Of Net Income Calculation Of Several Specific Free Workers	Shariif Imadudiin
2	Urgency of the Role of the North Sumatra Province Manpower Office to Encourage Skilled Worker Readiness in the Era ASEAN Economic Community	T. Keizerina Devi Azwar
3	The State of the Indonesian Non-Performing Loan Market. What Are The Countering Views?	Parulian Paidi Aritonang
4	Implementation Of Regional Regulation Of Bungo Regency Number 7 Of 2012 Concerning Entertainment Tax To Increase Regional Tax Deposits	Dedi Epriadi Dedi
5	Analysis of The Conflict of Taxation: Exploring Multi-National Corporations Income Tax Criteria In Indonesia	Russel Butarbutar

### Room 4

No.	Paper Title	First Author / Presenter
1	Preventive Model Of Child Marriage In The Disruption Era To Achieve Sustainable Development Goals	Dian Latifani

2	Review On Reform Policy On Settlement Of Past Severe Violation Of Human Rights In Indonesia	Junaedi Saibih
3	Woman Sues Right Of Her Body Integrity As The Women Right: The Law Implication And Jurispruden Analysis / Court Decision On The Case Of Women As The Victims Of Not Fulfilment Promise Being Married	Lusiana M Tijow
4	A Normative Analysis of the Limitation of Human Rights: Assessing the Constitutionality of Press Freedom in Indonesia	Nabilla Arsyafira
5	The Right to be Forgotten: Arising Awareness on the Right to Privacy in Indonesia	Nenny Rianarizkiwati
<b>Room 5</b>		
No.	Paper Title	First Author / Presenter
1	Comparative Analysis of State Approaches to Management of State-Owned Enterprises in Indonesia, Netherlands, Singapore and China	Detania Sukarja
2	Foreign Direct Investment: Underscoring Its Regulation for Sustainable Development in Developing Host Countries	Rafiqul Islam
3	An International Treaty According To The Convention Of Vienna 1969 And Correlation With International Trading Cooperation In Indonesia	Jean Elvardi
4	When Investors Ask for Too Much: The Rise of Abuse of Process and Indonesia's Termination of BITs	Kadek Denny Baskara Adiputra
5	Constitutional Debate: Hard Case in the Bailout Century Bank Policy	Lily Evelina Sitorus



**PARALLEL SESSION 4**

**Thursday, 8 November 2018**  
**08.15 – 09.30**

<b>Room 1</b>		
No.	Paper Title	First Author / Presenter
1	Legal Protection of Adoption Process, Lesson from United Kingdom	Raisa Fatnisary
2	The Authorities Of Marriage Between Different Countries Of Religion	Maria Francisca Mulyadi
3	Retroactive Principle in Postnuptial Agreement in Providing of Legal Protection for Unemployed Housewives	Nur Hayati
4	The Transparency Principle in Regional Development Banks to Implement Good Corporate Governance: A Case Study on PT Bank Pembangunan Daerah Jawa Timur Tbk	Citranela Ramadhani Yuwana
5	Delivery Business Based on Unmanned Aerial Vehicle: Lesson Learned from Indonesia's Regulation	Mira Erwinda
<b>Room 2</b>		
No.	Paper Title	First Author / Presenter
1	Renewable Energy Governance: Utilization Of Geothermal For Rural Community Welfare	Sjahriati Rochmah
2	CPTPP and Personal Data Governance: A Critical Analysis	Abu Bakar bin Munir
3	State Responsibility against a sinking of vessel in biosecurity	Amelia Rahmi Syaiful

4	Investing in sustainable development: can international investment treaties be instruments of good governance?	Ashley Schram
5	Application Of Cross Border Insolvency Model For Bankruptcy Process Between Countries And Indonesian Law	Parulian Paidi Aritonang
<b>Room 3</b>		
No.	Paper Title	First Author / Presenter
1	Electronic Court Filing: Between Case Management and Access to Justice	Yunani Abiyoso
2	Potential Alternative Dispute Resolution As An Effort To Resolve Minor Criminal Acts In The Karimunjawa Community In The Disruption Era	Anis Widyawati
3	Questioning the Regulation of Filing in the Position of Constitutional Justice in Indonesia	Fatmawati
4	Bridging The Distance: The Use Of Videoconferencing Technology In Corruption Criminal Court In Indonesia	Nani Mulyati
5	The Readiness of The Supreme Court in Reviewing Local Regulations	William Aditya Sarana

<b>Room 4</b>		
No.	Paper Title	First Author / Presenter
1	Legal Review Of Commodification Process On REDD Project In Indonesia: Chance And Challenge	Adiwarman
2	Water-Friendly Behavior in a Legal Perspective Study of Depok City Regional Regulation related to Water Resources	Aad Rusyad Nurdin
3	Principles for the Next Generation of Environmental Law in the Face of Technological Innovation	Rob Fowler
4	Technology Innovations: The Cause or Solution to Human Wildlife Conflict?	Maizatun bt Mustafa
5	The Development, Challenges and Prospects on Environmental Litigation in the Philippines	Rose-Liza Eisma- Osorio

**PARALLEL SESSION 5**  
**Thursday, 8 November 2018**  
**09.30 – 10.45**

<b>Room 1</b>		
No.	Paper Title	First Author / Presenter
1	The Struggle to Decriminalize Possession of Small Quantity of Drug in Indonesia and Lithuania	Choky Ramadhan
2	Diversion In Juvenile Criminal Justice System	Elfina Lebrine Sahetapy
3	The Perfect Money Laundering Crime: Placement, Layering, or Integration?	Firman Adi Prasetyo
4	Special Treatment for Terrorism Inmates through Participatory Social Approaches	Hanafi Amrani
5	Legal Comparison of Completion in The Criminal Acts of Corruption Committed Members of The Military in Indonesia and Finland	Janatul Firdaus Tirtayasa
6	Overlapping Government Authority In Implementing Social Rehabilitation Of Addicts And Drug Abuse Victims	Rino Cahyadi Nugroho
<b>Room 2</b>		
No.	Paper Title	First Author / Presenter
1	The Practice of Utmost Good Faith between Insurers and Insured In Sharia Life Insurance	David Ruston Khusen
2	Legitimacy of Caning Punishment	Heru Susetyo Nuswanto
3	Implementation of the Civil Servants Income Zakat Policy in Aceh Province	Titin Fatimah
4	Environmental Waqf under Islamic Law and Indonesia's National Laws (A Case Study of Hutan Wakaf in Aceh)	Wirdayaningsih
5	The Application Of Islamic Business Contract Law In National Regulations	Gemala Dewi

	(Comparison Among Civil Law Legal System Countries)	
<b>Room 3</b>		
No.	Paper Title	First Author / Presenter
1	Rights Of The Construction Service Industry Workers In Gorontalo City	Mutia Cherawaty Thalib
2	The Right to Work for Women Workers Affected by the National Slum Upgrading Project in Jakarta: Fulfilment and Protection of Rights in the Perspective of Gender Justice	Joce Timoty Pardosi
3	Balancing between Counter-Terrorism Measures and Conforming Human Rights Standards in Malaysia	Khoo Ying Hooi
4	Snapshot on the Situation of Human Rights and Peace Education in Southeast ASIA/ASEAN	Joel Mark Barredo
5	Caning Punishment: The Enforcement of Syariah Law versus Human Rights Violation in Aceh, Indonesia	Marina Mary Marpaung
<b>Room 4</b>		
No.	Paper Title	First Author / Presenter
1	Responsibility of Notary on Personal Data Protection on its Cloud Computing Based Electronic Office System	Ayu Galuh Anggraini
2	Arbitration and artificial intelligence: the future challenges for dispute settlement	Emmy Latifah
3	The Impact of Automation towards Female Labor Force in Indonesia and The Attempts to Establish Better Protection Mechanism	Dominique Virgil Tuapetel
4	Authorship of Works Created by Artificial Intelligence	Metha Ramadita
5	Deposit of Literary and Phonogram Works in Digital Era	Nadya Athira

# PLENNARY SPEAKERS PROFILE

## PLENARY SPEAKERS PROFILE



**Dr. Edmon Makarim, S.Kom., S.H., LL.M**

He's lecturer at Faculty of Law, Universitas Indonesia. He was graduated bachelor degree from the same school, and also gained bachelor of computer science form Universitas Gunadarma. He gained his doctoral degree from University of Indonesia, after finishing post graduate master of law form University of Washington.

His recent publication are: Electronic Identity and Personal Data Protection International Conference on The Digital Economy. Security and Privacy in the Big Data Era. 26-27 April 2017, Sahid Jaya Hotel Jakarta, organized by University Padjajaran & Padjajaran Alumni Club; Electronic ID and Right to Data Portability. International Conference on law and Governance (ICLAVE), Depok Faculty of Law University of Indonesia, 1-2 November 2017; Indonesia Cyber Notary: Trusted Third Party in e-Transaction for e-commerce. International Seminar of International Union of Noataries. Seminar Internasional tentang Pemenuhan Kemudahan Berusaha (ease of doing business): Peluang, Tantangan dan Peran Notaris serta Profesi Hukum Lainnya. NDCC-Bali 7-9 September 2017; Indonesian Cyber Diplomacy The Asia-Pacific Research in Social Sciences and Humanities (APRISH) > The 2nd APRISH 2017, 27-29 September 2017. The Margo Hotel, Depok.

**Dr Bruce Wardhaugh (Manchester UK)**

[bruce.wardhaugh@manchester.ac.uk](mailto:bruce.wardhaugh@manchester.ac.uk)

He's senior Lecturer in Law with affiliation of Manchester Centre for Regulation and Governance and Public Law School of Law (L4)



Bruce Wardhaugh joined the School of Law at the University of Manchester in January 2015 as a Senior Lecturer in Competition Law. Prior to that he was a Lecturer at The Queen's University Belfast (2012-2015) and the Newcastle University (2011 - 2012). He holds his LLB (JD) and PhD degrees from the University of Toronto, and an LLM from the University of Amsterdam. Prior to beginning an academic career in law, Bruce practiced in British Columbia (Canada) for a number of years.

Bruce's research interests are in Competition law (in particular EU and US), WTO law and law and economics. He has written extensively on the competition issues surrounding collusion. His monograph, *Cartels, Markets and Crime: A Normative Justification for the Criminalisation of Economic Collusion* was published by Cambridge University Press in 2014. In addition to this, he has published numerous articles in scholarly journals, and is a UK news correspondent in regard to matters conducted by the Competition and Markets Authority for the *European Competition Law Review*. He also contributes regularly to academic conferences. In September 2013, his paper "Bogeymen, Lunatics and Fanatics: Collective Actions and the Private Enforcement of European Competition Law" won the Best Paper Prize at the Annual Meeting of the Society of Legal Scholars. It was later published in *Legal Studies*.

**Recent Publications:**

- Punishing Parents for the Sins of their Child: Extending EU Competition Liability in Groups and to Sub-Contractors
- Research output: Contribution to journal Article
- Intel, Consequentialist Goals and the Certainty of Rules: The Same Old Song and Dance, My Friend
- Research output: Contribution to journal Article
- Buying Competition: Developing Competition Regimes Through a WTO-Compliant Generalised System of Preferences





### **Prof Yuzuru Shimada**

He's lecturer at Nagoya University Japan. He was

Assistant Professor, Faculty of Foreign Studies, Nagoya University of Foreign Studies in 2007, Associate Professor, Graduate School of International Development, Nagoya University.

#### **Recent Publication**

- "The Role of Law in the Reconstruction Process of the Aceh Tsunami Disaster" in Per Bergling, Jenny Ederlof and Veronica L. Taylor eds. Rule of Law Promotion: Global Perspectives, Local Applications Iustus Jan 2010
- Aikyo Masanori ed., The Handbook of Asian Legal Systems, Nagoya University Press, pp. 130-155. Nagoya University Press Oct 2009
- "Islamic Law", Aikyo Masanori ed., The Handbook of Asian Legal Systems, Nagoya University Press, pp. 390-398. Nagoya University Press Oct 2009
- "Legal systems for disaster management in Indonesia" in Djati Mardiatno and Makoto Takahashi eds., Community approach to disaster Gadjah Mada University Press Jul 2012 ISBN:979-420-787-X

## Prof Andrew Mitchell



Andrew is Professor at Melbourne Law School, Australian Research Council Future Fellow, Director of the Global Economic Law Network, a member of the Indicative List of Panelists to hear WTO disputes, and a member of the Energy Charter Roster of Panelists. He has previously practised law with Allens Arthur Robinson (now Allens Linklaters) and consults for States, international organisations and the private sector. Andrew has taught law in Australia, Canada, Singapore, and the US and is the recipient of four major grants from the Australian Research Council and the Australian National Preventive Health Agency. He has published over 130 academic books and journal articles and is a Series Editor of the Oxford University Press International Economic Law Series, an Editorial Board Member of the *Journal of International Economic Law* and a General Editor of the *Journal of International Dispute Settlement*. He has law degrees from Melbourne, Harvard and Cambridge and is a Barrister and Solicitor of the Supreme Court of Victoria.

### Recent Publications

- Community Interests and the Right to Health in Trade and Investment Law. *Community Interests Across International Law*. Oxford University Press. 2018
- Data at the Docks: Modernizing International Trade Law for the Digital Economy 2018
- Ending International Investment Agreements: Russia's Withdrawal from Participation in the Energy Charter Treaty. *American Journal of International Law*. 111. 2018
- Regulatory Autonomy in International Economic Law The Evolution of Australian Policy on Trade and Investment. Edward Elgar Publishing. 2017
- Australia and International Trade Law. *International Law in Australia*. Thomson Lawbook Co. 2017



### **Prof Anis H. Bajrektarevic, Ph.D.**

He is a Research Fellow at the Institute for Modern Political- history analyses, Dr. Bruno Kreisky Foundation as well as the Legal and Political Advisor for CEE at the Vienna-based Political Academy, Dr. Karl Renner (mid 1990s). Senior Legal Officer and Permanent Representative to the UN Office in Vienna of the Intergovernmental Organization ICMPD (1990s).

Attached to the IMC University of Austria as a Professor and Chairman for Intl. Law and Global Political Studies (2000s – 10s). For past 16 years, he teaches subjects of Geo-political Affairs, International Law (including Intl. Relations, Law of IOs and EU Law) and Sustainable Development (Institutions and Instruments of). Besides, he served as a pro bono expert numerous academic institutions, think-tanks and intergovernmental institutions (such as the UN ECE, OSCE, Council of Europe, American Bar, Oxford Academy of Total Intelligence, etc.). Since 2013, he is a visiting professor for international law at the University in Geneva (graduate and postgraduate programs). The International Institute IFIMES has entrusted him as its Department Head for Strategic Studies on Asia, and its Permanent Representative to Austria and Vienna-based IOs (and nonresidentially the UN office of Geneva, UNOG). (2014 – on) Prof. Bajrektarevic is the author of dozens presentations, publications, speeches, seminars, research colloquiums as well as of numerous public events (round tables & study trips, etc.). His writings are frequently published in all five continents (over 70 countries and translated in some 25 languages).

**Marsma TNI Bambang Eko Suhariyanto, S.H.,  
M.H**

Air First Marshal (AFM) Bambang Eko Suhariyanto is currently the Chief of Legal Affairs Bureau, General Secretary, Indonesia Ministry of Defense. He was born on 1 October 1961 in Jember, East Java. AFM Suhariyanto graduated from the Indonesian Military Academy in 1987. He started his career as a junior paralegal and promoted to Chief of Legal Section afterwards. He was a Lieutenant Colonel (2002) when he received his Master Degree in Law (University of Indonesia). He was promoted to Colonel (2007) when he was assigned to San Remo, Italy. He was promoted to Air First Marshal in 2015. AFM Suhariyanto attended many courses and training in U.S.A (DIILS course in New Port) and Hawaii, Australia, Netherland, Singapore and Italy.

He obtained several courses/trainngs: Law Operation Course (USA) 1999  
Air Force Staff Collage 2002; Legal Adviser Course (Australia) 2003  
Ilomo Course (USA) 2004; Air Law Course (Nederland) 2005;  
International Law Development Programs (USA) 2006; International  
Humanitarian Law Course San Remo (Italy) 2007; Operation Law Course  
For Senior Officer, Hawaii 2007; Senior Staff College 2010; Maritime  
Security Workshop (USA) 2015

He gained Awards for United Nation Medal (UN Peace Keeping)



## Prof George Williams

Scientia Professor George Williams

Expertise: Constitutional Law, the High Court, Human Rights, the Republic, anti-terrorism and the law, Bill of Rights. Founding Director of Gilbert + Tobin Centre of Public Law.

Field of Research (FoR): Constitutional Law, Comparative Law, SEO tags, Law Reform, Justice and the Law

George Williams AO is the Dean, the Anthony Mason Professor, and a Scientia Professor at UNSW Law. He has held an Australian Research Council Laureate Fellowship, and visiting positions at Osgoode Hall Law School in Toronto, Columbia University Law School in New York, and Durham University and University College London in the United Kingdom.

He has written and edited 34 books, including *Australian Constitutional Law and Theory*, *The Oxford Companion to the High Court of Australia* and *Human Rights under the Australian Constitution*. He has appeared as a barrister in the High Court in many cases over the past two decades, including on freedom of speech, freedom from racial discrimination and the rule of law. He has also appeared in the Supreme Court and Court of Appeal of Fiji, including on the legality of the 2000 coup.

George was made an Officer of the Order of Australia in 2011: ‘For distinguished service to the law in the fields of anti-terrorism, human rights and constitutional law as an academic, author, adviser and public commentator.’

**Prof. Sally Wheeler OBE, MRIA, FAcSS**

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**Representative Publications**

1. "ASEAN Environmental Law, Policy and Governance: Selected Documents (Vol I)", pp xxii + 713. Vol II will be published in Fall 2011.
2. "Regional Environment Governance: Examining the Association of Southeast Asian Nations (ASEAN) Model" in Daniel C. Esty and Maria H. Ivanova (eds), *Global Environmental Governance* (Yale, USA: 2002). (jointly with Nicholas A. Robinson)
3. "ASEAN Agreement on the Conservation of Nature and Natural Resources, 1985: A Study in Environmental Governance" in Panksy D (ed), *Governance Stream of the Vth World Parks Congress* (Ottawa, Canada: Parks Canada and IUCN/WCPA, 2005) (in CD-Rom).
4. "Land Stewardship and the Law: ASEAN Heritage Parks and Transboundary Biodiversity Conservation" in *Land Use for Sustainable Development* (Chalifour, Nolon, Lye and Kameri-Mbote, eds) (Cambridge University Press: 2006).
5. "Governance on Adaptation to Climate Change in the ASEAN Region", *Carbon and Climate Chang Law Review*, Vol 5 No 1 (The Legal Publishers Lexxion, Berlin: 2011), pp 82 - 90 (jointly with Lovleen Bhullar)

# ABSTRACTS



## KNOWLEDGE AND POLICY DISCREPANCY BETWEEN THE LAWS OF THE NATURE AND PEOPLE

### Present trends in securing sustainability of blue economy – the new frontier

Pasi Lehmusluoto

#### ABSTRACT

Conflicts between the natural capital allocated to sustain the nature's structures, functions and ecosystem services and the non-living and living capital allocated to the increasing needs of the rapidly growing human population and economic activities are disruptive. Indonesian assumption was the long-lasting sustainable access of clean surface and groundwater for all by 2019 and efficient control of amount and quality of discharges of the moving resource into rivers, canals, lakes, reservoirs and coastal waters. Rules to manage the ecosystem services and knowledge of the water balances, self-adjusting limits, carrying capacities, potential yields, etc. of the systems need to be developed. Also adequate university leaning opportunity is necessary to provide certified researchers and **tropical** landscape limnologists – science born in Indonesian in 1928. For conflicts resolution many countries need proper legal framework. Indonesian 2004 water “privatizing” law was annulled in 2015. The Constitution mandates the state to manage the land, the waters and the natural resources therein by the principles of family and co-operatives for the highest benefits of the people. It means not by persons, companies, authorities, etc. A constructive step is the research-based knowledge platforms for the defined joint surface and groundwater management systems (DAS) and sections and sea areas. It is a huge effort for the blue economy sector. In addition the regional water framework directive and trans-border, national, provincial and local knowledge-based legislation, decrees, regulations, guidelines and awareness raising material are necessary. As examples Europe and Finland are used.

**DEPOSIT REFUND SYSTEM FOR SOLID WASTE  
MANAGEMENT IN INDONESIA: A PRELIMINARY  
ASSESSMENT**

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**ABSTRACT**

The fulfillment of the right to a healthy environment is hindered by the problem of solid waste. A new type of regulatory approach is needed in order to ensure that both the state and polluters are held responsible for the solid waste problem. The deposit refund system is an instrument that combines incentives and disincentives which, in the context of solid waste, applies the principle of state responsibility and the polluter-pays principle simultaneously to ensure the fulfillment of the right to a healthy environment. Referring to Law No. 32 of 2009, Law No. 18 of 2008 and Government Regulation No. 46 of 2017, a deposit-refund system on solid waste is applicable in Indonesia.

Keywords:

## CONSUMER PROTECTION ON THE USE OF ELECTRONIC MONEY (E-MONEY) ON TOLL ROAD AS AN ACCESS TO PUBLIC SERVICE

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### ABSTRACT

Since 31 October 2017, the Indonesian government through Bank Indonesia has issued a policy that states e-money as the only means of payment received to pay at toll gateways throughout Indonesia. The policy runs in accordance with the Gerakan Nasional Non Tunai — GNNT (National Non-Cash Movement) to create a non-cash society in Indonesia. The policy was intended to ease consumers' payment transactions in an efficient manner. On the other hand, Yayasan Lembaga Konsumen Indonesia —YLKI (Indonesia Consumers' Foundation) said that this policy has been harming consumers with no other option to pay tolls. These losses are examined by conducting literary studies and interviews to consumers as well as parties who take part in hosting e-money payment activities. In the event of problems arising when paying with e-money at toll booths, as an access to public services, consumers may file a complaint to the toll road operator and/or to Ombudsman as the institution which supervises the management of public services. However, if seen more deeply, this is more of a payment service which uses e-money as the only means of payment, so that the appropriate consumer protection should be delivered by banks in accordance with Bank Indonesia's Regulation on Consumer Protection for Payment System Services.

**Keywords:** Consumer Protection; Electronic Money; GNNT

## NEW REGULATION ON OIL AND GAS IN DISRUPTIVE ERA

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### ABSTRACT

In the framework of managing oil and gas, the government issued a new policy on oil and gas exploitation in the form of regulation of the Minister of Energy and Mineral Resources (ESDM) no. 8 of 2017 and regulation of the Minister of Energy and Mineral Resources no. 53 of 2017 concerning Gross Split production sharing contracts. This regulation was once a debate in the world of oil and gas because in this new provision the replacement of production costs known as cost recovery was abolished. The government believes that this new policy will be more effective and efficient, but there are still doubts whether the policy for dividing gross split results is the answer to various problems in the oil and gas sector that are used for the prosperity of the people. In connection with the terms of the contract for gross split results, this article will answer the question of how the gross split system if it is associated with the welfare of society on welfare state ?. To answer this question, this article will also explain the development of oil and gas management in Indonesia. The theory of welfare state will be used to answer this research question. Literature studies are used as data collection techniques with interviews of a number of sources. In addition, there will be a comparison with other countries regarding oil and gas management.

**Keywords:** oil and gas contract, gross split, production sharing contract, policy, social welfare, welfare state

## THE TRANSPARENCY PRINCIPLE IN REGIONAL DEVELOPMENT BANKS TO IMPLEMENT GOOD CORPORATE GOVERNANCE: A CASE STUDY ON PT BANK PEMBANGUNAN DAERAH JAWA TIMUR TBK

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### ABSTRACT

This research discusses the obligation of Regional Development Bank (RDB) as a Regionally-Owned Enterprises (ROE) to implement Good Corporate Governance (GCG). In particular, this research analyzes the forms of transparency principle on RDB, specifically on PT Bank Pembangunan Daerah Jawa Timur Tbk (Bank Jatim) according to existing regulations. By using legal normative method, this thesis concludes that in principle, the forms of transparency principle on BPD is divided into three parts, namely preparing reports, publishing them, and ensuring that they are publicly accessible. There are at least 8 (eight) forms of transparency principle, they are monthly report, quarterly report, annual report, prime lending rate report, report on material information or facts information regarding bank's product and use of customer's data, and GCG report. For RDB in the forms of Public Company, it is also obligated to make summary of general meeting of shareholders' minutes of meeting and information on communication with shareholder and investor. This research also found that the forms of transparency principle implementation in Bank Jatim is already in accordance with existing regulations.

**Keywords:** transparency principle, good corporate governance, regional development bank.

## AUTHORITY AND ACCESS TO JUSTICE MECHANISM FOR CHILD VICTIMS OF VIOLENCE IN THE SPECIAL REGION OF YOGYAKARTA AND MALANG

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### ABSTRACT

Mechanism of access to justice and care for child victims of violence has been a focus of the Indonesian government for about the past decade. However, matters relating to protection of children are given to the local government and although there are laws, at a national level, obliging local government to provide protection of child victims of violence, the enforcement of such laws in the local scale differs from one place to another. This paper seeks to study the phenomenon by analyzing the effects of authority on child victims' access to justice and care. The Special Region of Yogyakarta and Malang was chosen as the locations of study. The findings showed that different types of authorities affected the coherence of institutions in handling and caring for child victims of violence. It was concluded that authority is a factor that should be taken into significant account when striving for the protection of child victims of violence and abuse. By having an effective authority leading the enforcement, it can almost be assured that the wider portion of society will follow and obey.

**Keyword:** child protection, authority, Special Region of Yogyakarta, Malang.

## AN INTERNATIONAL TREATY ACCORDING TO THE CONVENTION OF VIENNA 1969 AND CORRELATION WITH INTERNATIONAL TRADING COOPERATION IN INDONESIA

Jean Elvardi, Firman Hasan and Magdariza

### ABSTRACT

The international cooperation is an important in interstate relation aspect. It is required an international agreement. The agreement in international law was established in Convention of Vienna 1969. The Convention 1969 is the regulation of internal law was agreed by the states including Indonesia. Even though have not ratifying yet the Convention of Vienna 1969, however, Indonesia persists oblige to the custom of international law. The national law of Indonesia is regulating how to implement the international agreement. It is described on Act No.24 of 2000 on International Agreement. Ironically, however, the regulation of international trading cooperation of the Act No.7 of 2014 contravene to the provision as was agreed by all the state, i.e. Convention of Vienna of 1969. One of article is No.85 the Act No.7 of 014. The national law of Indonesia has contravened the “pactasuntservanda” principle. Moreover, there is an inappropriate provision to the national law of Indonesia. There is must be a modification of international law in correlation of international trading.

Keywords: national agreement international cooperation, international trading

## WHEN INVESTORS ASK FOR TOO MUCH: THE RISE OF ABUSE OF PROCESS AND INDONESIA'S TERMINATION OF BITs

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### ABSTRACT

The sudden announcement of Indonesia's plans to eventually terminate all its Bilateral Investment Treaties (BIT) in 2014 came as a shock. According to Oegroseno, the Indonesian ambassador to Belgium, the conduct is fueled by Indonesia's intentions to modernize and update its existing BITs. The reason for the termination is also based on the discontent of Indonesia towards the current regime of investor-state dispute settlement which enshrines too much rights to investors. In recent years, investors have been able to utilize BITs for their own advantage to the extent that it amounts to an abuse of process. This paper attempts to analyze the existence of abuse of process in the current investor-state dispute settlement regime, the reason for its rise, and how Tribunals generally identify and deal with cases of abuse of process. The cases that will be addressed in this paper are *Phoenix Action Ltd v. Czech Republic* before the International Centre for the Settlement of Investment Disputes and *Philip Morris Asia Limited v. Australia* before the United Nations Commission on International Trade Law. After a brief analysis of the recent case law, this paper will provide a couple of recommendations as to how States such as Indonesia should act in preventing abuse of process. In conclusion, this paper views the termination of Indonesia's BITs as a chance to prevent abuse of process through multilateral frameworks by abandoning investor-state dispute settlements. Alternatively, it could also be done through better drafting of BITs for more favorable and strict clauses that prohibit abuse of process.

**Keywords:** abuse of process; treaty shopping; jurisdiction and admissibility; investment arbitration



## RIGHTS OF THE CONSTRUCTION SERVICE INDUSTRY WORKERS IN GORONTALO CITY

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### ABSTRACT

The purpose of this study is to describe the industrial work in construction service industry in Gorontalo City and to identify the workers' rights protection aspects. This study is the result of a research conducted through an empirical normative approach. The secondary data were collected using primary, secondary, and tertiary data. The primary data were gathered from field research. Data collection method was conducted through secondary data, including laws and related regulations. Focus Grup Discussion (FGD) method was used to gain in-depth information from some sources such as Construction Industry Company, Individual Service Provider, Construction Workers, Local Government included Public Works Office (Dinas PU), Construction Services Development Agencies (LPJK), Social Insurance Administration Organization (BPJS) Construction Workers Association. This was then continued with an in-depth interview and questionnaire. These data were analyzed using the qualitative method. The result and discussion show that there are 5.769 workers in Gorontalo city that are spread in 1.404 Construction Service Industries. The existence of the industries can absorb 1.770 workers. However, the data of BPJS shows that only 207 companies have registered for the labor insurance, even though one of the protections required for the workers is equality guarantee between service users and service providers in implementing their rights and responsibilities in the employment relationship. Another issue is the regulation related to the minimum wages and security, safety, and health insurance in the workplace for construction workers. The workers should get adequate protection considering that the development of the construction industry continues to increase with the level of complexity and high employment absorption.

**Keywords:** Rights Protection, Workers, Construction Service Industry

## BRIDGING THE DISTANCE: THE USE OF VIDEOCONFERENCING TECHNOLOGY IN CORRUPTION CRIMINAL COURT IN INDONESIA

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### ABSTRACT

One of the major problems that often arise in corruption cases relating to the process of criminal law enforcement in Indonesia is the high cost due to delay in the trial because of the absence of witnesses. Court delay is jeopardizing defendant's right to speedy trial and it also hampered society's need for a speedy conviction. As an old aphorism says "justice delayed is justice denied". The choice between delaying the court to obtain witness testimony as evidence with the choice that allows witnesses not to be examined in court is a complicated legal matter for law enforcement officers, especially judges and prosecutors in carrying out his/her duties. In connection with these legal issues, over time and technological development, there is other option for judges and public prosecutors in addressing the issue of witness testimony through videoconference technology. In practice in Indonesia, testimony provided through videoconferencing was accepted in several cases. However in the theoretical discussion there is still much debate about the validity of the testimony given through videoconferencing. This paper attempts to discuss the legal aspects of using videoconferencing to obtain evidence in corruption criminal court. Research methodology that is employed is doctrinal legal research with regulations and cases approach. From the research can be concluded that Remote witness testimony through videoconferencing technology is one of the things that need to be accepted under certain conditions in criminal justice system in Indonesia, especially in the corruption court. The use of videoconferencing does not conflict with the principle of cross-examination as one of the important prerequisites in witness testimony as evidence in criminal law case. In addition, the adoption of videoconferencing technology in court hearings for witnesses and experts allows the implementation of trials in a simpler, faster and cheaper, which is also one of the important principles in criminal procedural law in Indonesia. It is expected that this research will provide additional knowledge to scholars who are interested in criminal procedure law, law enforcement officers and the wider community.

**Keywords:** videoconference, teleconference, criminal evidence, corruption, corruption criminal court

## CEREMONY ADMINISTRATIVE CEREMONY IN MARAPU TRUST WITH APPROPRIATE ANTROPOLOGY APPROACH (CASE STUDY IN KUTA VILLAGE, KANATANG SUMBA TIMUR)

Nazihatul Muna and Emy Handayani

### ABSTRACT

Customary Funeral Ceremony on Marapu Trust which is in Dusun Kuta, Kuta Village Kec. Kanatang Kab. East Sumba has become a tradition and becomes part of the daily life of most people because it has been passed down from generation to generation by their ancestors to the next generation. This funeral ceremony there are several stages that must be met which each stage has a meaning and purpose. The unique stage of this funeral is that the body is positioned in a fetal state. Because death, as it is with birth, is part of a continuous integral, a process we fully support, but if this positive expression is unclear, in many societies the cessation of ritual -divine death, which gives a chance for the gathering of the scattered people (Nottingham, 83: 1993). There is no special consequence if the marapu believer does not do this. This research uses empirical approach with research location at Dusun Kuta, Desa Kuta.

**Keywords:** Customary Cemetery, Marapu Trust

## OVERLAPPING GOVERNMENT AUTHORITY IN IMPLEMENTING SOCIAL REHABILITATION OF ADDICTS AND DRUG ABUSE VICTIMS

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### ABSTRACT

After the issuance of the narcotics law several articles in the narcotics law have many weaknesses, one of that is regulates about the authority of social rehabilitation of addicts and drug abuse victims, the weakness is seen by the existence of contradiction rules between the narcotics law and the underlying regulation that has the potential to cause overlapping authority in the implementation of social rehabilitation of addicts and drug abuse victims.

**Keywords:** Overlapping the authority of social rehabilitation about drugs

## REVIEW ON REGULATION OF THE DIRECTOR GENERAL OF TAX NUMBER PER-17/PJ/2015 ON NORMS OF NET INCOME CALCULATION OF SEVERAL SPECIFIC FREE WORKERS

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### ABSTRACT

This thesis reviewed on the Regulation of the Director General of Tax No. PER-17/PJ/2015 on Norms of Net Income Calculation of several specific free workers. The discussions in this thesis included discussion on the arrangement in the Regulation of the Director General of Tax No. PER-17/PJ/2015 towards Taxpayer of Writer, Notary, and Doctor Profession and the implementation of the regulation based on the principle of legal certainty towards Taxpayer of Writer, Notary, and Doctor Profession. The research method used in this research is in the form of normative-juridical research with descriptive-analytic research type. On the implementation of the Regulation of the Director General of Tax No. PER-17/PJ/2015, there are two problems which are the differences of interpretation in the regulation which resulted in issuing a press release and a circular letter relating to the problem. The second problem is the ignorance of the taxpayer regarding the regulation. The first problem on the implementation of the regulation will be reviewed by the principle of legal certainty in the tax law. The result in this thesis is that the arrangement on Norms of Net Income Calculation towards Taxpayer of Writer, Notary, and Doctor Profession has been regulated based on their Business Field Classification in the appendices of Regulation of the Director General of Tax No. PER-17/PJ/2015. Moreover, there is a legal uncertainty in the Regulation of the Director General of Tax No. PER-17/PJ/2015 caused by a circular letter letter related to the regulation.

Keywords: calculation norm; income tax; free workers

## RENEWABLE ENERGY GOVERNANCE: UTILIZATION OF GEOTHERMAL FOR RURAL COMMUNITY WELFARE

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### ABSTRACT

Based on the National Energy Policy, Indonesia is determined to reduce the use of fossil energy, and continues to promote the use of renewable new energy and increase the use of renewable new energy used by 23 percent for electricity and transportation in 2025. Bioenergy contributes 10 percent, Geothermal contributes 7 percent, hydro contributes 3 percent and other renewable energies contribute 3 percent. So far, the government's energy mix/portfolio target has not been achieved, as in 2015, it only reached 5 percent and in 2016, it reached 7 percent. To achieve national energy security, the government places geothermal energy as one of the pillar's energy supplies in the RPJMN (National Medium-Term Development Plan) document. Besides, the government has also promoted renewable energy as one of the national strategies such as to create energy policies and regulations for sustainable development but the results are far from satisfying. This paper will explore the governance of renewable energy in Indonesia which focuses on geothermal energy. The implementation of various policies, regulations and programs must increase awareness of the importance of the role of renewable energy in a sustainable development system included governance at the villages level based on local perspective.

**Keywords:** Governance, Renewable Energy, Geothermal, Village Authority.

## REGIONAL REGULATION ANNULMENT BY MINISTER OF INTERNAL AFFAIRS AS EXECUTIVE CONTROL FOR REGIONAL GOVERNMENT

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### ABSTRACT

Law of Republic Indonesia Number 23 of 2014 about Regional government state that Minister of Internal Affairs with Ministerial Regulation, have an authority for annulling Regional regulation which is contradict higer rule of law provisions, public interest and/or decency. Meanwhile, the duality of views about validity of Ministerial Regulation for annul Regional regulation creates contentions. Beside the contention about validity of Ministerial Regulation for annul Regional regulation, verdict of Constitutional Court number 137/PUU-XIII/2015 and number 56/PUU-XIII/2016 which has been revoked Minister of Internal Affairs authority for annul Regional regulation caused problem about the existance of executive in terms of annulling Regional regulation. This research is in the form of juridical-normative which is used secondary data as the resources and prespective point of view with the intention of providing solution towards the topic. The result of this research shows, basicy, the utilization of Ministerial Regulation for annul Regional regulation is not proper, because the Minister and Regional government are not related in a structural scheme, in despite of, Ministerial Regulation maybe higher than Regional regulation, with the result of that the most ideal solution is to use Presidential Regulation as in Law No. 32 of 2004. Moreover, verdict of Constitutional Court which is revoked the authority of Minister of Internal Affairs for annul Regional regulation, need to be reviewed. Because of that verdict, Contitutional Court indirectly revoked the authority of executive for controlling its region, considering Indonesia is an unitary state the central government intervention to the region is reasonable and not violating the constitution.

**Keywords:** Authority, Regional regulation, Executive Control

## THE PARADOX OF DEMOCRACY RATIONALITY AT LOCAL LEVEL THE PHENOMENA OF SINGLE CANDIDATE IN THE GENERAL ELECTION OF THE REGIONAL HEAD

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### ABSTRACT

This article comprehensively addresses the issue of a single candidate in the contestation of the regional head election or PILKADA in Indonesia. Based on the statistic published by the General Elections Commission of the Republic of Indonesia in the range of 3 years from 2015 to 2018 stated that the implementation of PILKADA with single candidate has increased significantly. Statistic shows that there are 8 electoral districts which conduct elections with a single candidate in 2016, then it increased to 9 electoral districts in 2017, and it can be ascertained as much as 13 regions to conduct PILKADA only with one candidate on 27th June 2018. Although the Constitutional Court has given the legal standing in its decision that the PILKADA should still be implemented even if only followed by one couple only, the Court believed that the life of democracy should not be constrained by the number of participants in the election. In addition, the Constitutional Court makes a mechanism or method regarding the voting system by agreeing or disagreeing in its decision. Basically, the problem of a single candidate is not on the system of election or the legitimacy of its implementation, but in more concrete, single candidate poses a serious threat to the life of democracy in Indonesia. The root of the single candidate problem in Indonesia is not only sourced from the failure of regeneration in the political party, but there are other factors such as lack of public participation to be involved in the election process because of the high political cost, as well as the regulation of individual candidate requirements that do not meet the principles of justice. Therefore it is necessary to simplify the terms of support for individual candidate as a progressive step in minimizing a single candidate in elections contestation.

**Keywords:** democracy of pancasila, pilkada, single candidate



## IS CRIMINAL LAW RELEVANT FOR DEMOCRATIC ELECTION IN INDONESIA?

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### ABSTRACT

The essence of free and fair election is when the administrator facilitates the political will of the people with full trust. The basic requirements for it is the election carried out in the atmosphere that is not full of fear or intimidation, the realization of the human rights enforcement, including the rights to freedom of opinion, expression, gain information, assemble, association, the procedure of an independent judiciary, and protection against discrimination. This article discusses the relevance of criminal law to uphold democratic election. This article is based on legal research that uses qualitative research method. The finding is that criminal law can play a role in protecting the democratic process, especially election from various violations. However, the use of criminal sanctions must be careful. Criminal law studies related to the electoral process are still not widely researched in our country. In fact, every time an election is held, there are many cases of election crimes. The use of criminal law in the electoral process is sometimes not as easy as in other events. The role of criminal law experts for lawmakers in formulating election crimes and for law enforcers who have to enforce election crimes is very important.

**Keywords:** criminal law, elections, election offences

## THE RIGHT TO BE FORGOTTEN: ARISING AWARENESS ON THE RIGHT TO PRIVACY IN INDONESIA

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### ABSTRACT

The right to privacy as human rights has a very broad scope in various area and now includes the right to information privacy. The right to information privacy allows people to control what kind of information to be shared to other, which everyone must respect if other people does not want to share their personal information. In the digital era, personal information can be gathered for public and private reasons that is saved in particular databases. To some extends, those databases will be out-of-date if people changes their personal information. The problem is how people can control their out-of-date personal information to implement their right to personal information. Nowadays, there is the right to be forgotten as an emerging right to protect people's information. This paper will evaluate the right to information privacy and its development until the recognition of the right to be forgotten in normative aspect, especially how the global trend formulates it and how Indonesia's government responds to it. The evaluation will lead to the conclusion that Indonesia recognizes the right to be forgotten to be implemented in private sector, but still in question on public sector. In the end, an offer will be made to gather the idea that the right to be forgotten must be implemented both in public and private sector.

**Keywords:** human rights; state obligation; the right to privacy; information privacy, the right to be forgotten.

## CONSTITUTIONAL DEBATE: HARD CASE IN THE BAILOUT CENTURY BANK POLICY

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### ABSTRACT

Hard case or better known as the debate between Hart and Dworkin is the most historic philosophical law debate. The core of the debate lies in the different legal principles between the two jurists. Hart as a pure positivism follower has a doctrine which separate between law and morals while dworkin, although often also known as a positivist, still recognizes the moral influence of the law. This paper will discuss about the debate between the two legal scholars and will be associated with the case of bailout policy of Century Bank. The method used in this paper is to compare the two scientific papers which are the masterpieces of both jurists namely *concept of law* and *taking rights seriously*. The expected result of this paper is an understanding of how the two jurists built their theory and how both theories are used to find solutions to hard cases. The case of the bailout policy of the century bank was used as a means to prove both theories of Hart and Dworkin. This case is very appropriately chosen to describe what is meant as a hard case. Bailout policy of Century Bank as a hard case can be seen from its multidimensional nature, the intersection between the civil law law system and common law and how judges do legal interpretation.

**Keywords:** hard case, positivism, bailout policy, century bank, discretion

## TERRORISM AND RADICALISM AS A CHALLENGE FOR THE WORLD PEACE AND SECURITY

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### ABSTRACT

Terrorism has become a worldwide phenomenon in the 21<sup>st</sup> century. Terrorism has becoming one of the global issues since the incidents of September 11 2001 in World Trade Centre which threatened and endangered the peace and security of mankind. Terrorism internationally condemned as the unlawful use and the manifestation of political movement. In October 2004 the UN Security Council unanimously passed Resolution 1566 which defines terrorism and declares that in no circumstances can terrorist acts be condoned or excused for political or ideological reasons. Terrorism can be conceptually and empirically distinguished from other modes of violence and conflict by the following characteristics; a) it is premeditated and designed to create a climate of extreme fear; b) it is directed at a wider target than the immediate victims; c) it inherently involves attacks on random or symbolic targets, including civilians; d) it is considered by the society in which it occurs as 'extra-normal' that violates the norms; e) it is used primarily to influence the political behavior of governments, communities or specific social groups. The acts of terrorism is seriously threatens the human civilization & the security of mankind. The purpose of this study is to analyze the acts of terrorism and radicalism as a crime against humanity in the perspective of international law and human rights. This study is using statutes approach, legal doctrines and all regulations which is related to the acts of terrorism and crime against humanity. This study will explain about four important things. The first section is the introduction which discussing about the acts of terrorism as global phenomenon in the 21<sup>st</sup> century, the definitions of terrorism & radicalism, the classification of terrorism, the motives of terrorism & radicalism. The second section will explain about the definitions of crime against humanity, the elements of crime against humanity, the regulation of crimes against humanity. The third section will explain about acts of terrorism as crimes against humanity and the law enforcement against acts of terrorism as crimes against humanity. The fourth section is conclusion.

**Keywords:** Terrorism, Radicalism, World Peace, Security

## SPECIAL TREATMENT FOR TERRORISM INMATES THROUGH PARTICIPATORY SOCIAL APPROACHE

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### Abstract

Terrorism as an extraordinary crime is a problem that is constantly discussed in the community. Some of the problems include the absence of special prisons for terrorism inmates that have the potential of learning in crime, the lack of society's involvement in treatment, and the tendency of society rejection of former terrorism inmates. The research focuses on the idea of providing special treatment for terrorism inmates through a social approach to create a participatory treatment system. The study is a normative research with secondary data types. The approach method taken includes the legal and conceptual approach, and analyzed descriptively qualitatively through literature study. The results of the study are; first, providing treatment for terrorism inmates in prisons is carried out through the stages of maximum, medium and minimum security; second, the idea of providing special treatment for terrorist inmates is carried out through a social approach by making improvements to several aspects based on legal system theory which includes legal substance, legal structure and legal culture.

**Keywords:** special treatment, terrorism inmates, social approach, participatory.

## **CRIMINAL ACTS OF CORRUPTION IN THE PUBLIC PROCUREMENT: COURT VERDICT IN INDONESIA**

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### ***Abstract***

Public procurement/procurement of goods/services the Government has an important role in the implementation of national development for the improvement of public services and the development of the national economy and the region. The latest arrangements about procurement of goods and services contained in the Presidential Regulation Number 16 year 2018 of Government procurement of goods/services. In corporate governance, corruption occurs frequently in the procurement of goods and services sectors. In General, the procurement of goods/services aimed at producing the right goods/services from any money spent, measured from the aspect of quality, quantity, time, cost, location, and providers. This article aims to look at the criminal acts of corruption relating to the procurement of goods and services in the court verdict. The method does is study of normative, legal research using an approach related legislation, i.e. legislation the eradication of criminal acts of corruption, rules on procurement of goods and services, and also court verdict about the criminal acts of corruption in the procurement of goods and services is handled by the KPK. The verdict is used which has a magnitude of law remains with the span of time in the year 2004 up to 2016. Based on data handling KPK, criminal acts of corruption related to the procurement of goods and services there are as many as 43 cases. Criminal sanctions imposed ranging from imprisonment, criminal fines as well as criminal an additional form of payment money substitutes. The presence of corruption that happens to make the purpose of the procurement of goods and services is not achieved, so that the expected development in all sectors became dormant. It also gives rise to financial losses due to the country's corruption case. Therefore, it is also required as well as the role of the community in participation complaints are also aimed at the prevention of criminal acts of corruption that occur in the field of goods and services.

**Keywords:** Criminal Acts of Corruption, Public Procurement, Procurement of Goods and Services, Court Verdict, Indonesia.

**IMPLEMENTATION OF REGIONAL REGULATION OF  
BUNGO REGENCY NUMBER 7 OF 2012 CONCERNING  
ENTERTAINMENT TAX TO INCREASE REGIONAL TAX  
DEPOSITS (STUDY ON REGIONAL TAX MANAGEMENT AND  
RETRIBUTION MANAGEMENT BUNGO DISTRICT, JAMBI  
PROVINCE)**

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**ABSTRACT**

This research was conducted due to several problems, including: There is an entertainment place / in late tax payments, Lack of socialization from BP2RD about the determination of entertainment tax, There is public entertainment that is not deposited in the area in this case the night market. This research was conducted to 53 people involved in the Bungo Regency Tax and Retribution Management Agency in Jambi Province with Descriptive methods through a Qualitative approach with the aim of knowing the extent to which the Implementation of Bungo Regency Local Regulation Number 7 of 2012 concerning Entertainment Taxes to Increase Regional Tax Payment. Research results obtained: Implementation of Regional Regulation Number 7 of 2012 concerning Entertainment Tax in order to increase local tax payments in the Bungo District Tax and Retribution Management Agency has been implemented but not optimal and needs to be improved, considering there are several obstacles. Obstacles found were the existence of entertainment venues / in late tax payments, Lack of socialization from BP2RD concerning Tax Determination, There was public entertainment that was not deposited in the area in this case the night market. Efforts are made as follows: Sanctioning taxpayers who are late in depositing their taxes, Increasing the Socialization of the Bungo Regency BP2RD concerning Determination of entertainment taxes, Conducting supervision and data collection of public entertainment (night markets) that do not pay taxes.

**Keyword:** Implementation, Regional Regulations, Regional Taxes.

## MAINTAINING SEA SOVEREIGNTY THROUGH AN ENVIRONMENTAL APPROACH IN THE AGE OF DISRUPTION

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### ABSTRACT

Maintaining state sovereignty at sea is one of the ways and efforts of a country to defend its territory. If in the past a military approach was used to maintain the sovereignty of a country's marine territories, currently things are not efficient for developing countries such as Indonesia which has a vast sea area. In this era of disruption, by safeguarding the marine environment can also maintain state sovereignty. Several ways to approach the environment can be done by setting Marine Protected Area (MPA), Particularly Sea Sensitive Area (PSSA), Traffic Separate System (TSS), and Archipelagic Sea lanes which will all be related to coordinates and utilization management. Through this approach, it will indirectly relate to managing the utilization and prohibition in the sea space. Through an approach to protecting the marine environment, it will indirectly give power to the state in making arrangements for user states that will pass or use their rights in some Indonesian marine spaces. Through doctrinal research, the author will explain how actions to protect the environment at sea can maintain the sovereignty of an archipelago from various cross-rights in Indonesian waters. So that by safeguarding the marine environment, Indonesia will benefit from protected marine ecosystems and protected state sovereignty.

**Keywords:** Maintaining sovereignty; Watershed conservation area; Environmental approach



## INDONESIA'S MINING DOWNSTREAM POLICY: A STUDY OF MINERAL PROCESSING AND PURIFICATION OBLIGATION CIRCA 2009

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### ABSTRACT

New Indonesian Law regarding Mineral and Coal Mining was enacted in 2009 with a high expectation of developing Indonesian mining sector to the next stage in particular and also to encourage economic growth. This law impose certain new provision to the mining sector regarding downstream mining policy, which is the obligation to processed and refined extracted mineral in Indonesia and prohibition to export raw unprocessed mineral. Hence, the stipulation of this policy can be regarded as a reformation form of mineral mining in Indonesia. Since 2009, there has been certain regulation applied as derivation of Indonesian Law number 4/2009 regarding the mineral processing and purification obligation, in which will elaborate and analyze in this research. This research uses doctrinal research method supported by non-doctrinal research, so that there is a complete picture about the Indonesia's mining downstream policy regarding the mineral processing and purification obligation. This research uses method of regulatory approach and practice approach of mining downstream system in Indonesia. The result of this study indicates that this regulation is issued to restore the signification of Indonesia's constitution, whereas mineral resources are owned by Indonesian as a nation as well as stopping the "honeymoon" phase of the foreign miners. In this study, Indonesia's mining downstream policy is reviewed and analyzed to derive a framework and development model needed to create fair mining downstream system for all actors.

**Keywords:** Mineral, Mining Downstream Policy, Processing and Purification Obligation, Welfare State

## PREVENTIVE MODEL OF CHILD MARRIAGE IN THE DISRUPTION ERA TO ACHIEVE SUSTAINABLE DEVELOPMENT GOALS

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### ABSTRACT

Cemanggal Hamlet, Munding Village, Bergas District, Semarang Regency is an area with a high number of child marriages, which is 30 people (May Minarti et al, 2014). This is due to educational, cultural, economic and social factors. Preventive efforts carried out by related institutions through counseling and socialization, have not shown maximum results due to the strong local culture that perpetuates early marriage. The 2015-2030 Agenda for Sustainable Development Goals (SDGs), which is achieving gender equality and empowering all women and girls, specifically in Target 5.3 referred to targets to eliminate all harmful practices such as child marriage, forced marriage and female circumcision. The IntegrationPolicy Model is used to prevent child marriages by relating the involved parties in the MundingVillage.

**Keywords:** Child marriage, integration policy

## THE AUTHORITIES OF MARRIAGE BETWEEN DIFFERENT COUNTRIES OF RELIGION

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### ABSTRACT

Marriage law in accordance with Article 2 paragraph (1) of the UUP states that the legality of a marriage is based on marriage endorsement by a religion adopted by the bride or for marriage between citizens. A marriage will result in the status of the marriage property and to the status of the child and inheritance. If the marriage is illegitimate, it will not have legal consequences, so that the child who is born is an outsider to marry. The status of this child will result in his rights as heirs of his biological parents to get a decent living, an outsourced child cannot be blamed for the mistakes of his parents. The method used in this study is juridical normative meaning that it examines the laws relating to the inheritance of different religions and is based on tracking legal documents. The legal status of a child born from marriage registered in the Birth Certificate of the Civil Registry Office is as an outsider. Legal protection for the heirs of the heirs remains as heirs of the parents (mothers) who admit it or the heirs of both parents if the child is admitted as their child as stated in the birth certificate with the form of the child's recognition.

**Keywords:** Interfaith marriage, inheritance, child proof.

## RESPONSIBILITY OF NOTARY ON PERSONAL DATA PROTECTION ON ITS CLOUD COMPUTING BASED ELECTRONIC OFFICE SYSTEM

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### ABSTRACT

Notary Profession exists and evolves due to the society's need for its services to make an authentic deed of circumstances, events and legal actions. To create such an authentic deed, the Notary collects the personal data of his client, deposits and processes the personal data to be included in the deed. Along with the development of technology, there is electronic office system for Notary based on cloud computing that can help and assist notary assignment especially in terms of client data management, archives, and finance. The existence of this cloud-based electronic office system give new responsibilities to the Notary related to client's personal data stored in the cloud. The issues raised in this paper are the provision of national law governing the protection of personal data in Indonesia and the responsibility of Notary to the protection of client's personal data stored in Notary's electronic office system, especially those based on cloud computing system. The research method in this thesis is normative juridical with explanatory research type and qualitative data analysis method. Until now, Indonesia does not yet have a regulation that specifically regulates the protection of personal data. Notary shall, however, be responsible for the personal data of its clients from collecting, storing and processing of such personal data in its electronic office systems in accordance with applicable laws and regulations and follow the principles of protection of personal data which applicable internationally.

**Keywords:** big data; cyber notary; cloud computing; personal data; privacy

## **CORRUPTION BY CORPORATION COUNTERMEASURES IN INDONESIA: IS THE SUPREME COURT REGULATION NUMBER 13/2016 SUFFICIENT?**

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### **ABSTRACT**

This article discusses the legal basis on prosecuting corporations, how the history of corporate development as a subject of crime in Indonesia, and how the Supreme Court Regulation No. 13/2016 fills the need for a legal framework for corporate prosecution. The method used in this research is a legal research with qualitative analysis. This study uses the study of documents with legislation and is supported by interviews with resource persons who are competent to answer the problems in this research. After the issuance of The Supreme Court Regulation No.13/2016, it is expected that the Supreme Court Regulation No.13/2016 will be effective for the implementation of corporate criminal law enforcement. However, from 2016 until today, only a few cases were brought into trial using the theory and principles of corporate crime. Various obstacles in the enforcement of anti-corruption law make this Supreme Court Regulation No.13/2016 feel not or less effective. Investigators' initiative in the investigation and prosecution to indict with corporate crime law is the main hurdle of enforcement. This is because the capability of investigators and public prosecutors to conduct investigations on corporations as perpetrators who can be held liable for criminal offense is still very lacking. Besides that, another possibility of the reluctance of law enforcers to investigate or prosecute corporate crime is the difficulty in collecting evidence.

**Keywords:** corruption, corporation, supreme court regulation

## ANALYSIS OF THE CONFLICT OF TAXATION: EXPLORING MULTI NATIONAL CORPORATIONS INCOME TAX CRITERIA IN INDONESIA

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### ABSTRACT

Tax Conflicts are very likely to occur between the Contracting States, in particular, involving taxation rules concerning income tax MNCs operating in Indonesia. To minimize such taxation conflicts can be done by pouring the criteria of taxation and definitions that are clearly related to the body income in the tax treaty. Tax treaty cannot fully guarantee that the taxation conflict can be resolved comprehensively because first, the complexity of tax laws between States Parties each of which has different political and tax objectives. Secondly, there is competition emerging among the Contracting States in competing for the proportion of tax revenue from the MNCs income. Third, the tendency of MNCs in conducting tax avoidance practices.

Keywords: Conflict, Taxation, Income Tax Criteria, MNCs

## ENVIRONMENTAL *WAQF* UNDER ISLAMIC LAW AND INDONESIA'S NATIONAL LAWS (A CASE STUDY OF *HUTAN WAKAF* IN ACEH)

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### ABSTRACT

*Waqf* has a vital role as an economic instrument in Islam with a wide array of use. *Waqf* is also believed to have potential in resolving various issues including environmental issues. Therefore, it is necessary to study the way Islam and Indonesia's laws view environmental *waqf* and how such concept is applied to *Hutan Wakaf* in Aceh. This study used a legal-normative method and legal analysis to look the legal and conceptual aspect of *Hutan Wakaf*. Islam also recommends environmental *waqf* as it is applicable under Indonesia's laws on *waqf* and environment. However, the implementation of *Hutan Wakaf* in Aceh requires many things such as the establishment of more specific regulations, socialization for the candidate *wakif* (the person donating), and the preparation of the *nazhir* (the person managing and developing the *waqf*) that is well knowledgeable in environmental matters.

**Keywords:** environment, environmental *waqf*, *Hutan Wakaf*.

## LAW ENFORCEMENT AGAINST CORPORATIONS ILLEGAL FISHING ACTOR IN INDONESIA

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### ABSTRACT

Fishing and all activities related to fisheries (packing, transport, retailing) are important activities in the marine sector, both domestic and global economic scale. Illegal fishing that occurs in Indonesia, is actually done by corporations, but almost all cases that reach the court can only ensnare actors in the field such as the Captain, KKM (head of the engine room), and ABK (crew), while the parties behind they (corporations) who also enjoy the results of fisheries crime, are almost never touched. The problem of fisheries crime occurs due to overlapping laws and regulations that regulate, thus leading to conflicts of interests between state institutions, that is law enforcement in handling this problem. The criminal application of a fishery corporation is to provide a liability for criminal liability to a corporation that commits a crime.

**Keyword:** illegal fishing; criminal liability, corporation; law enforcement



## POTENTIAL *ALTERNATIVE DISPUTE RESOLUTION* AS AN EFFORT TO RESOLVE MINOR CRIMINAL ACTS IN THE KARIMUNJAWA COMMUNITY IN THE DISRUPTION ERA

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### ABSTRACT

Karimunjawa residents consist of various ethnicities (tribes) such as Javanese, Bugis-Makassar, Madurese, Bajo, Mandar, and Buton. This multicultural state has the potential to trigger social conflicts, which lead to legal conflicts. Therefore, it requires an effort to seek alternative media for resolving neutral laws without having to eliminate cultural elements of the Karimunjawa community. The results showed that the *Traditional Village or Triba Moots* was a model for resolving extrajudicial cases that are almost the same as settlement of criminal acts or disputes in the tribes of Kemujan Village in Karimunjawa. Through this research, the research suggests that the trial and implementation of *traditional village or triba moots* conflict resolution model is required based on the local wisdom values of multicultural communities.

**Keywords:** Social Conflict, Multicultural Community, *Traditional village or triba moots*.

## CANING PUNISHMENT: THE ENFORCEMENT OF SYARIAH LAW VERSUS HUMAN RIGHTS VIOLATION IN ACEH, INDONESIA

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### ABSTRACT

Aceh distincts itself as a very unique province compared to other provinces in Indonesia. Today, Aceh is still among Indonesia's most religiously conservative and observant provinces. The national legislation, through Law Number 11 of 2006 concerning The Government of Aceh, allows Aceh, as a special autonomous region to enforce the syariah (Islamic) law, which derives from the religious precept of Islam, particularly the Quran and the Hadith. Article 125 of the Law of the Government of Aceh stipulates that the implementation of the syariah law in Aceh must be done through the enactment of a *Qanun*. *Qanun* is an Islamic bylaw, equivalent to the Regional Regulation (Perda) however the content of the *Qanun* must be based on Islam and shall not contradict with the syariah law. The latest *Qanun*, which is the consolidation of the three previous *Qanun* was the Islamic Criminal Law, introduced through *Qanun* Number 6 of 2014 concerning The Jinayat Law (*Qanun Jinayat*). The bylaw was formally enacted in October and entered into effect in 23 October 2015 and since its introduction in Aceh, its implementation has spawned controversy in the community, both at the local (Aceh) and national level including capturing global attention, particularly due to the legitimization of corporal punishment in Indonesia, namely caning. On the other hand, Indonesia's criminal system does not recognize corporal punishment.

**Keywords:** Syariah Law, Corporal Punishment, Caning Punishment, Human Rights Violation

## THE PERFECT MONEY LAUNDERING CRIME: PLACEMENT, LAYERING, OR INTEGRATION?

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### ABSTRACT

Money laundering crime or known as “Tindak Pidana Pencucian Uang” or “TPPU” in Indonesian criminal law system is one form of economic crime often used as a disguise for illegal assets derived from predicate crime. Theoretically and traditionally the stages in money laundering consists of three major parts i.e. placement, layering, and integration. However, in practice, law enforcer tends to have the different understanding regarding this stages. It’s understandable because these stages were not regulated in Indonesian legal instruments regarding money laundering, namely Law No. 8 of 2010 regarding Prevention and Eradication of Money Laundering. Thus, the existing legal instruments which is supposed to be used as powerful weapons seems to be used haphazardly. This phenomenon certainly raises the question, do all predicate crime must be followed up and snared by money laundering law? If the answer is not, then what kind of steps that must be taken into account regarding an act can be justified as money laundering? This paper will try to find answers to these questions. The method used in this research is the normative study of literature and court decisions with qualitative data processing technique, resulting in analytical and descriptive form. The expected result of this research is the writer’s critical thinking about the ideal form of money laundering law associated with the application of Law No. 8 of 2010 in Indonesia.

**Keywords:** money laundering, economic crime, placement, layering, integration.

## COUNTERFEIT COSMETIC CASES IN INDONESIA – IS IT CONSIDERED AS TRADEMARK INFRINGEMENTS?

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### ABSTRACT

Rapid economic and scientific developments have led to massive changes in cosmetic products, Indonesian traditional medicine and medical devices. Today, the establishment and development of the cosmetic industries seems increasingly significant. According to data from the Indonesian Anti-Counterfeiting Society (Masyarakat Indonesia Anti Pemalsuan), in 2010, the economic damage due to counterfeiting that occurred in Indonesia reached 37 trillion rupiah that covered 12 industrial sectors. This number is nine times compared to data in 2005 with a loss of 4.4 trillion rupiah. From 12 industries that were harmed due to the counterfeiting, the proportion of counterfeit cosmetic contributed 16% of total losses. There are several regulations that are often used in law enforcement against cosmetic counterfeiting. These regulations come from different laws, such as the (Law No. 20 of 2016), the Health Law (the Law No 36 of 2009) and the Consumer Protection Law (the Law No. 8 of 1999). As counterfeit medicine is infringing a registered trademark, is one of the main regulation. Especially, the new Mark Law (No. 20 of 2016) imposes heavier penalties to trademark infringer that caused health problems and/or the death of human beings. The infringer shall be subject to the criminal sanction of imprisonment for maximum 10 years and/or a fine for maximum five billion rupiah, much heavier than other regulations. This research analyzes 50 court decisions on the case of illegal/counterfeit cosmetics from 2010-2018 in Indonesia. This article concludes that in Indonesia, not every problem of counterfeit cosmetics treated as the Trademark Infringement because majority of the cases still treated as Health Law Infringement. While the solution to the cosmetic counterfeiting based on the violation of Mark Law gives more benefits to the parties than another regulation, which are the brand owner directly and also consumers who use or might use those counterfeit cosmetic products. The provision of that require the trademark owner to initiate the legal process of the infringement of their trademark is the most used reason why counterfeiting cosmetics in Indonesia cannot easily be treated as trademark infringement. Although article 100 paragraph (3) Mark Law provides higher criminal sanctions to cosmetics counterfeiters compared to other laws, the objectives of the provision will unlikely to be achieved. This article recommends that the infringement of article 100 paragraph (3) of the Mark Law should be treated as a regular offences not based on complaint.

**Keywords:** consumer protection, cosmetics, counterfeit, infringement, trademark,

## TRADEMARK INFRINGEMENT IN ONLINE MARKETPLACE: THE LATEST DEVELOPMENT OF INDONESIAN LAW AND PRACTICES ON THE MARKETPLACE PROVIDERS' LIABILITY

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### ABSTRACT

The massive development of e-commerce provides various ways for people to conduct trading transaction in a simple manner. People argue that e-commerce creates an efficient, borderless, reliable, and convenience transaction. Therefore, it cannot be denied that e-commerce users as well as the Electronic System Providers (ESP) will increase significantly in the coming years. However, this condition emerging numerous problem such as a dilemma to determine liability for both the Electronic System Providers (ESP) and merchant to guarantee and secure fundamental intellectual right specifically the case of trademark infringement. In order to resolve this issue, government of Indonesia establish a policy under Ministry of Communication and Information named as Safe Harbor Policy. Furthermore, this article will deeply analyze the regulation and factual cases of trademark infringement by taking relevant example in Indonesia as well in International community and elaborates it with recent government policy.

**Keyword:** Trademark Infringement, E-commerce, Liability

## IMPLEMENTATION OF NOTARY DUTIES AND POSITION IN GUARANTEEING LEGAL ASSISTANCE IN INVESTMENT IN INDONESIA, SINGAPORE AND JAPAN

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### ABSTRACT

Along with developments in the business world, today many people are using notary services as legal advisors for their business and as analysts to see the situation of legal developments related to their business. In this case it demands that the notary is always up to date and has a variety of training and extensive experience in corporate law and investment. The purpose of this study is to determine the role of duty and position of notary in guaranteeing legal certainty of investment so as to make it easier for investors to invest, especially in the countries of Indonesia, Singapore and Japan. This research method is to use the "Comparative" method to compare the role of duty and position of Notary in guaranteeing investment legal certainty making it easier for investors to invest in Indonesia, Singapore and Japan. The results of this study indicate that like many countries around the world, Japan maintains a notary system to authorize documents and legalize signatures. This is different from Singapore because for all their interests they have been taken care of by a Public Notary who has the freedom to concurrently hold the position, so that Investors will not be hampered by fulfilling the applicable legal rules that can hamper their investment. However, not all requests from foreign clients or investors can be obtained from the Public Notary, because of the authority limitation and position of the Notary.

**Keywords:** Public Notary, Investment, Notary.

## THE HARMONIZATION OF PRESIDENTIAL REGULATION NO. 13 OF 2018 CONCERNING BENEFICIAL OWNERSHIP PRINCIPLES WITH INDONESIA BANKING SECTOR REGULATIONS

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### ABSTRACT

Presidential Regulation No. 13 of 2018 was a positive response from the government in terms of transparency for disclosing Beneficial Owner of a business or a company. Therefore, in this case, there is a good support from the government itself in order to eradicate the crime of money laundering and terrorism financing which has already happened and following the rule from Financial Action Task Force (FATF) Recommendation. Subsequently, related to the pre-existing regulations regarding Beneficial Owner and Beneficial Ownership Principles in Indonesia, specifically in the banking sector with Regulation of Bank Indonesia and Financial Services Authority (OJK) Regulation. This paper will explain the extent to which the implementation of the Beneficial Ownership Principles can be done through the synergy between the regulations. The method used in this research is the normative study of literature and court decisions with qualitative data processing techniques, resulting in analytical and descriptive form. In addition, information disclosure is guided by the limits of the Bank's own personal data. From these data can be found deficiencies in an effort to put forward Flexible Beneficial Ownership data along with solutions for the future.

**Keywords:** Harmonization, Beneficial Ownership, Bank.

## ACCESS TO THE RIGHT TO EDUCATION FOR MARGINAL COMMUNITIES (CASE STUDY: EDUCATION ACCESS TO THE LAPAK PANCORAN COMMUNITY, SOUTH JAKARTA)

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### Abstract

The education limitations owned by Jakarta Capital City migrants have caused them to have to do informal work with low income, and form community groups with a variety of social problems, one of which is the right to education for children. The Lapak Pancoran community is one case example of marginal communities in Jakarta with the problem of access to the right to education. Policies that have been issued by the Central and the Regional Government of DKI Jakarta are related to access and assistance in education funds. Up to now, there is still the need to re-analyze the implementation and benefits for marginal children. Administrative requirements for accessing education, such as ID cards and birth certificates needed in order to access education policies / programs are considered to be a barrier for the community. The parents' lack of awareness level about education also makes the Lapak Pancoran children lack the fighting spirit to continue their education through the facilities already available. This study succeeded in finding the fact that education among the Lapak Pancoran marginal society and the effectiveness of the government policies related to access to the right to education for marginal communities. This research is aimed at analyzing the effectiveness of government policies on education as the government's responsibility in providing access to the right to education for marginalized people in Jakarta. This type of research is a socio-legal research using a qualitative approach, namely in-depth interviews with resources, namely the government as the executor of the policy, in this case the Head of the Pancoran District Government Section, Head of Pancoran Village Social Welfare, Chairperson of RT Lapak Pancoran and the Lapak Pancoran community, which consists of three school dropouts and two housewives. Hopefully, the results of this research can be used as a reference for the government in seeking access to the right to education for marginal communities in Lapak Pancoran in particular, both in the framework of making programs and implementing regulations of government policies on existing education.

**Keywords:** The rights to education, access to education, marginal communities, *Lapak Pancoran*, Compulsory Education, Smart Jakarta card (KJP).



## MARINE RESOURCE MANAGEMENT BY THE LOCAL GOVERNMENT OF RIAU ISLANDS FOLLOWING THE ENACTMENT OF LAW NO. 23 OF 2014 REGARDING LOCAL GOVERNMENT

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### ABSTRACT

The potential of natural resources of Indonesia lies on the sea and land. As an archipelagic country, Indonesia has a vast sea area constituting two thirds of its territory. Marine resource management by local governments is regulated in Law No. 23 of 2014 regarding Local Government. The marine resource management in this law is different from that of the previous one. In the new law the authority to manage the sea in the area is in the hands of the Provincial Government while the authority of the local government is eliminated. In addition, this Law regulates matters concerning the Islands Province which are different from those in the previous Law. Authority changes in the marine resource management in the area can lead to various polemics at the local government level. The objective of the research is to analyze the marine resource management by the local government of the Province of Riau Islands following the enactment of the Law of 2014 regarding Local Government. The research method used was a normative legal research using secondary data supplemented by interviews. Its data were analyzed by using the qualitative data analysis techniques. The interim result achieved was that the local government of the Province of Riau Islands experienced several problems in implementing the Law of 2014 regarding Local Government. These problems included conflicts with the central government and local governments. In addition, there were problems of deficit budget due to authority changes in Law regarding Local Government.

**Keywords:** management, marine resources, local governments

## LEGAL COMPARISON OF COMPLETION IN THE CRIMINAL ACTS OF CORRUPTION COMMITTED MEMBERS OF THE MILITARY IN INDONESIA AND FINLAND

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### ABSTRACT

Military justice is a crucial part in building a modern and professional TNI, therefore the author recommends the concept of ideal in building a military Judiciary independent and trusted by the community as well as practising law enforcement without slash select related matters criminal acts of corruption committed by members of the military. Few countries in the world have removed the military justice system for the military personnel that entangled the criminal case public in peacetime, both in established democracies or countries that are undergoing the transition towards democracy, and also incorporate elements of civil military justice into them. Basically there is no shape really ideal which can be used as a good example for realignment of the military judiciary to settle litigation criminal acts of corruption by members of the military. However, Indonesia can use several mechanisms that can be found in some countries as a form of military justice is ideal in Indonesia with certainly pay attention to history and legal aspects influenced the political problems military justice at this time. Based on a comparison between the law of Indonesia with Finland we faced with an option which can be exercised by the Government in the criminal offence of corruption he has happened across the State institutions are no exception in Indonesian institutions and carried out by members of the Indonesian Armed Forces (TNI). Comparative law in the two countries is an interesting thing to create legal formulation especially criminal laws against members of the military in Indonesia which is still considered a member of the military is a special person in this country and will be the opposite in the spirit of equality before the law as the motto of Indonesia reform including the reform which has been running for twenty years.

**Keywords :** Compative Law, Criminal Act of Corruption, Military.

## THE COMMUNITY BASED CONSERVATION: AN INTERPRETATION GAP BETWEEN STATE AND INDIGENOUS PEOPLES (STUDY OF KASEPUHAN CIROMPANG)

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### ABSTRACT

Indigenous peoples has been implementing their customary law in the management and conservation of natural resources since hundred years ago. This is what we called “community based conservation. The community based conservation has been proven successful in preserving their biodiversity and natural resources. It is also useful in mitigating the natural disaster. Despite the fact that the community based conservation system is working for the indigenous peoples, the government often creating their own concept of conservation and natural resources management system. This system, however, threatening the existence of indigenous peoples whose life depends to natural resources since the government’s model of conservation differ from the indigenous peoples’ concepts and practices of conservation. This paper aims to drawing the conflict between state and indigenous peoples regarding the conservation practice. The application of socio-legal research method found that there has been an interpretation gap regarding the concept of these two models of conservation. The state with their own concept of conservation and natural resources management and the community based conservation concept of indigenous peoples that lay upon their customary law.

**Keywords:** Indigenous peoples, customary law, conservation

## THE IMPACT OF AUTOMATION TOWARDS FEMALE LABOR FORCE IN INDONESIA AND THE ATTEMPTS TO ESTABLISH BETTER PROTECTION MECHANISM

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### ABSTRACT

In the current era of disruption, automation is considered as the answer of the problem of the decreasing number of workforces which can't meet the demand of increased productivity for greater growth. Despite the benefit resulted from automation, rapid adaptation of automated technology in various sectors has put thousands of workers under threat on losing their jobs, without any guarantee of a definite substitute job once they have been replaced, especially female workers. The potential of female workers for economic advancement are currently being undermined with less attention given. This paper will discuss whether or not the enhancement of female labor force participation can contribute significantly to the increase of productivity and growth in the disruption era. This paper will also discuss whether or not the existing protection mechanism for female workers is adequate to optimize their potential and at the same time extenuate the adverse effects of automation from a legal and socio-cultural perspectives.

**Keywords:** Automation, Women, Workforce, Protection

## COMPARATIVE STUDY OF RESTITUTION IN INDONESIA, UNITED STATES OF AMERICA, AND VIETNAM

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### ABSTRACT

The term restitution is nothing new in the field of law. The development of restitution started in the common law countries decades ago. Restitution itself is a form of remedy or liability which based on the benefit that the defendant had gained. In Indonesia, the term restitution is known and used in the criminal law and tax law. However, the term restitution is not known or used in the private law sector. It should be noted that restitution is a different kind of remedy from compensation. Therefore, this study is focusing on how restitution in private law sector regulated in another country and after that comparing the data between those countries. The chosen country in this study is Vietnam and the United States of America. The comparative method is chosen with the purpose of learning how the law of restitution regulated in one country compared to another. This method will help to understand how restitution regulated in Indonesia. The data in this study gathered from credible sources such as books or academic journals. The result of this study indicated that the concept of restitution in private law sector known in Indonesia. The restitution concept known in Indonesia is similar to the concept of restitution known in the United States of America and Vietnam. However, the United States regulated restitution in a deeper and more detail way than Indonesia. Restitution in Indonesia Indonesian Civil Code does not mentioned or elaborated much and only a few articles bear the concept of restitution.

**Keywords:** restitution, contract, Principle of Asian Contract Law, PACL, and remedies

## PROTECTION OF PERSONAL DATA ON THE USE OF DIGITAL IDENTITY ON E-COMMERCE TRANSACTIONS IN INDONESIA

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### ABSTRACT

Personal data is the oil of the internet and the new currency of digital world, because personal data is an expensive thing for digital era, with use personal data can profiling their customer. For now, who transaction with European union citizen must be subject to the rules of GDPR (General Data Protection Regulation) because there is right to data portability since the entry into force of GDPR on 25 May 2018, the problems is not all countries have specific and comprehensive regulations on the protection of personal data, and especially in Indonesia that does not yet have specific and comprehensive laws on the protection of personal data. This paper was conducted by analyzing the various literature such as legal document from the European Union, and legal documents from Indonesia that related with this paper, the presence of interview techniques as a complement to be able to analyse the materials in order to solve the problems that want to be solved in completing this research in the form of paper. This paper will analyze with comparing the regulation of Indonesia related this topic and the regulation of GDPR.

**Keywords:** Personal Data, Digital Identity, E-commerce.

## IMPLEMENTATION OF THE INSURABLE INTEREST PRINCIPLES BETWEEN THE INSURED AND THE BENEFICIARY IN SHARIA LIFE INSURANCE

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### Abstract

The principle of insurable interest in the life insurance agreement is the principle that has existed since the 18th century, where this principle is intended to protect insurance companies from the chancy of policyholders. Therefore, in insurance coverage there must be insurable interest because the life insurance agreement is intended to protect people from unexpected events, which might harm them and provide financial protection in the event of an unexpected event. This gives him the guarantee to save him from losses that may occur due to unexpected events either in his life or property. And not intended to gain profit or be used as a tool for gambling. In Islamic rules there is also a similar theoretical basis in relations to the sharia life insurance guidelines that there is no element of chancy in the insurance agreement (Maisir). From the explanation above, the principle of insurable interest applies to policyholders and insured in life insurance agreements, especially in three-party insurance agreements. But the problem is that if the insurance agreement aims to compensate, it is necessary to regulate the relationship between the insured and the beneficiary, where the expansion of the principle of insurable interest includes the relationship between the insured and the beneficiary in a life insurance agreement, especially sharia life insurance. In answering this problem, the author in making this paper uses primary and secondary data to be able to answer how the application of the insurable interest principle between the insured and the beneficiary in sharia life insurance and the regulation of these principles in Indonesia.

## RANGE OF DIVERSION OPTIONS FOR YOUNG OFFENDERS INDONESIA VS AUSTRALIA

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### ABSTRACT

As a program that has been promoted since years ago, diversion became the milestone of the juvenile criminal court system. This program offers every effort of protecting child in conflict with law without leaving its focus on victim and witness's rights, by avoiding juvenile delinquent from facing court and having imprisonment to programs which can fulfill their welfare. The research uses multi-approach methods by using in depth interview, observation, and textual analysis through the online and offline documents to examine and compare how diversion programs are implemented in Indonesia and Australia. All the interviews and observations were done in April - June 2018 involving three legal enforcers institutions and one social rehabilitation institution. The findings highlight that diversion program in both cities emphasizes police officer's roles in the early stage of diversion. Rehabilitations are embraced in both cities with different methods and specifications. Meanwhile, both cities also have different layer of process in diversion. These findings show that diversion has been embodied with different procedures, but it always involves a good system in social community to maintain and pursue the mission of restorative justice spirit.

**Keywords:** diversion, child-in-conflict with law, legal enforcers, rehabilitation, restorative justice



## CONFIDENTIALITY OF BANKS AS *MODUS OPERANDI* BY *GATEKEEPER* IN MONEY LAUNDERING

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### ABSTRACT

The mode of crime is increasingly progressing, not only utilizing legal professionals and banking but also starting to play in the banking system namely bank secrets. To describe the mode of crime, Author used the normative juridical method. Besides, The author also made a comparative legal approach between Indonesia, Netherland and the Bahamas regarding the bank secrecy. In Indonesia, arrangements about a bank secrecy began in Perpu 1960 to the Banking Act 1998. During 1960 to 1998, the arrangements about bank secrecy have been continued to change, including the limitation of bank secrecy. By respect these materials, a comparison can be made about enforcing the law to find out how other countries face similar problems which of these things might achieve in a different or the similar solution. Therefore through a comparative law approach, it can provide the reference regarding the problem in their respective jurisdictions.

**Keywords:** Bank Secrecy, Gatekeeper, Anti-Money Laundering

## REVIEW ON REFORM POLICY ON SETTLEMENT OF PAST SEVERE VIOLATION OF HUMAN RIGHTS IN INDONESIA

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### ABSTRACT

The demand for justice does not only focus on human rights violations, which occurred in the past but also similar human rights violations that will occur in the future. The political transition in the first ten years of reform era has failed to recognize which past severe violation of human rights to be resolved as quick as government can settle. The existence of a permanent Human Rights Court seems to imply that human rights will be upheld and protected. The resolution of past human rights violations via a conflict approach is preferable for the national reconciliation. The resolution of past human rights violations through extra-judicial organizations is an advanced step towards resolving the case, whereas a conflict approach can be used to settle the case. The existence of the Human Rights policy provides a new frontier in implementing the principle of restorative justice in the approach of case settlement. It is hoped that such restorative justice can create a political balance between the past and the future.

## QUO VADIS EKONOMI RAKYAT? AN EXPLANATION ON THE IDEOLOGICAL DEVIATION OF ECONOMIC LEGISLATURE IN INDONESIA

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### ABSTRACT

The ignorance to understand the basic economy ideology that is formulated in the original constitution by the founding fathers, has lead this nation to dubious economic system that is clearly represented on its legislature. Many provisions are found accomodating individualism value rather than mutualism and brotherhood. This paper reviews the concept of Ekonomi Kerakyatan and define the ideological values within. It also analyses influential Indonesian legislations in economic sector which considered unconstitutional or deviate from the ideology of Ekonomi Rakyat. At the conclusion, it is found that the absence of ideological economic value system was influenced by historical background and has been resulted impractical law products; The recommendations arising from this review provides options for legislature and jurist to build a good ethics and understanding in conformity with Ekonomi Rakyat.

**Keywords** : Cooperativism, Ekonomi Rakyat, Law for Economic Development.

## COUNTERFEIT MEDICINES CASES IN INDONESIA – CASES ON TRADEMARK INFRINGEMENT? ANALYSING THE REGULATIONS AND COURT DECISION IN 2011-2016 ON ILLEGAL/COUNTERFEIT MEDICINES

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### ABSTRACT

Counterfeit medicine is a problem in Indonesia. According to International Pharmaceutical Manufacturers Group, in 2011 there were 11% of counterfeit medicines marketed in Indonesia causing 7.6 trillion rupiah lost. There is no universal definition on counterfeit medicines, raising a debate whether counterfeit medicine is an issue of trademark infringement or public health. It is indisputable counterfeit medicine is a threat to public health as a major cause of mortality and loss of public confidence in medicines, and also to pharmaceutical industries, unquantifiable damage to the trademark and reputation. In Indonesia there are some legal instruments that can be used to combat counterfeiting medicines: Health Law, Consumer Protection Law, Criminal Code, and Trademark Law. This article analyzes the strengths and weaknesses of the regulations used to combat counterfeit medicines. It also analyzes 100 court decisions on illegal/counterfeit medicines in Indonesia in 2011-2016; analyzing which regulations is applied, their arguments, and the criminal sanctions imposed. This article concludes that in Indonesia, cases on counterfeit medicines were not treated and probably would unlikely to be treated as the Trademark infringement. The analysis of the Trademark Law, supports the finding as the law requires the trademark owner to initiate the legal process of the infringement of their trademark. The requirement seems “burdening” the trademark owner. However, this article suggests that counterfeit medicines cases should be treated as infringement of Trademark Law. As the Trademark Law (Article 100 paragraph 4) provides higher criminal sanctions, thus if applied by both prosecutors and judges, imposing higher criminal sanctions would give deterrent effect to the infringers and the objectives of Article 100 paragraph 4 would be accomplished.

**Keyword:** Trademark Infringement, E-commerce, Liability

## CHASING LIABILITY OF OCEAN NEGLIGENCE: SAFEGUARDING THE MARINE PROTECTED AREAS IN INDONESIA

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### ABSTRACT

In March 2017, a vast cruise ship, Caledonian Sky, was damaging the prestigious Indonesia protected marine area in Raja Ampat. Intending to see the beauty of coral reefs of the area, the tourist vessel came into the area and damaging the ecosystem very badly. Claiming for unintentional action in damaging the coral reefs, the captain asks for no legal proceeding. The Government of Indonesia (GoI) has taken a number of steps to held liability of the cruise company and the captain. Unfortunately, none of the action is resulting in positive. Many argued that the domestic legal infrastructure plays crucial role in contributing the failure to hold liability. This article tries to analyse this contention by observing simultaneously Indonesia's international rights and obligations in protecting the marine environment. This article will study similar cases in the previous times which involves the GoI in its efforts to hold liability the companies or individuals who commit such misdemeanour both in Indonesia and outside Indonesia. Finally, this article will suggest a number of avenues for the GoI to chase the liability of the wrongdoers.

**Keywords:** Marine Protected Areas, Coral, Indonesia, Liability

## THE STRUGGLE TO DECRIMINALIZE POSSESSION OF SMALL QUANTITY OF DRUG IN INDONESIA AND LITHUANIA

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### ABSTRACT

Indonesian and Lithuanian drug policy shares a similar struggle to decriminalize drug user especially who possess small number of narcotic and psychotropic substance. In both countries, the drug policy's trajectory toward harm reduction which emphasize the importance of treatment or rehabilitation than for drug user has already developed. One of their strategic planning is to give alternative punishment and/or diverting them from criminal justice system to receive a treatment. Both countries, however, have not achieved the purpose accordingly. The effort to shift their drug policy hindered by the vague law that have some conflicted and inconsistent provisions, and the moralistic narrative both in the public sphere and among the policy maker which resulted in reluctance to implement health-based approach. It costs to uprising number of people who were acquainted with the police, ended in the prison system, and not having a suitable treatment to his/her dependency of drug.

**Keywords:** Decriminalization, Drug Policy, Comparative Law

## DEPOSIT OF LITERARY AND PHONOGRAM WORKS IN DIGITAL ERA

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### ABSTRACT

The current rules regarding deposits of works generally aim for national collections and for research and documentation. The existence of a library at this time is seen as important as the deposit itself. In Indonesia, the deposit of works is regulated in the Mandatory Deposit Law and PP No. 70 of 1991. As in other countries, the use of information technology has occurred massively in Indonesia. This reality makes the rules in the Mandatory Deposit Law in Indonesia seem outdated to be applied in the digital era today. By looking at the position of the Mandatory Deposit Law with Copyright Law and mandatory deposit provisions in the United States, the results of the authors' research show that there are several mandatory deposit provisions in the United States that can be applied in Indonesia to revitalize the role of national libraries in the digital era. Therefore, the Mandatory Deposit Law must be revoked, the mandatory deposit norms need to be integrated into the Copyright Law, and arrangements for recording in the directorate of copyright need to be made.

**Keywords:** legal deposit; digital; copyright; public library

## INDONESIA'S LEGAL APPROACH TOWARDS THE MARKETING OF CREDIT CARD INSURANCE

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### ABSTRACT

In connection with the risk of not paying credit card bills by customers, there is a thought to divert these risks through a credit card insurance mechanism. However, there is controversy related to how to market credit card insurance. Some parties are of the view that credit card customers as the debtor do not need to know that the loan is insured, with the aim of preventing an increase in moral hazard behavior by the customer. But some other parties are of the view that if the premium payment burden is on the customer, then the customer must know that he is a party to a credit card insurance agreement. With such moral hazard prospects in the context of credit card insurance, what should be the marketing rules for credit card insurance. By using normative legal research methodology, the author reviews the laws and regulations in Indonesia to show how Indonesia's approach in regulating the marketing of credit card insurance.

**Keywords:** insurance law, credit card, moral hazard, marketing, business law



**“THE MEANING OF PROPORTIONAL COPYRIGHT  
ROYALTY TARIFF:  
CASE STUDY OF ROYALTY TARIFF-SETTING FOR  
TELEVISION BROADCASTER IN INDONESIA**

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**ABSTRACT**

In 2017 the Indonesia’s National Collective Management Organization were having disagreement with several television broadcasters in Indonesia regarding the copyright royalty tariff imposed to the television broadcasters. The tariff itself was incorporated within a decree issued by the National Collective Management Organization and that decree was effected by a decree issued by the Ministry of Law and Human Rights of Indonesia. Following the disagreement, the LMKN and one of the television broadcasters made a contract. Both parties agreed that the tariff as determined in the Decree of the Ministry of Law and Human Rights of Indonesia will not be enforced and a new tariff will be applied. That case raised an issue whether the copyright royalty tariff-setting in Indonesia is in accordance to international consensus. By applying comparative legal method, the authors found out that the Indonesia’s system is lack of clear reasoning and legal justification. However learning from the Indonesia’s experience, the authors suggest that there should be an international norm that determines whether copyright royalty is a government matter or a private matter.

**Keywords:** Copyright, Royalty, Tariff, Collective Management Organization, Broadcasters

## THE ELIGIBILITY OF FOREIGN ESTABLISHED COMPANIES TO RECORD INTELLECTUAL PROPERTY RIGHTS IN THE CUSTOM RECORDATION SYSTEM

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### ABSTRACT

As the members of WTO, Indonesia and China need to pay attention to the mechanism of ex-officio suspension mentioned in the Trade Related Intellectual Property Rights Agreement (TRIPS). Such mechanism involves a procedure called customs recordation that allows the owner or right holder of intellectual property right (IPR) to record their right in the customs. Indonesia and China both have regulatory frameworks of customs recordation. However based on normative legal analysis it is found that Indonesia does not allow foreign established companies to record their IPR in customs recordation system, while China allows it. We argue that it is better for Indonesia to revise the system.

**Keywords:** Border measures, TRIPS, Import, Cxport, Customs Recordation

## AUTHORSHIP OF WORKS CREATED BY ARTIFICIAL INTELLIGENCE

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### ABSTRACT

With artificial intelligence technology, computers can create works that are artistic or innovative. This opens the debate whether in the context of protecting the rights of authors, computers with artificial intelligence can be compared to animals. In the United States after the case of "monkey selfie" there are rules that stipulate that animals cannot own copyright and also state that all photos produced from animals cannot be copyrighted. By using a normative legal research methodology, the author has examined various rules at the international level to find out whether copyright protection is only limited to humans or can be extended to non-human subjects. The research shows that there are two choices of regulation regarding copyright protection for works made by non-human subjects.

**Keywords:** copyright authors, authorship, copyright law, artificial intelligence, monkey selfie

## DELIVERY BUSINESS BASED ON UNMANNED AERIAL VEHICLE: LESSON LEARNED FROM INDONESIA'S REGULATION

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### ABSTRACT

Electronic system service providers in Indonesia are not required to have specific permits to start a business. This is an advantage for businesses that rely on digital platforms in business, especially those offering search services and ordering goods and / or services through online applications. Such over the top types of business in practice have led to disruption in some types of businesses that have actually reached a mature stage, including taxi business, shopping centers, and ticket sales agents and travel services. The disruption effect makes the use of UAVs for goods delivery services controversial, because it is feared that it will destroy the land vehicle-based freight forwarding business. The issue is whether Indonesian law currently tends to simplify or complicate the implementation of UAV-based goods delivery services. Based on the methodology of legal research, the authors examine what international rules have been adopted by the Indonesian government regarding the use of UAVs and the position of legal rules in Indonesia for UAV-based goods delivery services. The authors' findings indicate that the current regulation of UAVs in Indonesia has not made it possible to operate UAVs as a mode of delivery of goods.

**Keywords:** Drone, Disruption, Delivery Service, Over the Top, Cyber Law, e-Commerce

## **CORRUPTION OFFENCE IN PUBLIC PROCUREMENT: UNDERSTANDING ARTICLE 2 SECTION (1) AND ARTICLE 3 OF CORRUPTION LAW\***

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### **ABSTRACT**

Corruption offence in public procurement which is generally performed by Legal Enforcement Officials is Article 2 section (1) and Article 3 Law No.31 of 1999 jo. Law No.20 of 2001 on the Eradication of Corruption. Stakeholders in public procurement are required to understand these two Articles, which will prevent them being trapped in corruption. Research methodology applied by the author is normative legal research, by researching secondary data including regulations and literatures concerning to corruption and public procurement. From this study, it is identified that Article 2 section (1) states about unlawful acts, of which if associated with the context of public procurement, are the acts against the provisions in Presidential Decree No. 16 of 2018 on Public Procurement and any other technical regulations concerning public procurement. Whereas Article 3 is about misuse of authority, of which in the context of public procurement is the abuse of bound authority and discretionary power that engage to certain positions or functions in public procurement process.

**Keywords:** public procurement, corruption, unlawful act, misuse of authority.

## LEGAL PROTECTION OF ADOPTION PROCESS: LESSONS FROM THE UNITED KINGDOM

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### ABSTRACT

With the increasing number of child adoption through an inter-country adoption, protection of adopted children is needed, especially protection related to the children after the adoption process. In Indonesia, there have been special provisions governing the issue of adoption. These provisions include Government Regulation No. 54, 2007 concerning adoption. However, several cases of neglect and violence against children after adoption still occurred. Based on this, it is necessary to study the ideal form of protection for children, especially with regard to inter-country adoption. Therefore, the author will use the method of comparative law with the United Kingdom as a reference in studying the ideal form of protection for adopted children. The United Kingdom already has regulatory provisions regarding the adoption of children, including developed countries, and has signed the Hague Convention. The Indonesian state is generally better in the protection of the adoption process, because the process is required to be done only through one institution and related to the identification of children. Whereas the United Kingdom is better in post-adoption protection because the inter-country adoption process needs one parent with English citizenship, so this makes it easier to supervise.

**Keywords:** Adoption, Inter-country adoption, child protection, comparative law, Indonesia, United Kingdom

## LEGAL PROTECTION PROBLEMATICS OF GEOGRAPHIC INDICATIONS AND MODELS OFFERED AS A STRATEGIC SOLUTION FOR HEALTHY BUSINESS COMPETITION

Nursari Simanjuntak

### ABSTRACT

Protection of Geographical Indications is a necessity in the current borderless era that is full of threats to ownership and economic potential of a person or group of people. However, the protection of Geographical Indications has aspects that are far broader and more complex than other intellectual property rights. Its existence as a communal right requires the involvement of not only community groups but also the Government. Not only the protection of intellectual property but also the protection of consumers and producers; efforts to advance the industry and Micro, Small and Medium Enterprises; and the development of agro-tourism and the regional economy. This study shows that although the Geographical Indications have obtained a much stronger regulatory position in the Law than the previous arrangements, the implementation is still far from what could be achieved. The main door is the pattern of views and attitudes of the Regional and Community Governments. Society with good awareness of Geographical Indications is the key. The capability of Regional Government to design strategic and sustainable plans is also needed. This article propose a model to accelerate the protection of Geographical Indications.

**Keywords:** Problematics, Model

## STATE RESPONSIBILITY AGAINST A SINKING OF VESSEL IN BIOSECURITY

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### ABSTRACT

Australia implemented special measures in the form of a foreign ship sinking as the obligation of the State to protect and preserve the marine environment. Because the 1982 UNCLOS Article 192 gives the obligation for the State to make rules related to prevention and protection of the marine environment. Coastal States as subjects of international law will take the necessary actions to ensure that such activities do not have an impact on environmental pollution in the country are as well as in other countries. Special measures seek to carry out the obligations of the State towards the protection of the marine environment, where the State bears the responsibility for doing the protection and conservation of the environment. The ships will then be sunk before having to get analysis of environmental impact as well as ships are thought to have contained harmful ingredients that will interfere with the navigation or the environment in the sea. This particular action related settings are governed by Australia into environmental laws, which related settings it is attempting to load on the loading and disposal at sea resulting from the existence of a threat of pollution by banning sea disposal of waste which is considered too danger to the marine environment, as well as regulating the disposal of waste is allowed to reduce its environmental impact.

**Keywords:** protection of the oceans, State Responsibility, Sinking of fishing vessel, Environmental studies



## INFLUENCE OF GOVERNMENT POLICY IN THE MANAGEMENT OF ZAKAT IN STATE ZAKAT INSTITUTIONS AFTER THE ZAKAT LAW 2011

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### ABSTRACT

This research was conducted in several areas which were considered to have their own specificity in managing zakat. The focus of this research is to verify the impact of government policy in the management of zakat on the management of zakat after the emergence of the 2011 zakat law. In addition, this study shows how the state regulates zakat management through law no. 23/2011 concerning Management of Zakat in Indonesia. This study also examined the impact of local regulations on zakat and the role of state zakat institutions in managing zakat in Indonesia. This is normative and qualitative research. The main data is obtained from field research supported by interviews and documents, literature and participatory research. This study then revealed the practice of zakat management in Indonesia in the planning, collection, management and distribution of zakat. Field research is used to determine the level of effectiveness of the zakat law in 2011 in regulating the management of zakat carried out by state zakat institutions. Based on this study, it was later found that zakat management practices in several regions in Indonesia are very specific and different from other regions. This is basically due to the development of Islam in areas that affect social, educational, cultural and political values. The state as the holder of power plays a major role in the enactment of Law No.23 of 2011 concerning Zakat Management, but the effectiveness of zakat management in state institutions is also uneven. The zakat law issued by the state of Indonesia is currently unable to regulate the management of zakat in Indonesia, besides that the state zakat institution is also considered not able to perform its duties optimally to carry out the zakat management process. Furthermore, this study shows that the management of zakat in state zakat institutions after the zakat law in 2011 is not the same in each area studied. In practice zakat management is then influenced by the level of concern of the second level government holders in following up on the 2011 zakat law.

**Keywords:** zakat, zakat law, management

## THE READINESS OF THE SUPREME COURT IN REVIEWING LOCAL REGULATIONS

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### ABSTRACT

After the Constitutional Court Decisions Number 137/ PUU-XIII/2015 and Number 56/PUU-XIV / 2016, the Central Government no longer has the authority to nullify local regulations both Provincial Regulations and Regency / City Regulations. However, for regional head regulations (Governor Regulation and Regents / Mayor), both the Governor and the Minister of Home Affairs are still authorized to nullify them. Thus, based on the two Constitutional Court Decisions above, it can be concluded that the only way to nullify Regional Regulations at the Provincial and Regency / City levels is only through a judicial review in the Supreme Court, so it is important to know the readiness of the Supreme Court to solve problematic local regulations across Indonesia. This result of this research shows that but The Supreme Court is not yet ready to handle judicial review for four reasons, namely (1) the non-disclosure of judicial review process in the Supreme Court, (2) the Supreme Court's ruling which is not directly enforced, (3) the expensive cost of judicial review process, and (4) there is no time limit for the process of the judicial review. It is expected this research will become an academic reference for the Supreme Court to handle judicial review cases since it is the only state institution that is able to revoke problematic local regulations in Indonesia.

**Keywords:** judicial review; supreme court; local regulations.

## THE LEGITIMACY OF CANING PUNISHMENT IN THE APPLICATION OF *QANUN JINAYAT* IN ACEH: THE ENFORCEMENT OF SYARIAH LAW VERSUS HUMAN RIGHTS VIOLATION

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### ABSTRACT

Aceh, located at the northern end of Sumatera, was once known as the Gate of Mecca (Serambi Mekkah), distincts itself as a very unique province compared to other provinces in Indonesia. Today, Aceh is still among Indonesia's most religiously conservative and observant provinces. The national legislation, through Law Number 11 of 2006 concerning The Government of Aceh, allows Aceh, as a special autonomous region to enforce the syariah (Islamic) law, which derives from the religious precept of Islam, particularly the Quran and the Hadith. Article 125 of the Law of the Government of Aceh stipulates that the implementation of the syariah law in Aceh must be done through the enactment of a *Qanun*. *Qanun* is an Islamic bylaw, equivalent to the Regional Regulation (Perda) however the content of the *Qanun* must be based on Islam and shall not contradict with the syariah law. Since Aceh adopted the syariah law in 2001, the province has already implemented four *Qanun* including one on *syiar* (Islamic propagation), one on *kebahwat* — a bylaw where unmarried couples are punished for being in close proximity/seclusion — one on alcoholic beverages (*kehamar*) and one on gambling (*máisir*). The latest *Qanun*, which is the consolidation of the three previous *Qanun* was the Islamic Criminal Law, introduced through *Qanun* Number 6 of 2014 concerning The Jinayat Law (*Qanun Jinayat*). The bylaw was formally enacted in October and entered into effect in 23 October 2015 and since its introduction in Aceh, its implementation has spawned controversy in the community, both at the local (Aceh) and national level including capturing global attention, particularly due to the legitimation of corporal punishment in Indonesia, namely caning. On the other hand, Indonesia's criminal system does not recognize corporal punishment.

**Keywords:** Syariah Law, Corporal Punishment, Caning Punishment, Human Rights Violation

## ASSESSING INDONESIAN GOVERNMENT PROTECTION FOR MIGRANT DOMESTIC WORKERS IN DISRUPTION ERA: AN ETHICO-LEGAL CASE STUDY ON MAIDS FOR SALE THROUGH CAROUSELL IN SINGAPORE

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### ABSTRACT

This study focus on how the Indonesian government can protect migrant domestic workers in the migration industry during pre-departure phase and while they were abroad. Every year, the number of women who became migrant workers is significantly higher than men (BNP2TKI, 2016). Furthermore, most of the women there are domestic workers. The society's stigma for being a domestic migrant worker is negative. This results to government, agencies and employers to treating them as cheap, disposable goods (Ueno, 2008). Reflecting on the vulnerabilities of domestic migrant workers based on the negative label and low bargaining, the government must provide protection for them in this disruption era not only as workers, but also as citizens. This socio-legal study will assess Indonesian regulations on the protection of migrant workers and citizens in foreign country and also the practice of government to secure Indonesian MDWs in facing in the challenges migration industry, using a case study on the sales of maids in an application called "carousell" in Singapore.

**Keywords:** Ethico-legal; Migrant Industry; Migrant Domestic Worker; Indonesian Government; Ethico-legal

## **CORRUPTION IN THE PUBLIC PROCUREMENT: A DISCUSSION CONCERNING COURT DECISION IN INDONESIA**

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### **ABSTRACT**

Procurement of government's goods/services plays an important role in national development to improve public services as well as to boost national economy in the regions. The latest regulation about procurement of goods and services is stipulated in the Presidential Regulation Number 16 year 2018. In practice, corruption occurs frequently in the procurement of goods and services. In general, the procurement of goods/services is aimed at producing the right goods/services from any money spent, measured from the aspect of quality, quantity, time, cost, location, and providers. This paper seeks to look at the criminal acts of corruption relating to the procurement of goods and services in the court verdict. The method adopted in this study of normative, legal research by using an approach related legislation, i.e. legislation the eradication of criminal acts of corruption, rules on procurement of goods and services, and also court verdict about the criminal acts of corruption in the procurement of goods and services is handled by the Corruption Eradication Commission (KPK). Criminal sanctions imposed ranges from imprisonment, criminal fines as well as criminal an additional form of payment money substitutes. Public participation and the role of the community by filing complaints are also important to prevent corruption that occur in the procurement of goods and services.

**Keywords:** Corruption, Procurement, Court Verdict.

# THE CLASSIC MISCONCEPTIONS OF CORPORATE GOVERNANCE IN INDONESIA: INDEPENDENT DIRECTORS AND INSTITUTIONAL INVESTORS – COMPARISONS WITH MALAYSIAN CORPORATE GOVERNANCE

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## ABSTRACT

The Organization for Economic Co-operation and Development (OECD) Principles of Corporate Governance define corporate governance as the relationship among the Shareholders, the Board of Directors, and the management, as well as their relationship with the other stakeholders in terms of corporate management and due regard to their respective interests. Similar definition is adopted by the Indonesia Corporate Governance Manual and the Malaysian Code on Corporate Governance 2017. At first it seems that, like Malaysia, Indonesia acknowledges the OECD Principles of Corporate Governance. This is evident in the existence of Independent Non-Executive Directors in Indonesia. However, upon further examination, it becomes clear that the functions of Independent Non-Executive Directors Indonesia overlap with that of the Supervisory Board. Further, there are barely any provisions which govern institutional investors in Indonesia. The initial claim that Indonesia ‘adheres’ to the OECD Principles of Corporate Governance which contains the provisions of Independent Non-Executive Directors and institutional investors is therefore misleading. The misconceptions as to what is meant by corporate governance in Indonesia – redundant role of the Independent Non-Executive Directors and the barely regulated institutional investors – are a classical problem which has persisted for more than a decade, at least in the positive laws. This paper will compare the legal origins of the corporate structures and corporate governance laws between Indonesia and Malaysia, in order to understand behind these misconceptions. It will also analyze the forms of Independent Non-Executive Directors and the role of institutional investors in Indonesia and Malaysia.

Keywords: corporate governance; independent non-executive directors; institutional investors.

## OPEN ACCESS FOR INDUSTRIAL ACTIVITIES USING PIPELINE GAS COMPETITIVE

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### ABSTRACT

The gas industry through its pipeline, the development has shifted with no longer absolutely protected by the principle of natural monopoly. The policy now directs to build competition and open access to transportation networks. The gas company has now shifted from a full bundling system to an end to end ala carte service, along with the emergence of a natural monopoly bottle neck. Natural monopoly is a natural market condition where demand in a relevant market will cause the lowest cost with only one business actor compared to two or more business actors. Article 33 of the 1945 Constitution mandates that natural wealth, including natural gas, must be controlled and used as much as possible for the prosperity of the people. Unfortunately, the supply of gas for industry and electricity generation is still a classic problem that seems without a solution. Discussion of the Gas Industry Forum in Jakarta entitled "Open Access for the Continuity of National Industry and Domestic Product Competitiveness", a number of circles offered a solution to overcome the problem of gas supply. The solution is the use of an open access doctrine system on natural gas pipeline infrastructure that has been owned by a number of companies, especially state-owned enterprises that are the main managers. The use of open access doctrine is considered to be able to prevent the practice of gas monopoly by certain companies, including state-owned enterprises, which also have implications for the economic price of gas, while meeting industrial needs and power generation. The implementation of open access to natural gas pipelines should be synergized between the government and the private sector. Various stakeholders, from upstream, downstream, traders, to users, must work together and not force their own desires. Construction of new pipelines is the best choice and is cheaper than using other systems such as tankers. Regarding the lack of gas supply, he assessed that supply problems could be solved if the infrastructure had supported

**Keywords:** Open Access; Pipeline Gas; Competition.

## A NORMATIVE ANALYSIS OF THE LIMITATION OF HUMAN RIGHTS: ASSESSING THE CONSTITUTIONALITY OF PRESS FREEDOM IN INDONESIA

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### ABSTRACT

Indonesia acknowledges press freedom as a crucial element to democracy. However, press freedom may sometimes need to be limited in order to prevent an excess of freedom. In as much as press freedom is a manifestation of human rights, legal restrictions upon it must be imposed according to the conditions prescribed by human rights principles and the constitution, namely a justified necessity to accomplish a legitimate aim, such as to protect the rights and freedoms of others, and the exclusion of restrictions jeopardizing the essence of the right concerned. Reflecting from the legal and political history of the nation, this research ultimately finds that the legal regulation of press freedom in Indonesia requires a reassessment of the current constitutional guarantee for press freedom.

**Keywords:** press; press freedom; human rights; limitation of human rights



**THE FUTURE ISSUE OF THE HOUSE'S RIGHT TO  
INVESTIGATE: AN IMPLICATION OF THE  
CONSTITUTIONAL COURT RULING NUMBER 36/PUU\_  
XV/2017**

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**ABSTRACT**

The Constitutional Court Ruling Number 36/PUU-XV/2017 is regarding the constitutionality of Article 79 verse 3 of Law Number 17, 2014. This trial was initiated due to the fact that the House used this article as the source of legitimacy in using “the right to investigate” against the Corruption Eradication Commission. Rather, the reviewers and many people thought that the commission was excluded from the scope of the right. Although the four constitutional judges also affirm and justify this view, the other five judges disagree with the justification and include the commission in the scope by stating that the article is constitutional as well. Nevertheless, the ruling will implicate an uncertainty issue in the case where the House uses the right against other independent agencies outside the commission. Through, the future interpretation method, we demonstrate the inclusion and exclusion steps which are rendered by the judges to discover and illustrate the issue. Hopefully, this finding could give benefits to many stakeholders for the sake of anticipating the issue ahead.

**Keywords:** Exclusion; Inclusion; The Right to Investigate; The Ruling Number 36/PUU-XV/201; Uncertainty.

## **NON-CONVICTION BASED ASSET FORFEITURE IN INDONESIA: DISCOURSE ON ASSET FORFEITURE REGULATION**

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### **ABSTRACT**

Since 13 years ago, the United Nations Convention against Corruption (UNCAC) has offered non-conviction based asset forfeiture to its participating countries. This non-conviction based asset forfeiture aims to help every country to be able to return the proceeds of crime and break the chain of crimes of the offender. Asset forfeiture actually has been regulated in Indonesia, especially in civil lawsuits and the Supreme Court Regulation No. 1 of 2013. This regulation still gives dualism in carrying out asset forfeiture in Indonesia. This research aims to accelerate the presence of asset forfeiture regulations in Indonesia so as to reduce the chronic corruption rate. This research uses qualitative analysis method by examining legal materials and interviews to support the research. Civil lawsuit and the Supreme Court Regulation No. 1 of 2013 provide different prerequisites for performing asset forfeiture. This dualism of regulation is still different from what was desired in UNCAC 2003 and also leads to hindrance in the implementation of asset forfeiture in Indonesia.

**Keywords:** UNCAC, Non-Conviction Based Asset Forfeiture, Civil Lawsuit, the Supreme Court Regulation No. 1 of 2013.

## URGENCY OF LEGAL PROTECTION AND MANAGEMENT OF INTELLECTUAL PROPERTY RIGHTS IN HIGHER EDUCATION INSTITUTIONS (STUDY AT UNIVERSITAS SUMATERA UTARA)

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### ABSTRACT

The protection of Intellectual Property Rights (IPR) is important for Indonesia considering the Government has ratified the Agreement Establishing the World Trade Organization with Law Number 7 of 1994 so that all WTO agreements including in the field of IPR become binding on Indonesia. Higher Education has a strategic position to be able to take a role in efforts to protect and manage IPR in Indonesia considering the large potential of IPR that can be generated from research activities and community service. Based on the above, this paper will discuss the urgency of protection and management of IPR in Higher Education institutions and the potential forms of IPR that can be produced by universities, especially at the Universitas Sumatera Utara (USU). The purpose of the discussion was to see how important the protection of IPR for the Government of Indonesia and the benefits of its management for universities, especially USU. Based on the results of the study it is known that the urgency of IPR protection for the Government of Indonesia is based on the positive impact of IPR to encourage national economic growth, encourage community creativity, improve the dignity and quality of Indonesian people. While for universities, IPR management can bring financial and academic benefits. For lecturers the productivity in producing IPR will provide benefits in the form of economic rights and royalties. Potential forms of IPR that can be produced in universities are very varied according to the existence of study programs or faculties.

**Keywords:** Intellectual Property Rights, Higher Education, University of Sumatera Utara

## QUESTIONING THE REGULATION OF FILLING IN THE POSITION OF CONSTITUTIONAL JUSTICE IN INDONESIA

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### ABSTRACT

In filling the position of Constitutional Court justice, Indonesia follows the mechanism applied by Italy, which is called representative mechanism. This mechanism involves several state institutions to determine the filling of the position of constitutional judge, which state institutions based on Article 24C paragraph (3) post the amendments to the 1945 Constitution are the Supreme Court (MA), the House of Representatives (DPR), and the President. The constitutional justice appointment mechanism like this then produces mechanisms and processes that are not uniform in the three state institutions. Even within the scope of executive power, the mechanism carried out to determine constitutional judges is not the same at every opportunity to recruit constitutional justices. This study examines the process of appointment of Constitutional Justices at the Presidential Office of the Republic of Indonesia and compares them with countries that adhere to the relative mechanism in appointing Constitutional Justices, namely South Korea, Mongolia, Italy, and Colombia. This research was conducted through a juridical-normative method with reference to the laws and regulations in Indonesia, as well as a historical-comparative approach by comparing the constitution and legislation in the countries of South Korea, Mongolia, Italy, and Colombia against the relevant legal norms in Indonesia. The analysis of this paper has the scope of discussion of *das solen* and *das sein* related to the application of the principles of transparency, participation, objectivity, and accountability that are in the Constitutional Court Act in filling in the position of constitutional judges. The standard for the selection of constitutional judges is needed for the three state institutions to support the realization of these four principles, especially in this paper concerning matters that apply to the President. This paper is expected to provide input for policy makers in appointing constitutional justices in Indonesia in the future.

**Keywords:** Filling in position, judges, Constitutional Court, and President

## URGENCY OF THE ROLE OF THE NORTH SUMATRA PROVINCE MANPOWER OFFICE TO ENCOURAGE SKILLED WORKER READINESS IN THE ERA ASEAN ECONOMIC COMMUNITY

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### ABSTRACT

Since December 31, 2015, ten ASEAN member countries have officially produced the ASEAN Economic Community (AEC). AEC is one of the three pillars of ASEAN Community. The aim of AEC is to realize ASEAN as a single market and production base. Point about free flow of skilled labor stated that the field of skilled labor became one of the issues in the AEC. This means that the flow of skilled labor will flow freely from one country to another within the scope of ASEAN. The liberalization of the skilled labor sector could be an opportunity as well as a threat to Indonesia. If Indonesian skilled workers have competitive expertise they have the opportunity to work in nine other ASEAN member countries. Conversely, if they do not have the competence according to regional standards in ASEAN, Indonesia will only become an invasion market for skilled workers from nine other ASEAN countries. Therefore the Government needs to take steps so that the implementation of the AEC really brings opportunities and benefits to Indonesia. Local Governments through the Manpower Office must have clear and measurable work programs and programs so that skilled workers in the regions have good competency standards to be able to take advantage of employment opportunities in nine other ASEAN member countries. Based on the above, the focus of this paper is: first, how is the classification of workers in the ASEAN Community especially MEA ?; second, what is the role of the North Sumatra Province Manpower Office in managing skilled labor in the AEC era ?; third, what efforts can be made by the Ministry of Manpower and Manpower Office of North Sumatra Province so that skilled workers from North Sumatra Province are able to maximize the opportunities that exist in the AEC era?

**Keywords:** ASEAN, ASEAN Economic Community, Government

## THE REVITALIZATION OF STRUCTURAL CRIMINAL RESPONSIBILITY OF INDIGENOUS PEOPLES IN THE REFORM OF THE CRIMINAL SYSTEM IN INDONESIA

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### ABSTRACT

The customary institution is recognized for its existence in the criminal justice system. Explicitly, the existence of indigenous and tribal peoples in all its aspects, including their legal life, is recognized and guaranteed in the constitution. This is stated in Article 18B of the 1945 Constitution of the Republic of Indonesia. In regard of this, the problems in this study are, the first what is the current system of criminal liability structural justice in Minangkabau society? , and second how is the revitalization of the structural criminal responsibility system of indigenous peoples in the future reform of the criminal system in Indonesia?. This research is the Socio Legal Research approach. The study was carried out to Minangkabau indigenous people in West Sumatra, with the consideration that the Minangkabau community has a Customary Justice Body. Based on the results of the research, the conclusions are as follows the first existence of customary justice in the Minangkabau community is recognized as a judicial process in solving social problems, and second Revitalization of the structural accountability criminal system of indigenous peoples in the future reform of the criminal justice system in Indonesia based on the MoU between the Minangkabau Customary Body/ *Lembaga Kekebabatan Adat Alam Minangkabau* and the West Sumatra Regional Police is shown as an effort in the Criminal Renewal System by promoting fair efforts for the victims and offenders as a kinship relationship in society

**Keywords :** revitalization structural criminal responsibility, indigenous peoples , reform of the criminal system in indonesia

## FOREIGN OWNERSHIP RIGHTS FOR HOUSING: GOOD GOVERNANCE AND THE RIGHT OF HOUSING

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### ABSTRACT

This study aims to elaborate the use of the Good Governance approach on the ownership of residential houses by foreigners in order to not harming or even threaten the right to housing for local people. In fact, local people still need access to housing; however, due to relatively low salary and several weakness income factors make it impossible for them to own house. This study uses normative legal methods by using statute, conceptual analytical and comparative approaches. The result shows that, according to the Indonesia Agrarian Basic Law, only Indonesian citizens have the right to own land with the Right of Ownership. In the context of legal certainty for foreigners whose existence in Indonesia benefiting the investment and national development, based on the Agrarian Minister's Regulation No. 29 of 2016, foreigners are allowed to have a residence with the Right to Use subject to restrictions on residential units and minimum property prices as for the Bali area of a single house for IDR 5 billion and a flat for IDR 2 billion. The regulation seems to be in favor of foreigners to own property that may potentially threatens the right to housing of local people. Property ownership by foreigners should not harm and not undermine the sovereignty of the nation even though it is in the name of investment development for Indonesian benefits. Nominee agreements have been enough to coloring the bad practices of property ownership. Therefore, continuously maximizing the use of Good Governance approach in order to harmonize the right to housing of local people and foreigners becomes very important to be conducted in all related areas e.g. accountability of immigration, notary transparency especially on house prices and responsibility of the Neighborhood Chief and the Village Chief to oversee the vulnerability of functional shift from housing into business activity.

**Keywords:** Foreign Ownership; Good Governance; the Right of Housing

## **DIVERSION IN JUVENILE CRIMINAL CASES (EVIDENCE BASED PRACTISE)**

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### **ABSTRACT**

President of the Republic of Indonesia enacted Law No. 11 of 2012 in July 30, 2012. The law regulates about Juvenile Criminal Justice System and is an amendment of Law No. 3 of 1997. Law No. 3 of 1997 is seen irrelevant with the current legal developments and needs of the society, because the law did not provide a comprehensive child protection before the law, hence must be amended with the new law. However, Law No. 11 of 2012 only began to be implemented in July 2014, in accord to article 108. There a number of new issues regulated in this Law, for instance: the term “naughty children” is revised to “children with legal conflict”. Another change is the minimum age of children to be the object of juvenile criminal justice system, from 8 years old to 12 years old, and below 18 years old of age. Restorative justice principle is also regulated in the new law (article 1 point 6). This principle provides the definition of case finalization, whereby the process to finalize a case must include the perpetrator, the victim, the family of the perpetrator and the family of the victim, and other related parties, to look for a fair solution and to restore the previous condition, and not a mean of revenge. In other words, this Law put more emphasis on seeking of solution alternatives outside of criminal justice system, meaning that the Law is giving hope that the punishment of a criminal act in a form of prison time will only be a last resort.



## IMPLEMENTATION OF THE CIVIL SERVANTS INCOME ZAKAT POLICY IN ACEH PROVINCE

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### ABSTRACT

Zakat is one of economic instrument in Islam. The implementation and utilization of zakat is in line with the Indonesian government's purposes. Specifically, it seeks to create an equal distribution of the economy, promote social welfare, and diminish poverty. The mandatory edict to pay Zakat for Muslim peoples in Indonesia is based on Sharia, and is legalized in the form of Law No. 38 of 1999 which was amended by Law No. 23 of 2011, regarding the Management of Zakat. Law No. 23 of 2011 does not specifically regulate the income zakat which comes from civil servants' income. Nevertheless, a number of local government issued regulations or policies which instructed the civil servants to pay their income zakat by cutting their salaries directly by 2.5%. This policy caused disagreement in Muslim communities. In fact, there are diverse arguments on the policy of salary deduction in several provinces of Indonesia. Some Muslims have the agreed opinion to practice the policy but another faction disagrees with the regulated collection. This research has a purpose to explain the implementation of civil servant' income zakat policy in Aceh Province and study examines how the policy of income zakat is being collected for public servants with the direct deduction from their monthly income. This paper will also discuss the procedural execution of the income zakat for the public servants in Aceh Province. Aceh Province is a region in Indonesia which has different legal rules from other regions in Indonesia. Due to any differences, zakat provisions in Aceh are interesting to study, especially regarding zakat income for civil servants who previously is regulated in Aceh only and then developed into policies that are applied in almost all regions in Indonesia with their respective regional arrangements.

**Keywords:** civil servants, income, income zakat and law.

## IMPLEMENTATION OF GOOD GOVERNANCE TO IMPROVE THE PUBLIC TRUST IN BAZNAS

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### ABSTRACT

This research is a juridical and empirical study of BAZNAS governance implementation Based on Law no. 23 the year 2011 on the Management of Zakat. BAZNAS as the zakat management authority under the government must implement good governance based on Islamic Shari'a principles, trustworthy, benefit, justice, legal certainty, integrated and accountability as a mandate from the zakat regulation. Good governance is a principle that prioritizes the practice of zakat stakeholders, efficiency, professionalism and public trust of the zakat practitioners. Through the implementation of good governance, BAZNAS is able to organize internal management, accountability and a culture of transparency simultaneously. In the same case the aspects of good governance also reflect the aspects of sharia compliance, whereby baznas must not only good governance, but also pay attention to the aspects of sharia compliance. Sharia Compliance is the zakat institutions obedience to the rules and the principles of sharia are essentially listed in Alquran and Alhadist developed in Fiqh include modern zakat fiqh related to principles of collecting and management of zakat, such as subject dan object of zakat, nisab and haul and the utilization and empowerment of zakat property. Through this research, it is proven that the enforcement of the pillars of good governance and syariah compliance has a positive effect on increasing public trust in collecting zakat funds through BAZNAS.

**Keywords:** Governance; Sharia Compliance; Zakat, BAZNAS

## FROM INTERNATIONALISM TO GLOBALIZATION HOW GLOBALIZATION IMPACTS ON TUVALU'S CLIMATE DUE TO CLIMATE CHANGE

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### ABSTRACT

Since the era of globalization, in the addition of industry and technology that are increasingly advanced, there are also impacts of the development of human activities caused by global warming which then causes climate change throughout the face of the Earth. In this situation of globalization there are also the 3<sup>rd</sup> country that get an impact by the climate change that caused tensions to their laws and governments about their existence, the 3<sup>rd</sup> country is Tuvalu. Tuvalu has been predicted that they are going to be sink in 2060 (about 50 years from now) due to global warming caused by rising sea levels and the greenhouse effect. This caused the government to immediately acts for their sovereignty, territory, and demand for their rights in the circle of international laws. Tuvalu Prime Minister, Enele Spoaga, asked for help from European leaders so that his country would not disappear from the face of the earth. The government of Tuvalu said that even though later they annexed by the sea, based on international maritime law Tuvalu will still exist. In this kind of emergency government turmoil the prime minister orated that the people of Tuvalu will never leave their homeland. In this disruptive era of globalization (the climate change) Tuvalu still have a strong role in their governments and projecting the assistance of the international law.

**Keywords:** The Globalization, The climate change, Sovereignty and territorial conflict, Tuvalu, International aid of laws, Strong role of the governments.

**COMPARATIVE ANALYSIS OF STATE APPROACHES TO  
MANAGEMENT OF STATE-OWNED ENTERPRISES  
IN INDONESIA, NETHERLANDS, SINGAPORE AND CHINA**

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**ABSTRACT**

The ability of SOE to compete in the market has become one of the important issues raised by the paradigm of economic globalization. The corporatization of SOEs into limited liability companies has resulted in the government carrying out the role of a shareholder in accordance with corporate law and governance principles. The corporatization of SOEs also needs to be followed by creating and maintaining a level playing field or competitive neutrality between SOEs and private companies. However, there has been a dynamic legal discourse in Indonesia over whether SOEs corporatized into limited liability companies are subject to both private and public law or exclusively subject to private law. Despite the Constitutional Court decision on the subject matter in 2014, the issue still causes confusion among SOE managers and allegedly hinder the performance of SOEs because it creates a different level playing field for SOEs that are under mandate to make profit and compete with private sector. A strong legal framework governing SOEs is important to provide a level playing field for SOEs to compete with private companies and avoid market distortion. This paper aims to examine some of this concept as it applies to Indonesia in comparison with the Netherlands, Singapore and China. The comparative framework will enable the identification of best practice that potentially could be of relevance to Indonesia. This comparative study aims to answer issues that cover the relationship between SOEs with Government budget, the legal framework that applies to SOEs in the country and the authority of state audit power of the country over SOEs. This paper is based on a normative legal research, focusing on reading and analyzing secondary data collected from library study. The paper applies comparative approach. Indonesia's legal framework is compared to the legal framework and practices implemented in the Netherlands, Singapore and China. From the analysis it can be concluded that there is no single right formula in SOE management. This paper has sought to identify practices that potentially could be of relevance to Indonesia. The practice applied in Singapore shows the importance to set the true orientation of an SOE. This will determine the right and most appropriate form of company and then give light on the legal regime that should govern it. The practice applied in the Netherlands shows that state audit authority over competitive and privately corporatized SOE would not necessarily be detrimental to SOEs performance. Through law provisions, the state may also set the limit or different degree of audit. The practice applied in China shows how a country can set the framework that best suits and meets its needs. The legal framework for SOE regulation formed in a country cannot be separated from the prevailing legal and economic system, cultural factors and factual conditions experienced by the state.

**Keywords:** state-owned enterprise; private law; state budget

## THE STATE OF THE INDONESIAN NON-PERFORMING LOAN MARKET. WHAT ARE THE COUNTERING VIEWS?

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### ABSTRACT

Indonesia's Insolvency Regime; an enhancer or a constraint to liquidity. A multidisciplinary assessment from funds, legal and service providers considering the outlook for asset recoveries: laws, regulations, enforcement and institutional or markets developments. It is common for developed markets to have an established secondary market for bank non-performing loans (NPLs). This provides a number of specific benefits to the banking sector and to the economy overall including a relief on capital constraints created by NPLs, specialised expertise to effectively deal with NPLs and collections, the separation of origination management and NPL management and the release into the market of assets and resources otherwise locked away in zombie companies. However in Indonesia there is limited development of a secondary NPL market.

**Keywords:** Non-Performing Loans; Insolvency; Secondary Market

## PREVENTION OF DOMESTIC VIOLENCE (KDRT) THROUGH ADAT CRIMINAL LAW APPROACH AND LOCAL WISDOM IN WEST SUMATERA

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### ABSTRACT

Violence Against Women is a form of violence that occurs on the basis of gender differences, while domestic violence is a form of violence that occurs in the family or household environment. According to the study, the most of the victims in domestic violence are women and children. West Sumatra, which is known as Minangkabau region adheres to the adat philosophy of "*Adat Basandi Sayara, syara basandi Kitabullah*" turned out to be the second highest level of domestic violence crime in Indonesia. To overcome this situation, it is necessary to have effective and efficient crime prevention policies and strategies. This paper tries to answer these questions: a. What is the policy of combating violence against women victims of domestic violence in West Sumatra? and b. How do customary law and local wisdom address and overcome acts of violence against women in domestic violence in West Sumatra? The short-term goal is to find out the laws and regulations that have been applied in the prevention of violence against women in domestic violence. The research method used is a sociological juridical approach with descriptive properties using primary data and secondary data. From the results of the study it was found that the settlement of domestic violations are carried out through criminal law approaches and adat criminal law as well as local wisdom approach based on the values that live in the society. Restorative justice approach is used through deliberation and consensus based on the values in Minangkabau customary law "*anak dipangku kemenakan dibimbiang*" and "*cabiak-cabiak bulu ayam*," which means that *ninik mamak* is very instrumental in resolving disputes within the family which can finally put the family back together. A sacred marriage is carried out with the consent of the family of both parties (husband and wife), so marriage in the Minangkabau community is a matter of *niniak mamak*, settlement through the principle of *musyawarah* or consensus as a principle in customary criminal law carried out first through the lowest level, namely through deliberation in the family itself. Then the discussion continued to the level of *niniak mamak* which is known as *Kerapatan adat salingka nagari*. This process is called *bajanjang naiak batanggo turun*.

**Keywords:** women violence, children violence, domestic violence, adat criminal law, adat law.

## CONSTRAINTS IN APPLICATION OF THE LEGAL PROTECTION MODEL OF GEOGRAPHICAL INDICATIONS AS A STRATEGIC SOLUTION FOR UNHEALTHY BUSINESS COMPETITION

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### ABSTRACT

Protection of Geographical Indications is unavoidable in this current borderless era where more threats to ownership and economic potentials of a person or group of people occur. However, the protection of GIs unravels far broader and more complex aspects than any other protection of intellectual property rights. Their existence as a communal right requires the involvement of not only community groups but also the government. In addition, the involvement of the protection of intellectual property, the protection of consumers and producers, efforts to advance the industry and Micro, Small and Medium Enterprises, and the development of agro-tourism and the regional economy are expected to contribute to the existence of the Geographical Indications. This study shows that although the Geographical Indications have obtained a much stronger regulatory position in the Law than the previous Geographical Indications did, the implementation is still far from what could have been further achieved. The main gateway to gaining stronger position is through the pattern of views and attitudes of the Regional and Community Governments. A society with good awareness of Geographical Indications is the key. The capability of the Regional Government to design strategic and sustainable plans is also required. In this study, a legal protection model is proposed to accelerate the protection of Geographical Indications.

**Keywords:** constraint, model

## THE APPLICATION OF ISLAMIC BUSINESS CONTRACT LAW IN NATIONAL REGULATIONS (COMPARISON AMONG CIVIL LAW LEGAL SYSTEM COUNTRIES)

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### ABSTRACT

In Islamic business activities, the contract becomes a law for each party. For this reason, the contract becomes very important in the implementation of Islamic business. Nevertheless, at the level of implementation, there is no clear rules regarding the Islamic contract. Currently in Indonesia, the Islamic business contract follows the provisions stipulated in the Civil Code (*Kitab Undang-Undang Hukum Perdata*) which certainly has a different background and philosophy from the Islamic business law. In addition, there is also a Compilation of Islamic Economic Law (*Kompilasi Hukum Ekonomi Islam*), because this is based on the Supreme Court Regulation, however its application is only a guideline for judges in the Religious Courts in resolving Islamic economic disputes. For this reason, this research needs to see how countries with the continental European legal systems apply Islamic business contract law within their national regulations. The aim is to compare the form of regulation of the countries that meets sharia principles and is in accordance with the Indonesian legal system. So this research can provide input for the formation of national contract law. The research method used is normative legal research on legal materials in Indonesia and research destination countries through field research. The selected countries are Indonesia, Turkey, Egypt and UAE. The main focus of this research is the application of policy makers and law enforcement in these countries regarding transactions based on sharia principles, about Islamic contract law theory and its regulation in these countries.

**Keywords:** National Law Contract, Islamic Business, Continental European



**WOMAN SUES RIGHT OF HER BODY INTEGRITY AS THE  
WOMEN RIGHT: THE LAW IMPLICATION AND  
JURISPRUDEN ANALYSIS / COURT DECISION ON THE CASE  
OF WOMEN AS THE VICTIMS OF NOT FULFILMENT  
PROMISE BEING MARRIED**

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**ABSTRACT**

The women as the victims of not fulfilment promise being married began from relationship between adult man and woman and not yet tied in marriage as lover couple. In this relationship, they usually promise each other to marry. Mostly, the man who gave his promise to the woman. This promise said face to face, by communication tools or handphone such as using message application WhatsApp. With this promise, often the woman would volunteraly give her body that intercourse happened. However, the man broke his promise finally. It showed a cause resulting an event where the woman asking for the promise that the man made, whether in preagnant condition or not that the woman often suffered any kinds of violence that finally the woman became the victim. It covered the personal intact involving physical and psychological images of woman in constructing her self concept as a woman. Thus, showing the unfair phenomenon continuing happen in any forms, that “may result and “result” in violence action toward woman in not or pregnant conditions. Evenmore, the effect gave long term and short term result for the woman who suffered it. The suffering may form in: physical, psychic, sexual, social and economic ones. The problem formula of this study covered how the the legal implication and how the juridpredencial analysis of court decision toward the body integrity of the woman as the victim of not fulfilment the promise being married. This normative legal study used method of qualitative juridicial analysis.

**Keywords:** Body Integrity, Legal Implication, Analysis of Jurisprudence

## RETROACTIVE PRINCIPLE IN POSTNUPTIAL AGREEMENT IN PROVIDING OF LEGAL PROTECTION FOR UNEMPLOYED HOUSEWIVES

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### ABSTRACT

This paper explores the impact of the expansion of norms which is caused by Constitutional Court Decision Number 69/PUU-XIII/2015 towards Matrimonial Agreement which is made during marriage (Postnuptial Agreement), which applies retroactively since the start of the marriage, unless determined otherwise by the parties. The main focus of this paper is the legal consequences of Postnuptial Agreement which applies retroactively since the start of the marriage associated with the legal protection for unemployed wives. Specifically, this paper will observe the separation of properties, which are acquired since the start of the marriage until the Postnuptial Agreement is made, if the wife is unemployed. By applying a retroactive matrimonial agreement, the community property (which previously exists) will be separated based on which party acquired the property. This could potentially harm an unemployed wife financially, because by its retroactive nature, her husband would obtain more property than his wife. In fact, there could have been an agreement about the duties of both husband and wife before the Postnuptial Agreement was made. This paper will discuss will compare regulations regarding Postnuptial Agreement in Indonesia with regulations regarding Postnuptial Agreement in Netherlands. As a conclusion, this paper will explain that Postnuptial Agreement still requires further regulation through statutes, acts, or other form of regulation, especially regarding the retroactive nature of Postnuptial agreement, so that its regulation would not harm unemployed housewives financially.

**Keyword:** Postnuptial agreement, legal protection, unemployed housewife

## THE IMPORTANCE OF HALAL CERTIFICATION INSTRUMENTS FOR HOTEL SERVICES IN SENGGIGI VILLAGE

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Lombok is one of the most popular halal destinations in Indonesia. The popularity is increasing after Lombok won two international awards at the World Halal Travel Award 2015 in UAE (UAE), World's Best Halal Tourism Destination and World's Best Halal Honeymoon Destination. In addition, from the domestic level, Lombok won the World's Best Family Friendly Hotel. Since winning the World's Best Halal award, the name of Lombok Island is increasingly known in the world, especially among foreign tourists Muslim or Muslim Travelers. No wonder the NTB government increasingly incentive to develop halal tourism or Muslim friendly tourism on the island of Lombok. Even the local government made Regional Regulation no. 2 Year 2016 about halal tourism. However, according to the Chairman of the Assembly of Ulama Indonesia (MUI) West Nusa Tenggara Province, in 2016 there are 300 hotels and restaurants that have not certified halal. What is the cause of the number of hotels that have not been certified halal and how appropriate instruments in the implementation of this certification is a matter of this research. Through normative empirical research methods, the findings of the development of certification instruments that support the innkeeper are aware of the importance of halal certification in order to improve the quality, visitor confidence and income turnover.

**Keyword:** Halal Hotel, halal certification, Lombok

## THE PRACTICE OF *UTMOST GOOD FAITH* BETWEEN INSURERS AND INSURED IN SHARIA LIFE INSURANCE

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### ABSTRACT

Every legal action must have a basic principle as legal action. Insurance is one part of such legal action. An insurance contract shall bind an insurer to undertake certain risks in return for the payment of premium, and upon occurrence of an insured event to pay the insured or a third beneficiary party an insurance indemnity or an amount in cash. In insurance transaction, there are four principles, had been made by the ground of the contract. One of them is Utmost Good Faith. Utmost good faith is the minimum standard requiring transacting parties to act honestly and not mislead or withhold critical information from one another. The doctrine of utmost good faith applies to many everyday financial transactions. Principally, syaria has no admitted utmost good faid as regulation. Syariah life Insurance does not recognize the term also. However, Islam always gives orders to its people to be honest in conducting transactions. In fact, it is also the intent and purpose of a good faith principle to encourage each party to be honest by revealing any track record of risk aversion. The truth can be beneficial and cause willingness among the parties Substantially, but Islam called it principle of honesty. Because of it, researcher will discuss and look for similiarity the honesty quality in syaria life insurance and utmost good faith.

## THE EXISTENCE OF THE STATE IN THE PROTECTION OF CONSUMERS IN AN EFFORT TO INCREASE THE QUALITY OF PRODUCTION

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### ABSTRACT

The consumer is the main pillar in the wheel of the economy, but the position of consumers are in a position subordinate and still marginalized because it is still not so powerful compared to the position of the 'businessmen' efforts primarily on developing countries that much focus on trade as investment capital construction in the long term. Despite having been born consumer protection laws but rights consumers have not accommodated yet, thus the country plays a role in creating a new noise that threaten the rights of consumers. The large number of businessmen who simply put forward the aspects of product orientation and ignores the orientation toward consumers causing the large number of cases to the detriment of the consumer. It requires the Government to present in the control and also gives legal certainty in order to create a balance in the market given the consumer is the main chain in the movement of the wheels of the economy as a whole.

**Keywords:** consumer, legal protection, the role of Government

## JURIDICAL ANALYSIS OF BANKER'S CLAUSE IN SHARIA FINANCING CONTRACT

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### ABSTRACT

Syariah banking and Sharia Financial Institutions as financial institutions will involve in various types of sharia trading contracts and each sharia trading contract has a clear principle in channeling funds in the form of Islamic financing. The distribution of funds made by the Sharia Bank and the Sharia Financial Institution shall have an affirmation to its position in recovering the funds they have disbursed, which is by means of the existence of a guarantee institution. Sharia banking or Sharia Financial Institutions in applying prudent and secure financing is realized by the continuation of collateral from the borrowers. This guarantee or collateral serves to hold up the bank's belief in the borrowing customer's ability and capability to pay off the financing he has received under an agreement. Through out this scheme of guarantees following the principal agreement, the guarantee scheme must also conform to its principal agreement based on sharia financing.

Key words : Sharia Bank, Sharia Financial Institution, Sharia Financing, Guarantee Institution, Banker's Clause

## **LEGAL REVIEW OF COMMODIFICATION PROCESS ON REDD PROJECT IN INDONESIA: CHANCE AND CHALLENGE**

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### **ABSTRACT**

Industry is considered as a major contributor to climate change. In fact, forest destruction contributes to current level of greenhouse gas emissions. The reduction of greenhouse gas emissions is not only addressed to the industrial and the forestry sector. By the reason, countries discuss and decide the policy of Reducing Emission from Deforestation and Forest Degradation (REDD). REDD policies are incorporated into carbon trading schemes. For the reason, REDD projects are to be commodified for the issuance of carbon units as trading instruments. Substituting Kyoto Protocol, the Paris Agreement provides opportunities to trade REDD + projects. The provisions of the Paris Agreement allow to transfer of mitigation outcomes (MtO), including those are from REDD + projects, as long as under the consent of countries and voluntary. Second, the if countries or parties agree to transfer MtO of a REDD + project, then a commodification process must be carried out to determine the tradable unit and the party that receives the revenue. The approach in REDD + projects is result-based payment. By the condition, the REDD + project has gone through a process of Measure, Reporting, Verification from the Ministry of Environment and Forestry or the appointed Institution. The establishment of a carbon market can be carried out for the forestry sector with an NDC target of 17%. The trading system, regulation and supervision can be adapted from the current system.

Keywords: commodification, trading, REDD+ policy

## LEGAL PROTECTION OF INDONESIAN CITIZENS IN MIXED-MARRIAGE WITH ROHINGYA REFUGEES

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### ABSTRACT

There are 14 undocumented marriages between the Rohingya Refugees and Indonesian citizens in Medan. Their marriage was legalized according to the religious practice. In order for them to have their marriages legally acknowledged, some couples in Makassar have their marriages formally conducted in Malaysia prior to their return to Indonesia. These situations resulted in legality problems of the marriage and its implications. This paper will discuss on how the Indonesian private international law provisions and the Law No.1 of 1974 regarding Marriage accommodate the rights to marry of foreigners in Indonesia, particularly to the refugees. This matter is appropriate to be considered, because the right to marry is fundamental in the life of human and is protected by the 1948 United Nations Universal Declaration of Human Rights. This writing will employ library research upon the prevailing regulation in Indonesia and the international conventions, namely the 1951 Convention and its 1967 Protocol to the Status of Refugees. The field research shall be conducted by collecting data from the authorized institutions and interviewing the authorized officers. This writing concludes what Indonesia could do in order to provide protection to the refugee, and also the suggestions – if any.

**Keywords:** Refugees, Rohingyas, The Rights to Marry, Indonesian Private International Law, Indonesia Marriage Law, administrative of law, undocumented marriage.



## ARBITRATION AND ARTIFICIAL INTELLIGENCE: THE FUTURE CHALLENGES FOR DISPUTE SETTLEMENT

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### ABSTRACT

Nowadays, the rapid of technological advanced has penetrated in legal field, including in arbitration. One of the aspects of technological development is artificial intelligence (AI). AI is changing the way of legal perspective, the way of legal must do and the way of the elements of law interact each other. In arbitration, AI embodied in computer system software has created a shift within the roles, function, and existence of arbitration, both as an institution and as a process. All of this create new challenges for arbitration as one of the mechanisms to settle the dispute. This article provides an overview the phenomenon of development of AI in relation to the existence of arbitration.

**Keywords:** arbitration, artificial intelligence, dispute settlement.

## MATERNITY LEAVE FOR NURSES IN DISTRICT HOSPITAL OF BOGOR CITY

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### ABSTRACT

This article examine how maternity rights are regulated under the national and regional regulations, how the rights are implemented and how nurses in the District Hospital of Bogor West Java Indonesia understand their maternity legal rights. The rights to protection of maternity had been the concern of the International Labor Organization (ILO) since 1919. The protection was first adopted in 1919 through the Maternity Protection Convention and this convention was followed by the Maternity Protection Convention (Revised) No. 103 in 1952 and the Maternity Protection Convention No. 183 in 2000. Women who worked during their pregnancy may face threat to their health and well-being especially when their pregnancy is difficult or the working place or the nature of the work is not flexible. Women of these condition should be cared for especially when approaching the birth date. With the nature of the nurse work, it is important to pay attention to their health and well-being during their pregnancy. The research was conducted by using socio-legal method to see the normative laws that regulates maternity rights and to see how the laws are implemented in upholding and protecting the maternity rights of the nurses. In Indonesia, maternity leave has been accommodated in national and regional laws and regulations. The nurses in this research were aware of the rights of maternity leave and have had experience applying for it. There is a different perception on the time when the leave can be taken but all the nurses were able to get the maternity leave without any difficulties.

Keywords: maternity rights, maternity leave, gender discrimination.

## DERADICALIZATION FROM WITHIN; ENHANCING THE ROLE OF *JIHADITS* ON COUNTERING VIOLENCE EXTREMISM

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### ABSTRACT

This article seek to explore the role of *Jihadists* in de-radicalization initiatives programs and understanding their ways and mecanism. The de-radicalization program though foundation, Yayasan Lingkar Perdamaian, which formed to disengage the individual militants through the community and economic development programs, in regard to reintegrate the extremist into society. This field study was conducted through indepth interview with a number of the former extremists in Lamongan District, the East Java Province. Findings of the study presented that existence of the former extrimists as the peace agents is useful for the countering violent extremism in the country. The people involvements are significant as a counter-narrative extremism ideology, bridge an efforts of intervention for militant groups aimed at reducing and even eliminating radical ideology.

**Keywords:** deradicalization, Jihadists, community development

## THE DESTINY OF THE PRESIDENTIAL THRESHOLD IN THE CONSTITUTIONAL COURT

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### ABSTRACT

The 2019 election is the first time Indonesia will carry out legislative and presidential elections at the same time. One of the issues that arise is the Presidential Threshold of 20-30% of the seats and votes of the House of The Representatives as a condition for nominating the President and Vice President. Through a number of requests for judicial review at the Constitutional Court, a number of parties examined the Presidential Threshold provisions which were deemed detrimental to citizens' right to participate in the nomination of the President and Vice President. This paper will discuss a number of court cases regarding the Presidential Threshold in the Constitutional Court. Using normative research methods this study will discuss the views of the Constitutional Court in assessing the Presidential Threshold constitutionality in the concept of constitutional democracy that is run in Indonesia.

Keyword: presidential, threshold, general election

## WATER-FRIENDLY BEHAVIOR IN A LEGAL PERSPECTIVE (STUDY OF DEPOK CITY REGIONAL REGULATION RELATED TO WATER RESOURCES)

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### ABSTRACT

Various water resources problems that occur in Indonesia, including in Depok city, such as floods, droughts, raw water crisis, river water pollution, have an impact on decreasing water availability. This is partly due to the inhospitable behavior of the community in the use of water, especially those in the 'catchment' area. Whereas in Article 13 of Law No. 11 of 1974 concerning irrigation it is stated that water must be protected and secured, maintained and preserved, to fulfill its function. The complexity of the water problem requires adequate regulation. A rule that is not only to overcome environmental damage / water resources, but also to be able to encourage behavior to prevent or at least reduce the occurrence of environmental damage. Therefore, it is necessary to conduct a study on the rule of law, in this case the Regional Regulation (Perda) of Depok city in regulating the environment / water resources related to the behavior of the community that is friendly to water. The approach taken in this study is juridical normative towards the Regional Regulation (Perda) of Depok city. Thus, it is expected to be an input for the relevant parties, namely the government, central and regional governments to make rules that can encourage the behavior of the community to be friendly in the use of water, so that the conditions of water availability can be maintained and have an impact on their welfare.

**Keywords:** water resources, water resources regulation, environmental regulation, water-friendly behavior.

## **THE RIGHT TO WORK FOR WOMEN WORKERS AFFECTED BY THE NATIONAL SLUM UPGRADING PROJECT IN JAKARTA: FULFILMENT AND PROTECTION OF RIGHTS IN THE PERSPECTIVE OF GENDER JUSTICE**

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### **ABSTRACT**

The idea of slum upgrading is two-fold. The Government often emphasize slum upgrading as a way to equating urban development by providing basic physical and social infrastructure to all citizen. On the other hand, with no proper adjudication, the society group that has been excluded from the benefits urban development will be the victim. These happens in Indonesia National Slum Upgrading Project [NSUP]. This mid-term project of the central government of Indonesia aim is to provide access for citizens to optimally utilize cities' resources and opportunities. However, with 0% slums in 2020 as the goal, forced evictions are inevitable. In Jakarta Special Region, just in 2017, the project has evicted settlements along the Ciliwung River Banks. Gender focused, women as part of the affected group are becoming victims of victim. Women in Jakarta's informal settlements work in or nearby their neighborhood. Some forms of works undertaken by them includes informal works, and domestic works. Different from women, men who are majority in formal works will not necessarily eliminate their work as they are relocated. Furthermore, the deep-rooted patriarchal values in informal settlements oppress the voice of women, excluding them from the family decision making causing them helplessly to accept the eviction. The project will create changes that cause women workers to lose their work. This socio-legal research, with feminist legal and critical urban theory approach, will critically analyze how law should positioned women workers in urban development through this project. Indonesia as the first state to implement the idea of slum upgrading under the SDGs era, with Jakarta Special Region as its main implementation city, will set the standard for this project to be implemented by other states. Therefore, this research will also accentuate the implementation of gender justice perspective on slum upgrading projects for the global scale.

Keywords: slum upgrading; urbanism; feminist legal theory

## THE DEVELOPMENT OF REDD+ FUNDING MECHANISM IN INDONESIA

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### ABSTRACT

Reducing Emission from Deforestation and Degradation (REDD+) is a global initiative developed by the United Nations Framework Convention on Climate Change (UNFCCC) to mitigate climate change. As a global initiative, it costs a lot of money, and without a clear and predictable source of money, the probability of REDD+ activity failed will be higher. This research aims to understand how market and result-based payment as the funding mechanism in REDD+ and how the relation between the evolving REDD+ funding mechanism in the international talk can affect the Government of Indonesia position regarding financial mechanism. This research use literature study with historical approach to answer these questions, beside literature, this research also interviews with stakeholders from Ministry of Environment and Forestry. This research shows that even though market mechanism have a big potential for funding the REDD+ mechanism, but it also have a lot of drawbacks. These drawbacks make international talk about funding mechanism shifting from market into result-based payment. To finance REDD+, UNFCCC encourages developed countries to give a stable and predictable fund for developing countries that implement REDD+. This shifting also affect Indonesian position regarding the funding mechanism, from the Minister of Forest Regulation No. 30 of 2009 that accommodate the carbon market into the Minister of Environment and Forest Regulation No. 70 of 2007 that prohibited the carbon market and focus on result-based payment.

Keywords: REDD+; funding mechanism; Indonesia.

## ENVIRONMENTAL COMPENSATION SYSTEM: SEEKING THE POSSIBILITY FOR IMPLEMENTING AN IDEAL COMPENSATION SYSTEM FOR ENVIRONMENTAL RESTORATION IN INDONESIA

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### ABSTRACT

This paper analyzes the compensation system for environmental damage in Indonesia. There are some issues related to compensation for environmental damage, such as the issue of management, distribution, or the source itself. Mainly, the compensation is primarily directed toward monetary compensation. As the result, in many cases, regardless whether Indonesia's government has lost or won most of its lawsuits brought in the name of environmental damage, restoration action will not be in the agenda. Two of the cases that will be the focus on this paper are Walhi v. Lapindo and PT Selat Nasik case. With comparative study approach, this paper attempts to compare Indonesia's compensation system with US' compensation system. Differs from Indonesia, US already developed a better perspective for compensation called resource compensation. Furthermore, US also established a system under CERCLA called Superfund Trust Fund, which financed through taxes and damages from polluters. Particularly, this paper tries to discuss the question of what Indonesia's government has to do to improve the compensation system and seeks the ideal compensation system as the solution for current compensation system's issues. In conclusion, the paper observes that Indonesia does not have a well-structured system of compensation, neither monies for restoration nor institution to manage the money. The worst part is Indonesia only aims for monetary compensation. As the issues arise, polluter pays principle and resource compensation perspective need to be implemented in Indonesia as a solution, like what US already did.

Keywords: compensation system; resource compensation; polluter pays principle



## ANALYSIS ON THE EFFECTIVENESS OF “UNBUNDLING” AND “OPEN ACCESS” IN INDONESIAN GAS BUSINESS SECTOR

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### ABSTRACT

Natural gas is a very important non-renewable natural resource that controls the lives of many people. Therefore, the exploitation and utilization of natural gas must be carried out wisely and for the greatest prosperity of the people. This is mandated in Article 33 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia that “Earth, water and the natural resources contained therein are controlled by state and used for the greatest prosperity of the people”. With the promulgation of Law Number 22 Year 2001 concerning Oil and Gas, there has been a restructuring in the implementation of natural gas exploitation through pipelines in Indonesia. The law provides more space for private entities to engage in gas exploitation with the purpose to create healthy competition, transparency, improving national development, efficiency in exploiting natural gas and to create competitive price so that the end consumer can enjoy the benefits. By its implementing regulations, namely the Regulation of the Minister of Energy and Mineral Resources Number 19 of 2009 natural gas exploitation through pipelines is carried out through an “unbundling” and “open access” mechanism. However there are inconsistencies in regards to the exploitation and utilization of natural gas contained in Law Number 22 Year 2001 concerning Oil and Gas and its implementing regulations. The inconsistency between these laws and regulations naturally impacts the efforts to utilize natural resources for the purpose of “the greatest prosperity of the people”. The concept of open access which is automatically followed by unbundling has proven to extend the business chain in the downstream gas sector and have an impact on the high selling price of natural gas.

Keywords: open access, unbundling, gas business sector, competition law

## STATE OF RESPONSIBILITY FOR FOREST FIRES AND LAND

Partahi Gabe Uli and Andri Gunawan Wibisana

### ABSTRACT

This research discusses the application of the State of Responsibility over land and forest fires. This study identifies differences between State of Responsibility with the State of Liability and analyzed the relationship between State of Responsibility with the State of Liability in the case of land and forest fires.

## **APPLICATION OF CROSS BORDER INSOLVENCY MODEL FOR BANKRUPTCY PROCESS BETWEEN COUNTRIES AND INDONESIAN LAW**

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### **ABSTRACT**

One of the principles of bankruptcy law is to provide balanced protection to creditors and debtors. Debtors who still have business prospects should not be bankrupted as well as debtors who have no business prospects should not be granted permission to continue the business. To implement the principle, there is the concept of insolvency and insolvency test that can be used to determine the condition of the financial health of the debtor. It is not clear the concept of insolvency in Indonesian bankruptcy law has the potential to eliminate the principle of equilibrium possessed by bankruptcy law. In particular, the issues discussed are how the concept of insolvency in Indonesian bankruptcy law, how the concept of insolvency test in modern bankruptcy law, as well as what relevant policy is made to support the Indonesian economy. This study uses normative research methods (legal research) and comparative law (comparative law). The data collection is done by document study and interview. The collected data was analyzed qualitatively. The analysis is done by legal approach and economic approach to measure the financial health of the debtor. Based on UUKPKPU number 37 of 2004, the concept of insolvency has been embraced in Indonesian bankruptcy law. However, the concept is still ambiguous because of the two definitions of insolvency used, namely technical and special insolvency. The ambiguous concept of insolvency has the potential to complicate the application of insolvency tests that can result in loss of legal certainty and business certainty in Indonesia.

Keywords: insolvency, insolvency test, bankruptcy

## FIRM VALUATION IN THE MORATORIUM CONTEXT IN INDONESIAN LAW

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### ABSTRACT

PKPUs goal is to save the debtor from bankruptcy. However, some cases indicate the existence of deviations from the goal, namely insolvent by debtors who undergo PKPU process. One of the causes is the disagreement of the debtor and the creditor against the proposed peace offer. This can happen because each party is only trying to prioritize their respective interests and not oriented on the ability of paying debtors in the future. In particular, the issues discussed are how the peace proposal process in the context of PKPU in Indonesian bankruptcy law, how is the concept of corporate valuation as the basis for the determination of peace proposals in modern bankruptcy law, as well as what relevant policies are made to support the Indonesian economy. This study uses normative research methods (legal research) and comparative law (comparative law). The data collection is done by document study and interview. The collected data was analyzed qualitatively. The analysis is done by legal approach and economic approach to measure the financial health of the debtor. Based on UUKPKPU number 37 of 2004, the peace proposal can be accepted with the provisions of half of the minimum amount of each 2/3 concurrent lenders and the separatist creditor approving the proposed peace offer. If up to the maximum limit of 45 days since PKPU is temporarily spoken, the debtor falls into a bankruptcy status. This certainly does not provide certainty to try in Indonesia so that it can prevent investors to invest their money in Indonesia. To eliminate such business uncertainty, a company valuation model is required as a single instrument in the making of a peace proposal so that the implementation of a peace plan is not based on the interests of one party alone, but based on a sophisticated calculation of the borrower's ability to pay for the peace proposal.

Keywords: insolvency, proposal, mediation.

## STRATEGIC STEP OF DEBTOR REHABILITATION IN THE MODERN BANKCRUPCY IN INDONESIA LAW

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### ABSTRACT

Under Indonesian bankruptcy law, PKPU is a legal institution that can be used to overcome financial difficulties that impact on the ability to repay debt. However, PKPU legal institutions can be used by parties who are not *'beritikad'* either to bankrupt the debtor. For the business world, it can eliminate legal certainty and business certainty in Indonesia. In particular, the issues discussed are how the implementation of PKPU in Indonesian bankruptcy law as well as the business world, how the concept of rescue debtor in modern bankruptcy law, and also the relevant policy to support Indonesian economy. This study uses normative research methods (legal research) and compare the law (comparative law). Includes data conducted with document studies and interviews. The collected data was analyzed qualitatively. The benefit of this research is knowing from the concept of PKPU for Indonesian business world and other institutions that can be applied in Indonesia to support the business world. Based on UUKPKPU number 37 of 2004, in the PKPU process, there are decisions that can be used by the parties to renew rights and obligations with restructuring, reconditioning and rescheduling. This scheme can be used to take the time to repay debtor's debt. However, there are still debtors who go bankrupt even though they have undergone PKPU, including PKPU has not been very supportive of Indonesian business world. Therefore, it needs to be made closer to help the business of this world work well.

Keywords: PKPU, bankruptcy, company

## PROTECTION OF DEBTORS IN COMPLETION OF DEBT THROUGH DELIVERY OF OBLIGATIONS OF DEBT PAYMENTS IN INDONESIA

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### ABSTRACT

Historically, the company financed its business activities in two ways, namely through debt and capital. The main characteristics of corporate financing through capital are shareholders who deposit capital can be responsible for the company's operational activities through the selection of members of the Board of Directors, but dividend payments to shareholders are not guaranteed, while in debt financing, creditors are promised a return on interest, but creditors do not have the right to control the company. The advantage of financing a company with debt compared to capital is that financing a company through debt is cheaper than capital for a company. For investors, the risk of debt is lower than capital because the company is legally obliged to pay it, while the shareholders who provide capital are those who first lose their investment when the company is bankrupt. If the debtor experiences financial difficulties that interfere with the performance of his debt repayments to creditors, debt restructuring can be carried out. Debt restructuring of the company can result in the company being free from its debt burden to resume its business activities. Debt restructuring can provide benefits to companies that need to improve their capital structure when the company is unable to run its business. In addition, debt restructuring can provide benefits to creditors and other stakeholders because it provides an opportunity for companies to run their businesses and avoid failure to pay debts. Debt restructuring can be achieved through a request to postpone debt repayment obligations (PKPU), which is one of the instruments in bankruptcy law in Indonesia based on Law Number 37 of 2004 concerning Bankruptcy and Postponement of Obligations to Pay Debt (Law No. 37 of 2004). PKPU is a period given by law through the decision of a commercial judge wherein in that period creditors and debtors are given the opportunity to discuss ways of paying their debts by providing a payment plan for all or part of their debts, including if necessary to restructure the debt.

Keywords: debt; debt restructuring; bankruptcy.

## CONSTITUTIONALISM IN POLITIC TRANSITION

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### ABSTRACT

Constitutional Law is indeed an essential component for the existence of any state, because such law has the duty to arrange power-relations in a state. This power arrangement is the product of political process which can only deliver stability and sustain positive socio-economic growth if the arrangement is able to accommodate and govern political power interests. Such condition can only be attained if the constitutional law consists of the country's fundamental aspects. These fundamental aspects are known such as, the arrangement of state institutions authorities, the rights of the citizens, and the living value of the nation (cultural constitution).

# INFORMATION FOR PARTICIPANTS



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### Visa Information

Participants should apply for a visa in person at your nearest Indonesian Embassy or Consulate in your country, although it's possible to obtain Indonesian visas in other countries while you're on extended trip. To apply for a visa, you must complete the application form, which can be downloaded from many consular websites. Before you plan your visit, you should find out if you need a visa to enter Indonesia. Please visit at the website of Ministry of Foreign Affair of Indonesia to find out if you need to apply for a visa and for further information. Regulations vary from country to country, and often times, from year to year.

Indonesia also have Visa on Arrival (VOA) to Indonesia. In accordance with the Regulation of Ministry of Law and Human Rights of the Republic of Indonesia No. M. HH-01.GR-01.06 year dated 12 January 2010, citizens from 62 countries and 1 region are eligible for applying a VOA. This visa can be obtained directly when you arrive at certain airports and seaports in Indonesia, regardless of the purpose of your visit (Business, Tourist, Social-Cultural).

Visa on Arrival is neither a work visa nor a visit visa. Therefore, it cannot be extended or converted into another immigration permit. The maximum stay permitted is thirty (30) days and could be extended (one time) for a maximum thirty (30) days. The general requirements for visa on arrival are:

The applicant's passport must be valid for at least 6 months from the date of entry.

Round-trip airplane ticket, with fees up to 7 days US\$ 10 and up to 30 days: US\$ 25.

Countries that may apply for a Visa on Arrival, please check in this:  
<http://www.imigrasi.go.id/index.php/en/public-services/visit-visa> or  
<https://www.bali.com/visa-indonesia-entry-requirements-bali.html>

More information about Visa or VoA  
<http://id.indo.com/tips/visa.html>  
<http://www.visabali.com/tourist-visas.php>

## **Venue**

The Sakala Resort, Tanjung Benoa, Bali (<https://www.sakalaresortbali.com>).  
Google Maps - <https://goo.gl/maps/aYzbuYUgum92>

This high-end beachfront resort dotted with palm trees is 5 km from Museum Pasifika and 23 km from the Bajra Sandhi Monument. Featuring furnished balconies or terraces, the plush rooms come with free Wi-Fi, flat-screens and Bose speaker systems. Suites have espresso machines, kitchenettes, and living areas with sofas. Upgraded suites add direct pool access and/or 2nd bedrooms. The 2-story, 1- and 2-bedroom villas have private pools. Room service is offered.

Free breakfast is served in 1 of the 2 chic restaurants. Other amenities include a lobby bar, plus a lagoon-style pool with a poolside bar. There's also a gym and a spa.

You can directly make arrangement with the hotel for your staying. Hotel Price is Rp 1,3 Mio / night (normal rate Rp 1,6 mio)

Alternatively, you can also stay in other hotels in Bali near the venue.

## **Alternative Accommodation near the Venue**

1. Amaris Pratama hotel (<http://amarishotel.com/hotel/amaris-hotel-pratama-nusa-dua/>) – Located in Nusa Dua, about 4 km from The Sakala Resort Bali. Only 10 -15 mins by car. From the airport you can use airport taxi and take the freeway and exit toll in Nusa Dua.

Hotel prices for the iClave participants is :

Standard room (for a single or double use) with breakfast – Rp 350.000 /night (normal rate is Rp 550.000)

2. Ion Bali Benoa Hotel (<http://www.ionbalibenoa.com/>) – a 3 stars hotel in Benoa, only 300 meters from The Sakala Resort Bali.

Hotel prices for the iClave participants is :

Single room with breakfast – Rp 450.000 /night (normal rate Rp 750.000.)

3. Ibis Style hotel (<http://ibis-styles-bali-benoa-nusa-dua.hotels-nusa-dua.com/en/>) - Located in Benoa and 10 minutes walk to the Sakala Resort Bali.

Hotel prices for iClave participants is Rp 450.000 /night.

4. Hotel Santika Siligita Nua Dua Bali (<http://www.santika.com/indonesia/nusa-dua/hotel-santika-siligita-nusa-dua-bali/>) - Located in Nusa Dua, this 3 Star hotel set alongside pristine beaches and calm water. It takes 15 mins from Santika to Sakala Resort.

Hotel prices for iClave participants is Rp 575.000 /night (normal rate Rp 1,2 mio)

*If you wish to stay at any of the hotels above, please inform an EO representative about your wish (with your dates or arrival and departure) because discounted accommodation prices are available only if booked by EO.*

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Rino 0817 0862210 ([yesharino@hotmail.com](mailto:yesharino@hotmail.com))

### **Transportation in Bali**

From the airport to the venue (or other destination), you can pick up the Airport Taxi, other than that isn't available. Rate for taxi from the airport to Sakala Hotel or around Benoa is Rp 200.000,- or you can rent the car with rate Rp 180.000,- to pick you up from the airport to Sakala Resort or other listed hotels above (please contact EO if you wish this assistance).

The easy way to you if you want to go out from the hotel is you can take the Blue Bird taxi (if you're in the hotel you can ask the reception to call it) or you can ask the car from the hotel to take you to your destination (you can check the receptionist for rate). Or you can choose Grab or Gojek (but you need to install the application on your smart phone). But for the record, it may take a little bit longer in term of waiting and this kind of transport not available in some area in Bali.

Or you can rent a car with rate is between Rp.500.000 – Rp.700.000 for 12 hours with no driver. Please contact EO representative if you wish this assistance.

## **Money matters**

In Bali the official currency is RUPIAH and you may pay in cash only in RUPIAH. At the Airport there are several banks' currency exchange offices in the Arrival hall.

In all hotels, most of the shops, supermarkets, restaurants major credit cards are accepted. The most popular bank (credit) cards, which are used in Bali are: VISA (Visa Electron), Mastercard (Maestro) thus, if you have any of them – you may pay as most of the Bali do.

In Bali, all card with VISA and Mastercard are accepted, or you can easily find the ATM Gallery. The Nearest ATM are in BMR (200 meters from Sakala Resorts) and in the Circle K (convenience store, 300 meters from Sakala Resort)

## **Weather**

Before arrival it always useful to check the weather forecast.

Bali is a tropical island. In November, the weather is quite hot with temperature around 31-33 degree with some rainy possibility.

## **Medical or Emergency**

Please bring your personal medicine for your perusal.

In case of medical emergency, the nearest hospital is BIMC Hospital, 4,7 km from The Sakala Resort. It's about 12 mins driving.

Google Maps <https://goo.gl/maps/4BWs213DqAS2>

The Emergency Number in case you need it, you can call to the extension 5555 from the hotel.

Police number for emergency is 110 (you can dial directly from your cellular phone).

## **Internet or WI-FI**

You can ask the wi fi password from the receptionist in Sakala Resort

### **Excursion session**

After going through a busy and tiring conference activity, something that cannot be missed is to take a cultural and culinary tour. Organizer committee has prepared cultural visit to Uluwatu Beach to watch Kecak Dance and enjoying sunset at the same time. After that participants can enjoy delicious seafood culinary in Jimbaran.

Participants are encouraged to take this session with additional charge for Rp 350.000,- The fee includes ticket entrance, dinner and transportation.

Due to limited seat, you may inform the Organizer or EO representative as soon as possible to book your seat, and you can pay the fee (cash only) directly to the organizer at the venue.

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## **ORGANIZING COMMITTEE**

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