

WELCOME TO ICLEH (INTERNATIONAL CONFERENCE ON LAW, ECONOMICS, AND HEALTH) 2nd CALL FOR PAPER PROCEEDING

**“Development of Law, Economics and Health in Efforts
to Protect Human Rights”**

About ICLEH

The issue of human rights has become a national and international debate, because recently there have been many events that have been the result of government policies which have resulted in disadvantaged communities, both material and immaterial. Communities in the environment affected by government policies suffer from health problems. Developed countries have used laws and policies as effective instruments to protect the health of their people. On the contrary it has not happened in developing countries, including Indonesia. The law becomes important to be develop when the operation of the law in the community harms human rights as a result of the implementation of government policies that are more concerned with economic value than the health of the community itself Based on the above

economic value than the health of the community itself. Based on the above reasons, the Faculty of Law of the University of 17 August 1945 Semarang will hold a second International Call Paper and Seminar, International Conference Law, Economic and Health (ICLEH) 2020 with the theme “Development of Law, Economic and Health Law in Efforts to Protect Human Rights “, which was held on January 14-15, 2020 at Rama Shinta Ball Room Patra Jasa Hotel Semarang.

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Can Input Tax of That Discovered on The Audit Process Be Treated as Value Added Tax (VAT) Credit? A Legal Perspective Analysis

Abdul Basir, Adi Barata

Conceptually, Value Added Tax (VAT) Input Tax on purchase of taxable goods or services that have been paid and collected by VAT Enterpreuner is considered as VAT credit and can be credited with Output Tax in computing the VAT payable on the respective VAT Return period.It is worth noting that Article...

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Suffocation Caused by Plastic Bag Covering the Face

Combined with Cotton Wool Containing Premium Gasolir Forensic Pathology Case Report

Abigael S. Pagatiku, Muhammad Afiful Jauhani, Ahmad Yudianto, Soekri
Ervan Kusuma

Every unwitnessed death should be suspected as unnatural death, mainly if the body was found in unusual conditions. When the investigator found an unnatural death case, the investigator will ask for the help of a forensic pathologist to examine the deceased and to determine the cause of death and the...

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Criminal Law Politics in the Management of Natural Resources: Efforts to Confront the Positivistic Thinking Absolutism

M. Adystia Sunggara, Endra Wijaya

The concept of the Right to Control by the State is the core teachings of the political activities of law in designing, formulating and enacting legislation in the field of Natural Resource management, which is based on Article 33 of the 1945 Constitution of the Republic of Indonesia. This concept gives...

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Importance of Fiduciary Guarantee Registration for Parties Based on Law No. 42 of 1999 on Fiduciary Guarantee

Agnes Maria Janni Widyawati

The emergence of fiduciary guarantees as they are known so far in the form

of “Fiduciare Eigendom Overdracht” (surrender of ownership rights in tr because the provisions of the law governing pawn contain many shortcomings, do not meet the needs of the community and do not follow the development of...

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The Principle of Best Interest and Harm Principle as the Basis for Limitation of the Role of Informed Refusal by Surrogate Consent in Pediatric Patient

Agus Suprpto

This research starts from the problem of ethical dilemma that occurs due to informed refusal by parents or guardians of pediatric patients which has the potential to cause disability or death in children as an implementation of unlimited authority delegation to the family / guardian of pediatric patients...

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DNA Methylation on Bloodstain as a Forensic Age Estimation Method

Ahmad Yudianto, Masniari Novita, Muhammad Afiful Jauhani, Deka Bagus Binarsa

Forensic identification is an effort to help law enforcement in determining a person's identity. Personal identity is often a problem in criminal cases, civil cases, death without identity, and mass disasters. Age estimation is very important in forensic identification. DNA methylation is a potential...

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Hospital Responsibilities in Blood Transfusion Services as a Patient Protection

Anggraeni Endah Kusumaningrum

The responsibility of the hospital in blood transfusion services is needed to provide protection to patients. Blood transfusion service is a series of activities that start from the planning, mobilization and preservation of blood donors, blood supply, blood distribution, as well as medical treatment...

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Pros and Cons of the Corruption Eradication Commission in the Perspective of Law Politics

Arista Candra Irawati

The Corruption Eradication Commission (KPK) as an independent Special Commission, free from the influence of any authority, was formed on the basis of a solution step over public distrust in eradicating criminal acts of corruption handled by the Police and the Prosecutors' Office previously considered...

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The Importance of Technology Transfer for Indonesia

Bakti Trisnawati

As a developing country, Indonesia is determined to increase the success development in the industrial sector besides the agricultural sector. So that technology transfer is the most efficient way in terms of time and cost. Indonesia's national development was compiled with the Five-Year Development...

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Chop Wound Due to Theft with Violence: Case Report

Desy Martha Panjaitan, Ahmad Yudianto, Renny Sumino

Injury caused by the application of physical force can be divided into two main groups: blunt force and sharp force. One of the wounds caused by sharp violence is chop wounds. Crimes with sharp violence that are quite common in Indonesia are theft with violence. Thieves often injure their victims with...

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Law Protection to Nature Resources Through Indonesian Positive Laws Concerning on Dispute of Water Border

Dian Narwastuty

Through this research, author wants to examine how far the protections to nature resources especially that placed in a place that has a water border's dispute to other country. Also, author wants to explain another possibilities for Indonesian government to prevent nature resources from negative impact...

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Legal Psychology of Judges to Determine the Defendant's Ability to Commit a Crime

Dijan Widijowati, Rizky Purnomo Adj

In criminal proceedings, law enforcers are required to be as fair as possible. They are not allowed to discriminate, and everyone is entitled to legal protection. Likewise, the judge is required to make a profile analysis of the defendant, related to evidence and witnesses to explain this case thoroughly....

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Implementation of Bilateral Investment Treaty at Joint Enterprise Agreement

Edi Krisharyanto, Fries Melia Salviana

Bilateral Investment Treaty is an agreement made between two parties, of which both parties are countries. Bilateral Investment Treaty aims to increase support, as well as to provide legal protection to investors from regime changes or changes in political and economic policy from Host State. Joint...

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Non Government Organization and the Authority State of Forcing

Edi Pranoto

In the midst of the tide tendencies of globalization, rapidly developing the

idea of civil society as a control device to state power, much done by Non Government Organization (NGO). This idea rests on the assumption that state is not the sole agent in enforcing human dignity. Human dignity in its...

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The Death Penalty for Drug Offences in Indonesia

Effi M Zulkifli

The rampant drug abuse that occurs lately is not only done by Indonesian citizens (WNI), but also by foreign citizens (foreigners). Narcotics Law No. 35 of 2009 concerning narcotics regulates capital punishment sanctions resulting in a polemic that says that the death penalty is contrary to the 1945...

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Optimization of Wage Payments in PT Unitex Bogor in Efforts to Improve Workers' Welfare

Endeh Suhartini, Ani Yumarni, Eka Suprihatiningsih

Labor's salary payment in a company is important and requires further attention for company's continuous business and ability of the company to improve good Working Relationship between labor and company, entrepreneur in particular. This research has a purpose to check and to analyze the optimization...

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Disputes Settlement on the Village Head Election (A Study Positive Law and Local Wisdom)

Erga Yuhandra, Gios Adhyaksa

This study aims to find out and analyze disputes settlement on the village head election based on the applicable positive law in Indonesia as well as disputes settlement mechanism on the village head election based on local wisdom values, especially in Kuningan District which is based on Kuningan District...

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Verdict of Military Tribunals on Soldiers Committing Crimes and Fired Disrespectfully from the Military Service

Esron Sinambela

The crucial point in the administration of military justice is the role of a commander as the superior who has the authority to punish (Ankum) and submitter case officer (Papera). Because the subject of offense in military criminal law is a person or individual of the military, or persons who are likened...

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Increasing Economic Performance Through the Rule of Law in Indonesia: Law and Economics Perspective

Fajar Sugianto, Stevinell Mildova, Felicia Christina Simeon

In the globalisation era, laws are forced and challenged to be able to adapt.

Not only from economists, but lawyers also are hungry for the primacy of efficiency and start to duplicate the way most economists think, such as explicating efficiency and progressiveness of the rule of law. From law and...

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Legal Protection for Whistleblower in Criminal Justice System of Indonesia

Firman Wijaya

The witness's position in the criminal justice process occupies a key position, as seen in Article 184 of the Criminal Procedure Code. As the primary evidence, of course, the impact is felt if, in a case, the witness is not obtained. The importance of the position of witnesses in the criminal justice...

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Existence of Capitalist Economic System in Indonesia

Sugeng Suprijanto

The purpose of this study was to determine and analyze the framework of the capitalist economic system and how the existence of the capitalist economic system in Indonesia. This research is a normative and empirical jurisdiction. Normative juridical approach is done by clicking examine and interpret...

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Clinical Forensics in Electric Shock Trauma: A Case Study

Galih Endradita, Ahmad Yudianto, Ria Kumala, Muhammad Afiful Jauhani

Electricity needed in all our daily activities. Ranging from household life to low scale low voltage, medium to high scale industrial activities with high voltage. Electric shock trauma is a rare case. Electric shock victims are generally caused by workplace accidents. Electric shock that causes injury...

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Factors Influencing the Implementation of Spatial Planning Policy in the Regions (A Case Study in Region III Cirebon)

Haris Budiman, Anis Mashdurohatun, Eman Suparman

The implementation of spatial planning aims to realize a safe, comfortable, productive and sustainable space. However, its implementation in the regions still faces serious challenges as it is shown by various problems reflecting that the quality of our living space is still far from the goals of spatial...

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Molestation in a Helpless Woman: A Clinical Forensic Case Report

Hastin Novia, Ahmad Yudianto, Muhammad Afiful Jauhani, Tatit Bimo

Sexual crimes are serious crimes and evidence of violations of Human Rights (HAM). Based on data from the National Commission on Violence Against Women in 2018 in 2019 it appears that violence against women has increased by 406,178 cases, up about 14% compared to the previous year.

Sexual crime is an...

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Binding of Fiduciary at Product Named Pegadaian Kredit Angsuran Fidusia at PT Pegadaian (Persero) Post-Applicability of Finance Minister Regulation Number 130/PMK.010/2012

Holilur Rohman

PT PEGADAIAN (Persero) is running its operations from one based lending fiduciary, has issued a product named Pegadaian Kredit Angsuran Fidusia (KREASI) with the mechanism set out in the Standard Operating Procedure (SOP) established by the Board of Directors. In preparing the SOP products with based...

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Efforts to Settle Land Disputes Between the People and the State (Case Study in the PTPN IX Kerjo Arum Land Area, Sambirejo District, Sragen Regency)

Hudi Karno Sabowo

This paper highlights the land disputes that often occurs in the area of PT. Perkebunan Nusantara (PTPN) IX Kerjo Arum Batujamus Afdeling Kepoh Sambirejo District Sragen Regency with local residents who are members of the Sambirejo Truth and Justice Concern Forum (Forum Peduli Kebenaran dan Keadilan...

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Giving Mandatory Wills for Adopted Children as a Legal Protection Based on Justice Value

Indira Hastuti

The position of adopted children who do not inherit in practice raises legal issues regarding the inheritance of adoptive parents. Islamic law provides a solution by giving the mandatory wills to the adopted child. Mandatory wills between adopted children and adoptive parents can prevent or avoid disputes...

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Policy of Nation's Capital Transfer in the Perspective of Power Separation

Muhammad Junaidi, Muhammad Iqbal, Kadi Sukarna, Soegiato, Bambang Sadono, Diah Sulistyani Ratna Sediati

The government's policy in conducting the transfer of the National Capital is considered to cause polemic in the community. Because the study of relocating the capital is based on the one-sided policy aspects delivered by the executive. This is certainly very appropriate to be reviewed in the perspective...

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Human Rights Framework on Menstrual Health and Hygi

Khansadhia Afifah Wardana

A discussion regarding menstruation among girls from an early age still being regarded as a taboo. The stigma that surrounds it held menstruation as something unclean, shameful, and impure. But it cannot be denied that such process is a natural and inextricable part of women's growth. Therefore, we must...

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Defense Economics Viewpoint of Intellectual Property Rights

Kuncoroadi Prasetyadji, Witri Aulia Maudy, Supandi

Intellectual property Rights (IPR) is a self-esteem appreciation of the human imagination that has produced an intellectual work. Intellectual property that is obtained is things that have more value and huge benefit in terms of economic, social, cultural, and development of a civilization. The appreciation...

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Law Protection for Post Divorced Women Through Law Enforcement with a Gender Perspective

Lelita Dewi

The woman protection has been guaranteed by the state through the principle of equality before the law without discrimination. Women's access to religious courts has a lot to do with divorce cases that indirect contact with women's rights after divorce in form of iddah and mut'ah. In reality, law enforcement...

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Juridical Review Appointment of Honorary Consul by the Government of Indonesia

Lynda Asiana, Supanto, Hari Purwadi

Consular relations as a form of inter-state relations are regulated in the 1963 Vienna Convention on Consular Relations and has been ratified by the Government of Indonesia with Law No. 1 of 1982. According to the 1963 Vienna Convention consular officers are divided into two categories, that is career/permanent...

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Enlargement of Penis Ala Mak Erot Between Law, Tourism and Health (Are There Negligence and Malpractice Elements?)

Murry Darmoko

Penis enlargement spreads in millennial times, even the advertisements on Facebook and Instagram are widely spread into daily reading. It has even become controversial with the planning of the Indonesian health minister over the implementation of a traditional Indonesian Health Tourism, one of which...

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Juridical Analysis of Theft in the Family (Article 367 of the Indonesian Penal Code)

Nina Yolanda

The purpose of this research is to find out how the characteristics of the complaint offense theft in the family environment according to Article 367 of The Criminal Code and how the possible consequences of investigating offense complaints of theft in the family environment. Using the normative juridical...

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Legal Protection That Justice the Filariasis Patient in Efforts to Prevent Infectious Diseases

Nurul Umami Rofiah, Sarsintorini Putra, Anggraeni Endah Kusumaningrum

Legal protection can be interpreted as protection by law or protection by using institutions and legal means. The law in providing protection can be through certain ways, including by making regulations and enforcing. The number of patients with Filariasis in Indonesia is increasing every year due to...

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Forensic Autopsy on a Corpse with Injury Due to Sharp Trauma: a Case Report

Puji Rahayu, Ahmad Yudianto, Deka Bagus Binarsa, Muhammad Afiful Jauhani

Sharp violence is a form of violence using sharp weapons. Sharp violence often leads to death. Crimes against someone lives in Indonesia are still a

thousand cases per year. One of this murder that occurred due to sharp violence. a 49-year-old man stabbed with a knife in the left waist. The b arrived...

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Clinical Forensic Aspect of Burn Injury in Domestic Violence: A Case Report

Ria Kumala, Bimo S. Thathit, Ahmad Yudianto, Sudjari Solichin

Domestic violence is one case that increases from year to year. This is universal and can occur regardless of age, profession, economic status or education. Most of the victims are women and the perpetrators are usually her husbands. Domestic violence can be physical, psychological, sexual violence and...

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Omnibus Law in Indonesia: Is That the Right Strategy?

Ricca Anggraeni, Cipta Indra Lestari Rachman

The plan to form a law with the concept of the Omnibus Law continues to roll and color the public policy that will be taken by the Government of Indonesia. The Draft Law with the concept of the Omnibus Law continues to be finalized with the pros and cons in the process of its formation. Whatever it is,...

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Simulacra Law Outside the National Legislation Program

Ricca Anggraeni, Indah Mutiara Sari

Simulacra is usually known in social theory related to consumerism, or capitalist products. But in this research applied in the formation of

legislation, especially the Law produced through the formation process outside the National Legislation Program. The people in this research are considered as consumers...

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Distortion of Generic and Patent Medicine in Consumer Protection Law Aspect

Rifkiyati Bachri, Yunan Prasetyo Kurniawan

Medication consumption shall not be based upon its taste nor the needs. Consumers' ignorance on the ingredients medication consumed (as patient), indirectly lead to a dependency upon the doctor's suggestion on the medication, which may cause a misleading on clear and fair information. Indeed, in some...

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Initiating a Principle Free from Pressure in the Investigation Process: Tracking the Semiotics of Investigator Communication

Rocky Marbun, Muhammad Imanuddin

Indonesia, as one of the countries adopting a civil law system in its legal system, which has the characteristics of written and administrative. As a

result, the overall pattern of the investigator's oral communication is assumed to be just right. The Criminal Procedure Code, which adheres to principle...

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Legal Protection on Share Transfer Owned by a Foundation to the Affiliated Company

Rokhmat

The foundation's management in transferring, transferring and selling the foundation's wealth is limited in accordance with article 5 paragraph (1) of Law Number 28 of 2004 concerning Amendments to Law Number 16 of 2001 concerning Foundations. And also in article 38 paragraph (1) it is stated that foundations...

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Norm Reformulation and Reconstruction of Narcotics Abuser in Indonesia Criminal Justice System

Sahat Maruli T. Situmeang

Mistakes in understanding a legal concept will lead to errors in making an interpretation, so that it will lead to mistakes in making a decision. However, misunderstanding of the concept of law is very dependent on mistakes in understanding the nature of an object in the form of written legal norms....

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Restorative Justice Approach as an Alternative Companion to the Criminal Justice System in Indonesia

Sahuri Lasmadi, Ratna Kumala Sari, Hari Sutra Disemadi

The Criminal Justice System has played a large role in shaping thinking about the concept of crime and how to deal with it through the judiciary. The legal system approach with criminal justice to justice has important strengths. However, there are also significant limitations and fail in certain conditions....

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Evil Constitution: Study on the Interpretation of the Indonesian Constitution

Sanggup Leonard Agustian, Fabian Edbert Iryanto, Julius Fang

The constitution can be interpreted with various perspectives with each individual which is motivated by various factors. Nevertheless, in general, the constitution can be interpreted as a set of principles and rules that govern various principles, norms, and institutions which are all fundamental. A...

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Nurse's Negligence and Criminal Responsibility: Case Study of Health Worker in North Lampung Regency

Slamet Haryadi, Irhammudin

Nursing staff in North Lampung Regency are still far from enough, many

have voluntary, honorary, and many do not have independent practice licenses, so access to health is vulnerable. Negligence cases that cause patients to die occur. Actions, mistakes, and accountability are discussed. With normative...

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The Marriage Age Limit According to Indonesian Law No. 16, 2019 as Effort to Child Protection

Sri Murni

In marriage, women will experience a severe psychological process, namely pregnancy and childbirth that requires sacrifice. Marriage Law Nu. 1 of 1974 established a marriage age limit of 16 years for women and 19 years for men. However, in the period of 6 years from 2011 the divorce rate of minors always...

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Reconstruction of Regulation for Government Employees with Employment Agreements on Rights and Obligations as a Value-Based State Civil Apparatus

Sugiyanto

The issue of the rights of Government Employees with Work Agreements that are not the same as the rights of Civil Servants who are both as State Civil Apparatuses who have the same rights, but their rights are different for Government Employees with Work Agreements which indicate that Legislation in...

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Criminal Sanction Policy to Stopping Investigation Suspect is Breach of Human Rights

Suharto

In the process of investigating a suspect, sometimes the treatment is deviated from the provisions of the legislation. This is not only in Indonesia but also in developed countries. If related to Law Number 2 of 2002 concerning the Indonesian National Police which contains the values contained in Pancasila,...

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The Authority of the People's Consultative Assembly and the Discourse of the Limited Amendment of the Constitution

Sulardi, Fitria Esfandiari

Indonesia is a state of law and is based on popular sovereignty based on the 1945 Constitution, as determined in Article 1 paragraph (2) and paragraph (3). The People's Consultative Assembly is the executor of people's sovereignty. The shifting of the position of this institution from the highest institution...

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The Right for Victims and Sexual Offender: A Comparative Study

Sulbadana, AndiIntan Purnamasari

Article 10 of the Indonesian Criminal Code, explains the types of sanctions. However, Article 103 of the Indonesian Criminal Code provides space for regulations governing the types of sanctions outside it. One type of sanctions that is relatively new in Indonesia is the castration chemical sanctions....

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Hospital Responsibilities in Providing Health Services

Sunarto

Doctors as health care workers in hospitals are required to be professional in carrying out their duties and authority in medical services. In medical practice, doctors and patients have interrelated relationships. The object of this agreement is the health services performed by doctors and their nature...

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Regional Government Policy in Environmental-Based Waste Management

Suwari Akhmaddhian, Nulan Sunarsah, Sugiarto, Bias Lintang Dialog

This study aims to find out and analyze the regulations of waste management based on Indonesian legislations as well as the implementation of waste management policies in Kuningan District. The method used in this study was an evaluative analysis method which is a method of collecting and presenting...

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Legal Certainty of Article 1977 BurgerlijkWetboek Implementation Related to Credit Distribution Based on Mortgage Law in Pergadaian Industry

Teja Sukma Gumelar

The nature of moving objects that are easily transferred make material's mastery difficult to ascertain whether the person who controls the object was the owner or just a holder. In response to the problematic, the legislator has established a principle of "bezitgeltalsvolcomentitel" as stipulated in...

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Juridical Review of the Refugees in Indonesia from the Human Rights Side and the Private Protection

Titi Herwati Soeryabrata

The emergence of conflicts within a country as well as conflicts between countries lead to warfare which results in the occurrence of fear because it causes many casualties and loss of property. This has triggered many people to flee to flee their countries without bringing enough supplies or documents...

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Trade Union: One Aspect of Worker Rights Protection in Company

Totok Tumangkar

The aim of this study is to describe the role of trade unions in protecting

The aim of this study is to assess the role of trade unions in protecting workers' rights. The result of this study shows that Trade Unions in the duties and functions have shown optimal roles through persuasive communication, namely dialogue between workers and companies as a family. Obstacles faced...

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Optimalization for the Development of Ex-Convicts Related to Human Rights in Recidivic Prevention Measures

Umi Enggarsasi, Nur Khalimatus sa'diyah

Ex-convicts are ex-convicts who have lost independence and guidance in prison, The existence of ex-convicts in the community often causes trauma to ex-convicts because the community still has a negative view of it. This condition is one of the causes of ex-convicts to repeat criminal acts (recidivists)....

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Philosophical Criticism of the Betrayal of the Criminal Law Rechtspersoon as a Legal Subject

Wibisono Oedoyo, Rocky Marbun

In every legal case, especially a case that is special in nature, always brings up two side by side. The hegemony of one field of law over other fields of law raises losses for those who experience dominance of the Law Enforcement Officials. The emergence of differences in understanding, in the end will...

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Application of Res Ipsa Loquitur to the Medical Negligence Case in Patient Protection Perspective

Wukir Prayitno

The doctrine of res ipsa loquitur (the things speak for itself) facts that speak for themselves can be applied in cases of medical negligence in court, although this doctrine does not guarantee victory in every case for patients. The formulation of this research problem is: why is the doctrine of res...

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Conceptualizing the Regulation Based on Spiritual Values Toward the LGBT Phenomenon in Indonesia

Zaenal Arifin, Adhi Putra Satria

Lesbian, Gay, Bisexual, and Transgender (LGBT) is a phenomenon that is always interesting to discuss. LGBT actors continue to campaign to get guarantees of recognition, equality, and legal protection for their existence in Indonesia. The existence of LGBT in Indonesia has caused various reactions from...

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Stages of Objections as Irregularities Prevention of Government Goods/Services Procurement

Zaenal Arifin

In an effort to realize the ideals of the Indonesian nation is to carry out the

construction of facilities and infrastructure to support and drive the country's economy. Efforts to implement the construction of one of them carried out through tender for the government procurement of goods /services tenders....

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Legal Responsibilities of Plastic Surgery Specialists Against Patients' Rights in Health Services

Endang Sri Sarastri

The increasing needs of the community in the field of aesthetics, makes the medical world develop and improve their knowledge and skills in medical services, especially in the aesthetic field. There are times when medical services occur errors/negligence by doctors that cause harm to patients both immaterial...

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Child Diversion Application Policy that has a Conflict with Law to Make a Restorative Justice in Indonesia

Erna Trimartini, Hartiwiningsih, Widodo Tresno Novianto

The inclusion of diversion and restorative justice in the Rules of the Juvenile Justice System in Indonesia is the development of formulation policies in providing legal protection for children in conflict with laws that pay attention to children's rights as mandated by constitutional law which determines...

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Storage of Functions and Values from Pancasila in Law Enforcement as a Guideline of Life in Community

Ervina Dwi Indriati

Pancasila has become an agreement of the Indonesian people as the basis of the state of the Republic of Indonesia, but in its implementation efforts have experienced various obstacles both internal and external. Pancasila as the nation's view of life needs to be implemented in real life, this has been...

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Make a Prosperous State Through National Security

Harjono Pamungkas Putro

The ideals of the Indonesian state are to realize a nation that is whole, a just, prosperous, prosperous, orderly and peaceful society. Efforts made in realizing the nation's goals are through the national security system, which until now has not produced new regulations that are in line with the expectations...

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The Role of the National Land Agency in the Implementation of Land Registration as an Effort to Make Administration Law Rules Land in Semarang City

Kusworini

In Law No. 5 of 1960 Concerning Agrarian Principles, several basic provisions have been outlined on how the land should be used, controlled and owned in Indonesia. Besides that, in the possession of land required legal certainty, with the legal certainty, it will further increase the use of the land....

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A Model of Authority of the Indonesian Broadcasting Commission in the Imposition of Administration Sanctions Based on Law Number 32 of 2002 Concerning Broadcasting

M. Riyanto

Broadcast media has a strong influence or penetration or is called The Powerful Effect of Media, especially television, which is the imitation process of television shows both direct and delayed effects in the form of an explosive display of images, and misleading of narratives. Therefore, broadcasting...

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Constitutional Court Authority and the Implementation of Democratic Legal Countries in Dispute Settlement General Selection Results

Purwanto

Democracy contains the sacred meaning adopted by most countries in the world. Democracy has become a universal principle that places people's sovereignty in an honorable position on the stage of state power. The formulation of the problem in this paper is (1.) What is the authority of the Constitutional

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The Criminal Law of the Consumer Protection on Sale Buy Online Through Mass Media

Rini Retnowinarni

The era of globalization does not rule out opportunities for change and development. By developing technology, it will directly change the pattern of life as well as the culture and dignity of the nation. In the world of world-scale trading more and more utilizing internet facilities, one of which is...

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Attendance Challenge Peer to Peer Lending Economic Development in Indonesia

Alum Simbolon, Irene Puteri

The big challenge to be aware of the government over the presence of peer to peer lending in the economic development of Indonesia, and even pose many risks for related parties. Risks to the organizers collector (user), to the recipient (borrower) and to the lender (investor), and risk of loss to the...

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Optimization of Autopsy Functions in Evidence Criminal Act

Bintara Sura Priyambada

This paper aims to find out and analyze optimizing the function of outopsis as evidence in criminal acts. Outopsis is an internal and external examination of the body to determine the cause of death of a human being.

Death will cause permanent disruption to the central nervous system, cardiovascular...

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The Implementation of the 1998 Rome Statute in Indonesia's National Law Through Act Number 26 Year 2000 on Human Rights Courts

Eva Arief

Severe human rights violations that occurred in Indonesia such as in Aceh, Papua, Jakarta, Poso and East Timor are included in the category of crime against humanity. Indonesia adopted the principles of international law into the national law, which was adjusted to the ideological values of the Indonesian...

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Limitation of Air Conditioning That Became a Sovereignty of Indonesia's State

Evert Maximiliaan Tentua

The country of Indonesia is an archipelago and is located at a crossroads between the continents of Asia and the continents of Australia and the Indian Ocean and the Pacific Ocean, and this situation makes the sea in

Indonesia become Indonesia's busiest sea and airspace in the world, and makes the...

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Strengthening the Implementation of Pancasila Values in Life of Nation and State Private Living in Indonesia's Legal System

Hadi Karyono

Pancasila as an ideology and the basis of the Unitary State of the Republic of Indonesia, is a political choice of founding fathers in the midst of the choice of a religious or secular state in general. Aside from being an ideology and the foundation of the State, Pancasila is also the source of all sources...

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Contribution of Traditional Cultural Expression on Regional Economic Assets

Chryssantus Kastowo

This paper aims to analyze and evaluate the expression of traditional culture to have real economic value in the area of managing regional economic assets. Traditional cultural expression as communal intellectual property whose existence is recognized internationally. Expectations Traditional culture...

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Prevention of Money Laundering Criminal Act in Overcorruption Criminal Act

Kastubi

With so many criminal acts of corruption occurring in Indonesia today, of course, must be addressed with the aim that the state's financial losses can be returned to the State to be used for people's prosperity, so that the State's finances are not lost so that juxtaposed with the enactment of the Law...

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Defamation and Insults as Criminal Acts Against Trademarks

Brandon A Malvin

The purpose of this study is to determine whether criminal acts of defamation and insults categorized as crimes against trademarks and to find out the legal protection for trademark owners from defamation and insults. This research method use normative juridical as this method examines the concepts,...

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The Reconstruction of Government Policy's Waste Management for the Rights of Good and Healthy Living Environment

Moh. Sidik

The good and healthy environment of life is the basic right of every Indonesian citizen as mandated in Article 28H of the 1945 Constitution of the Republic of Indonesia. Therefore, the government is obliged to create a good and healthy environment for Indonesian citizens to actualize a prosperous

society....

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Dialectics Method in Completion of Notary & PPAT Service Capacity Issues with Lecturers as Social Problems in the Legal Education Scope

Lina Maulidiana, Rendy Renaldy, Muhamad Rusjana

Law colleges or colleges that have law faculties, often found practitioners in the field of law, such as: Notary, PPAT, Advocates and other legal profession bearers who are deemed to be scientifically qualified and get a call in the academic field, namely becoming a lecturer or teaching staff with the...

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Advertisement and Publication Health Service

Sri Retno Widyorini

Advertisement is an effort made by a seller to offer a product. Products can be in the form of goods or service. Advertisement and publication for health service offered can use print or electronic media. Basically advertisement about health service is permitted by the applicable provision to the extent...

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Community Role in the Prevention of Narcotics Abuse

Among Teenagers

Sri Wulandari, Sri Hartati

Narcotics are substances or drugs derived from plants/non-plants that can cause a decrease in consciousness to eliminate pain and if abused can cause dependence. In general, narcotics abusers are adolescents, they are those who are in the age 17-24 years are in a transition period or in a looking for...

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Reintegrative Shaming: Strengthening of Punishment in the Criminal Policy of Corruption in Indonesia

Bambang Joyo Supeno

Statute, 20 of 2001 about Amendment of Statute, 31 of 1991 about Eradication of Corruption emphasizes criminal policy in punitive model, as imprisonment, fine, penalties for repayment of state losses and additional penalties. The punitive model cannot be used as a deterrent and shock therapy factor in...

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Legal Protection of Bank as the Recipient of Warehouse Receipt Security According to Law No. 9 of 2011 Regarding Warehouse Receipt System

Enny Patria

The banking industry has an important and strategic function in economic activity. In distributing funds or credit to borrower, a bank must first conduct a careful assessment toward the character, capacity, capital, condition of

economy, and collateral of debtor. Warehouse Receipt is one of instrume

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Ownership of Land Right for Joint Partnership in Indonesia

Catharina Mulyani Santoso

The Joint partnership (commanditaire vennootschap) or often known by the abbreviation CV is a partnership established by one or several people who entrust money or goods to one or several people who run the company and act as leaders. The limited partnership was established with a notarial deed and is...

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The Process of Granting Permits to Establish Buildings Based on Regional Regulation Number 5 of 2009 in Realizing Good Regional Government

Widayanti

The giving process of IMB (Building Construction Permit) based on Semarang Municipality Regulation No. 5 year 2009 for the good governance in Semarang municipality has done in comprehensive way of Permission Service Board (BPPT). In the regional Regulation that requires every citizen to erect and dismantle...

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Cancellation of Parents' Grants Giving to Children Accord to the Islamic Law Compilation and the Civil Code

Yulies Tiena Masriani

Grants are gifts given to others while they are still alive, free of charge without any conditions and irrevocable. However, giving of these grants often also causes disputes between heirs who disagree on the grant giving rise to disputes reaching the court. The causes are: 1) How to cancel the grant...

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Ownership Limitation to the Land Rights Based on the Social Justice in Accordance to the Renewal of National Agrarian Rights Act

Widyarini Indriasti Wardani

The limitation to the ownership of land rights in Indonesia is regulated by article 7 and 17 of Land Rights Act, and specifically the agriculture field is regulated by Act No. 56 of 1960 juncto Regulation of Agriculture Minister Number 18 of 2016 concerning Control of Mastery Agricultural Land and Presidential...

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Democratization and Human Rights in Indonesia in the Globalization Era (Legislation Study)

Wijaya

The study of Democratization and Human Rights has the background that democratization and Human Rights are two species that move towards each other (reciprocity), and now as part of global politics, provide the consequences of recognition and protection for countries in the world. In historical records,...

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Legal Harmonization of Red Program in the Protection of Forest Management in Indonesia

Yasminingrum

Southeast Asia is undergoing the expansion and intensification in forest conventions for oil palm plantations. The expansion of oil palm plantations is rapidly becoming a global phenomenon. The environmental impact of large oil palm plantations results in increased greenhouse gas emissions from deforestation...

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The Development of Regionally Owned Enterprises (BUMD) in Indonesia

Agus Wibowo

Regionally Owned Enterprises (BUMD) are companies established and owned by local governments. In general, BUMDs in Indonesia in carrying out their business are charged with three missions, namely as a public servant, as a source of Local Revenue (PAD), and also as an agent for driving regional economic...

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Reconstruction of the Roles of Vice Regional Heads in the Future

Benny Bambang Irawan

According to the fourth paragraph of the Preamble of Indonesian Constitution, the mandate of forming Indonesian government is to protect and to increase the society's welfare. Normative-empirically, Indonesian government consist of central government and regional government. In many ways, the unity...

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Shariah Compliance on Laws About Alternative Disputes Resolution Institutions for Shariah Financial Institutions: Coverage and Elements

Ro'fah Setyowati, Islamiyati, Aista Wisnu Putra

Shariah compliance is a special feature of Shariah financial institutions. Therefore, the paradigm of Shariah compliance has changed into an instrument for Shariah financial institutions. This article aims to find the coverage and elements of Shariah compliance, in laws about alternative dispute resolution...

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Oral and Health Therapist Transfer of Authority: A Conceptual Model for Medical Dispute Solution Through Mediation

Sukini, Puji Lestari, Krismono Irwanto

The main purpose of writing this article is to analyze how legal problems might arise in handling patients, by dental therapists / dental nurses in carrying out abundant tasks, and analyzing about how to resolve disputes medical treatment by dental therapists through mediation channels. The writing of...

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Protection of Legal Rights of Ulayat Peoples in Sumba Timur District, Indonesia.

Sigit Irianto, Adolf Cornelis, Umbu Kundji Hawula

Customary rights are rights owned by indigenous peoples in Indonesia, such as adat land, adat customs, rituals, culture, adat order and life values to respect their environment which arises based on inner and outer relationships. Indonesian legislation has provided protection for indigenous rights and...

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Immaterial Compensation in Tort Law Acts Judge Made Law Through Rechsvinding

Markus Suryoutomo, Sri Purwaningsih

Burgelijk Wetboek (BW) contains two main sources of civilization, namely Binding (verbintennis) and Tort Law (onrechmatige daad) respectively under Article 1320 BW and Article 1365 BW. This can be found in almost all legal

events (rechtsgevolg) in the practice of justice sourced from it. As such, legal...

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Shifting Patterns in Settlement of Land Ownership Right

Sri Puspitaningrum

That the population growth rate is directly opposite so fast with the land inventory, Indonesia's development paradigm shift that is slowly evolved from an agrarian country into the industrialized countries, as a consequence of the development of coastal development requires land as ingredients. The...

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Government's Responsibilities in the Use of Discretion for Natural Disaster Management

Mashari

Indonesia as a state of law that aims to achieve public welfare, every activity must be oriented to the goals to be achieved as a rule of state activities, government, and society. The problems in this research are: (1) Why is there an urgency in the implementation of government accountability in the...

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Authentic Deed of Notary That Carries Criminal Charges

Liliana Tedjosaputro

Deed of Notary as evidence of the existence of a legal act. In Indonesia there are two positions which are a Notary who makes Deed of Notary and a Land Deed Official who makes Land Deeds (PPAT). PPAT is the only positions that

exist in the world, namely in Indonesia. The writing method used is normative...

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Vague Norm on Conditions: Article 60 of Law Number 13 Year 2016 Concerning Patents

Anak Agung Sagung Ngurah Indradewi, I Made Wahyu Chandra Satriana

Revocation of Law Number 14 Year 2001 concerning Patents for the inception of a new patent law namely Law Number 13 Year 2016 concerning Patents automatically brings fundamental changes to the regulation of patent rights in Indonesia. One of them is the stipulation in Article 60 of Law Number 13 Year...

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Arrangement of Foreign Capital Investment in Industrial Development Based on Social Capital

Budi Purnomo

Indonesia is a developing country that strives to realize social welfare with justice. Investment is a means used in realizing social welfare with justice. This study aims to determine foreign capital investment arrangements in Indonesia. The problems in this study are (1) Why does foreign capital

investment...

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Strategies for the Development of Ecotourism Based on the Local Wisdom Intangible Heritage

I Gusti Agung Ayu Gita, Pritayanti Dinar, I Nyoman Putu Budiarta

Ecotourism has positive implications for the improvement of the economy of the local people, a better understanding of natural and cultural phenomena, and the preservation of both the nature and culture themselves, so that Bali tourism which is heavily reliant on culture will not die out. Balinese cultural...

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Preimplantation Genetics Diagnosis: Ethical and Legal Aspects

Novitrian Eka Putra

Preimplantation genetic diagnosis (PGD) is an important method for the identification chromosomal abnormalities and genes responsible for genetic defects in embryos that are created through in vitro fertilization before pregnancy. This technique can screen sex and genetic abnormalities to avoid the implantation...

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AHU-Online as a Means of Notary Performance Assistance and Responsibility of Documents Produced

Vincentius Simon Suyanto

Notaries as public officials who carry out part of the State's duties in the civil sector have benefited greatly from the development of information technology. The implementation of the use of information technology by notaries includes the registration of companies (legal entities) online through AHU-ONLINE...

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Reformulation of Criminal Law Policies Against Narcotics Abusers Through Medical and Social Rehabilitation

Wachyono

The goal wants to be achieved in criminal law policy through the Law of Indonesian Republic number 35 year 2009 about narcotics is to place the narcotic users as the victims who must be rehabilitated both medical and social, not placed as the criminal and give the punishment and entered in jail or prison,...

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Recruitment and Regeneration Political Party: The Influence on Election of Regional Heads

Ridho Pakina

As a country that upholds democratic values, the Indonesian people

periodically, every five years, elect leaders at the central, provincial and district / city levels. The crucial stage in the regional head election is the nomination. Candidate pairs of candidates must vote, through political parties...

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Corruption Eradication Policy Judging from the Politics of Criminal Law (Law Number 19 of 2019 Concerning the Second Amendment to Law Number 30 of 2002 Concerning the Corruption Eradication Commission)

Bambang Hartono

Corruption is not an ordinary crime, but an extraordinary crime, therefore the handling must also be done in extraordinary ways. The public reaction turned out to be the pros and cons of the issuance of Law Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Corruption...

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Registration of Brands in the Directorate General of Intellectual Property as an Effort to Protect the Brand as Assets of the Company

Sentosa Sembiring

Brands as intellectual property rights have very important values for the company. So called, because from a legal perspective, a brand is qualified as a company asset as an intangible object. Therefore, for established companies pay close attention to how to protect the trademarks used by

companies, pay close attention to how to protect the trademarks used by these companies...

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Construction of Economic Law Development in the Concept of Article 33 of the 1945 Constitution to a Prosperous State

Suroto

The state as an organization of power that has been given the authority to regulate natural resources, must use its authority as well as possible. The 1945 Constitution of the Republic of Indonesia Article 33 paragraph (3) states "The Earth, Space and Natural Resources contained therein are controlled...

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Harmonization of Regulations Related to the Medical Record Retention Period (Paper-Based & Electronic-Based)

Rano Indradi Sudra

Medical record is a file that contains records and documents about patient identity, examination, treatment, actions, other services that have been provided to patients. Health service facilities are required to provide the necessary facilities in the context of organizing medical records, from patients...

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Literature Review: Legal Aspect of Consumer Protection for

Cosmetic Users

Anastasia Tri Yuli Susanti

Rapid economic development and technological advancements have led to rapid change in cosmetic products, so that many cosmetic industries

establishes. Cosmetic is daily necessities and regularly used for care and beauty purposes. Large city communities who are mostly residents from among the upper classes...

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The Impact of Business Activities on the Fulfillment of Community Rights to a Good and Healthy Environment

Edy Lisdiyono

Fulfillment of the community rights to a good environment has been regulated in the basic constitution of the 1945 Constitution Article 28 letter h and Article 65 of Law No. 32 of 2009, from the provisions of the basic rights of the community cannot be negotiated by anyone. This study will analyze the...

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Legal Protection Model for Forest Preservation of Processed Timber Businesses

Sri Mulyani, Edy Lisdiyono

The purpose of this study is to find a model of legal protection for forest conservation of the processed wood business. The development of the business in the processed wood industry makes the forest a natural wealth

that has high economic value. Forest products which have high economic value must be...

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Application of Good Intention on Partnership Agreement of Special Rental Transportation

Siti Mariyam, Zabidin

Globalization era, the use of communication technology, media and information technology has entered into all human activities including business activities, one of which is the utilization in the field of transportation. Special rental transportation services/online taxis are one of the transportation...

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Formulation Policy About Diversion in the System of Juvenile Criminal Justice as an Effort for Criminal Prevention

Krismiarsi

The juvenile justice system law regulates diversion, namely the transfer of settlement of cases of children in conflict with the law from criminal justice processes to processes outside of criminal justice. Diversion is carried out in the case of a crime committed: threatened with imprisonment under...

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Legal Aspects of Environmental Pollution in Green and Land

Legal Aspects Of Environmental Pollution In Space and Land Use Procedures in Bandar Lampung City

A.R Rj.Agung Kusuma, Caropeboka, Ino Susanti, P.K. Restiana Sari

Environmental preservation and management are assets of natural resources, must provide maximum benefits for the welfare of the people and the survival of other living creatures, therefore management must be done wisely, which means that the preservation and management of the surrounding natural environment...

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Bad Faith's Criteria in the Famous Trademark Dispute Settlement That has an Element of Equality in Principle in the Court

Ismail Rumadan

Cheat or unfair business competition often arises when there is a trademark, either in the form of certain goods or services, which is well known and sold in the market, so it tends to make other producers or entrepreneurs encourage their products to compete with these trademarks. Unfortunately, business...

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Application of Delimitatie Contradictoire Principles in Sporadic Land Registration Based on PP No. 24 of 1997 in Demak District

Untung Leksono

Land registration is a series of activities carried out by the government

continuously, continuously and regularly, including measurement, processing, bookkeeping and presentation and maintenance of physical juridical data, which is set forth in the form of maps and lists of land parcels and apartment...

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Model of Legal Protection of Creative Economics in Obtaining Intellectual Property

Tyaswati W. L. Aniek

In line with existing laws in the field of Intellectual Property and Creative Economy and in order to guarantee and respect the right to enjoy economically the results of an intellectual creativity not only in the form of economic rewards (incentives) but also the need for rewards that are moral and...

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Organ Transplant Agreement Between Donor and Recipient by Notary

Sri Nurdiana Purwaningsih

Transplantation of human organs is one of the rapidly developing alternative treatments. The imbalance in demand with the availability of organs results in the commercialization of human organs. The use of donors from non-related family is one of the considerations in implementing therapy. It is necessary...

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Dispute Resolution of the Consequences of or Errors Done by Health Care Through Penal Mediation

Juhari

Dispute resolution which is considered ideal for the parties is a settlement that involves the parties directly so as to allow open dialogue, thus a joint decision is most likely to be reached. One of the efforts that can be done in solving malpractice in the field of health services is through mediation,...

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Implementation of Income Tax Imposition for Equitable Grant Recipients

Rusdiyono

Tax is a mandatory contribution to the state owed by individuals or entities that are coercive based on the law, with no direct compensation and used for the country's needs for the greatest prosperity of the people. Tax arrangements must be based on Law in accordance with Article 23 of the 1945 Constitution...

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Legal Protection and Control for Child Workers

Mahmuda Pancawisma Febriharini

his study aims to determine the legal protection and control of child labor. Children are the generation who will become the nation's successors, so they must be prepared and directed early to grow and develop into children who are physically and physically healthy, advanced, independent and prosperous...

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Developing Regional Head Control Models Under Good Governance

Endang Srikartati Handayani

This study aims to find a model of regional head supervision in realizing good governance. The problem in this study is why there is a problem in the implementation of regional head supervision is not effective in realizing good governance in Indonesia. The research method used in this study is empirical...

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The Issues and Tasks of the Guarantee of the Property Rights in the Korean Constitution - Especially, Centered on the Land Property Right-

Kuk Won JEONG

Regard to the guarantee of the property rights, in relation to the land property right, this writing intends to deal with them by being centered on the Constitutional, controversial issues and tasks. There are two problems in this research first, how is the Normative Details Related To The Land Property...

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Economic Development and Freedom of Occupation in Korean Constitution

Hae Cheol Byun

The freedom of occupation, as a part of market economy order, has always faced changes in the political, economic and social environment. There have been also many changes in the traditionally accepted occupations with high economic development and social structure reform. There are two problems in this...

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National Legal Development Regarding Illegal Business Impact Toward Society

Eman Suparman

Illegal business is essentially a legal business that does not have a license. Illegal business is part of the reality of the community so that the existence of illegal business has a direct impact toward society. The existence of illegal business activity needs to be anticipated by using legal mechanisms...

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Why Corporate Social Responsibility Matters & How It Impacts Business

Hasani Mohd Ali

There is a convergence to the meaning of CSR to fall within the corporate governance framework. CSR is where business values society. Since 1997, corporate governance (CG) started to incorporate sustainable development

goals (SDGs) along with its traditional role as a monitoring mechanism against corruption...

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Cooperative Law Agency in Development of Tourism Based on Rural Communities

Nur Sulistyo Budi Ambarini, Edra Satmaidi, Rahma Fitri

This study aims to examine and describe conceptually about cooperatives as legal entities in the development of the tourism sector in Indonesia.

Cooperative as a legal entity can play a role in the development of tourism, especially in rural areas. Tourism is one of the leading (leading sectors) of national...

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Evolution of Indian Healthcare and Rights

Gautam Kumar Jha

India has been blessed with its medical heritage and knowledge tradition since 5000 BCE from the Vedic times and this was possible because Indian scientists pioneered the nomenclature of the plants (Vanaspati) and the (dhatu; matter and chemicals or rasayana). There are two problems in this research...

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State Sovereignty Versus Non-Refoulement Principle in Providing Refugees with Protection (Case Study: The Australian Government's Policy Over Refugees)

Heribertus Untung Setyardi, I Gusti Ayu Ketut Rachmi Handayani, Emmy Latifah

This paper attempts to re-examine the meaning of state sovereignty in connection with non-refoulement principle. The article is focused on case study related to Australia's Policy over refugee. The writer's argument is based on the concept of jus cogens recognised in internasional law. In addition, the...

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Local Wisdom to International on Aviation Information in Javanese as an Effort of Law Enforcement to Achieve Aviation Safety and Aviation Security According to ICAO Standard (International Civil Aviation Organization) (Study in Adi Sucipto International Airport-Yogyakarta)

Yudi Pratikno, Hartiwiningsih, Emmy Latifah

Information is an important matter of every activity, especially aviation information at the airport. Aviation information at the airport is very important for airport services users. The available aviation information will enable the passengers to get information about aircraft schedule such us the...

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Implementation of Verdict Based on Pancasila Values in Indonesia

Indriati Amarini

The judge's task is to administer justice in order to uphold law and justice based on Pancasila. The purpose of this paper is to analyze how the judge implements Pancasila in its decisions. Based on research, Pancasila as the legal ideal of the Republic of Indonesia is the source of law for the formation...

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Legal Entities for Baitul Maal Wat Tamwil Based on Sharia Principles in Indonesia

Solikhah, Jamal Wiwoho, Pujiyono, Yudho Taruno Muryanto

The existence of BMT microfinance institutions is legally recognized by Regulation No. 1 of 2013 concerning microfinance institutions, as middle to lower financial institutions that can alleviate poverty. The problem arises when Article 5 paragraph [1] of Regulation number 1 of 2013 stipulates that microfinance...

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Legal Protection of Children's Rights That Have Sexual

Harvest Reviewed from Victimology in Indonesia

Rahmawati, Hartiwiningsih, Muhammad Rustamaji, Sulistiyanta

Under the law, “child sexual abuse” is a general term that describes criminal and civil acts in which adults engage in sexual activity with minors or

exploitation of minors for the purpose of sexual satisfaction. The American Psychiatric Association states that “children cannot approve sexual activity...

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Yunan Prasetyo Kurniawan, Hartiwiningsih, Hari Purwardi, Soehartono

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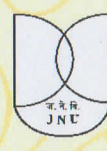
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Regional Government Policy in Environmental-Based Waste Management

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ABSTRACT--This study aims to find out and analyze the regulations of waste management based on Indonesian legislations as well as the implementation of waste management policies in Kuningan District. The method used in this study was an evaluative analysis method which is a method of collecting and presenting the obtained data to analyze actual situation and then followed up by rational analysis based on juridical references through library and field research. The results revealed that the regulations of waste management are based on the Law of the Republic of Indonesia No. 18 of 2008 concerning Waste Management. Meanwhile, at the regional level, the regulations of waste management are based on Kuningan District Regional Regulation No. 4 of 2010 concerning Waste Management and Kuningan District Regional Regulation No. 56 of 2012 concerning guideline for implementing Kuningan District Regional Regulation. Hereafter, regarding the implementation of waste management in Kuningan District, it has been institutionally handled by Environment Agency (DLH) in which its arrangement is based on Law and regional regulations on waste management. Further, in an effort to increase public awareness, the regional government has created various programs to increase community participation in protecting the environment.

Keywords: policy, environmental-based waste management

I. INTRODUCTION

Article 1 Paragraph (3) of the 1945 Constitution of the Unitary State of the Republic of Indonesia declares that the state of Indonesia is a state based on the rule of law. A state based on the rule of law means that the state upholds the rule of law to seek truth and justice as there is no power that cannot be accounted for. [1] In other word, a state based on the rule of law is a state that stands on the law in order to guarantee justice to its citizens. Justice is one of prerequisites for creating happiness in people's life. Hence, actual legal regulation exists only if the legal regulation reflects justice for people's life.[2] Environment is a term that can encompass living creatures in nature, either on the earth or parts of the earth, which function naturally without excessive human intervention. A good and healthy environment is the basic right of every Indonesian citizen as mandated in Article 28 H Paragraph 1 of the 1945 Constitution of the Republic of Indonesia.

Environmental protection and management aims to realize sustainable development. Sustainable development is a concerted and planned effort that integrates

environmental, social, and economic aspects in a development strategy to ensure environmental integrity for the present and future generations. As stated in Article 5 paragraph (1) of UUPLH, every person has the same right to a good and healthy environment. [3] One of the factors causing environmental damage in Indonesia is waste disposal. Waste is transported by special trucks and thrown away or piled up in certain places without any action. [4] This condition will certainly have an impact on the surrounding environment as the environment can become dirty and become a source of disease. Regional growth and development has led to efforts to increase community needs. The development of an area has an impact on consumption patterns and lifestyles of the community which causes an increased volume of waste. This problem has become more complex in relation to its management as the quantity of waste is increasing, the variety of composition varies, the limited sources of funds, and the higher activities of potential sources of waste. In an effort to overcome this problem, Law No. 18 of 2008 concerning Waste Management was formed. The increased volume of waste that is not balanced with environmental-based management will cause environmental damage and pollution. [5] This increased volume of waste is undesirable and can cause pollution if the natural assimilation power is no longer able to support it. In addition, waste is closely related to public health as it can give birth to organisms that cause various diseases, such as abdominal typhus, diarrhea, hemorrhagic fever, etc. In addition to causing various diseases, in terms of aesthetics, waste will be the worst thing destroying the view and producing an unpleasant odor that will become a benchmark for the identity of the city in all aspects. Further, incomprehensive waste management will lead to social problems, such as demonstration, clashes between residents, blockade of TPA facilities, etc.[6]

Waste problem requires special handling which is not only done by the district government, but also by the community. Hence, the successful implementation of waste management highly depends on the desire of the district government as well as the community. This desire can be started from an understanding and awareness of the importance of waste management sector as a reflection of the success of district waste management. Waste management in a district aims to manage waste produced by its local community, to maintain the local community's health, and to create a clean environment. Currently, waste management is facing a lot of pressures, mainly due

to the increasing volume of waste generated by the community, both producers and consumers. Kuningan District that has a population of $\pm 1.055.417$ people [7] generates waste with a total of ± 300 cubic per day from 11 districts. [8] To support the realization of Kuningan District as a District that is clean, healthy, comfortable, beautiful and environmentally friendly, Kuningan Regent creates a policy on Waste Management in Kuningan District. To strengthen the policy, Kuningan District Regional Regulation No. 4 of 2010 concerning Waste Management and Kuningan District Regional Regulation No. 56 of 2012 concerning Guideline for Implementing Kuningan District Regional Regulation were issued.

However, the implementation of these policies often faces various problems, such as the slow transportation of waste from Temporary Waste Collection Site (TPSS) to Final Processing Site (TPA) in Ciniru, the bad condition of trucks transporting waste, etc. Based on an observation conducted at Environment Agency (DLH) of Kuningan District, it is indicated that the lack of facilities at Environment Agency (DLH) of Kuningan District becomes one of the causes of waste problem in Kuningan District. In fact, the effectiveness of implementing a policy is very important. In this case, effectiveness is defined as the completion of an activity on a predetermined time. Hence, effectiveness can be used as a means to assess how a policy can be said to be succeed or not.

Government efforts shall not end here. Yet, it shall be accompanied by concrete actions to implement the policy that has been made because a policy has a meaning of what should be done (by the government), not what is proposed to be done on a particular issue. Without the implementation stage, programs that have been prepared will only become official records on the table of policy makers. In the implementation stage, the government is also required to work effectively. The government's work is said to be effective when it has been successful in achieving the objectives of the policy. Based on the description, the problems discussed in this study are formulated into the following questions: How are the regulations of waste management based on Indonesian legislation? and How is the implementation of waste management policy in Kuningan District based on Regional Regulation No. 4 of 2010 concerning Waste Management?

II. RESEARCH METHOD

This descriptive-analytic research applied an empirical juridical approach. This research consists of field research and library research. In an empirical legal research, the data used was primary data. The data were collected through interview and document analysis. The collected data were then analyzed by applying descriptive analysis method.

III. FINDINGS AND DISCUSSION

A. The Regulations of Waste Management Based on Indonesian Legislation

General description of the legislation concerning waste management in Indonesia is described in Article 28H Paragraph 1 of the 1945 Constitution of the Republic of Indonesia stating that every person shall have the right to live in physical and spiritual prosperity, to have a home and to enjoy a good and healthy environment, and shall have the right to obtain medical care. Article 1 of Law of the Republic of Indonesia No. 18 of 2008 concerning Waste Management states; Waste is the remnant of human daily activities and/or natural processed in the solid form; Specific waste is the waste in which its types, concentration, and/or volume required to be managed specifically; A waste resource is the source where the waste derived from; A waste producer is anyone and/or by the natural process produced waste; Waste management is a systematic, holistic and sustainable activities included reducing and handling waste; Temporary collection site is the site before the waste is being transported for recycling, processing and/or to the integrated waste processing site; Integrated waste processing site is the site where collection, sorting, recycling, handling and final waste processing are taken place; Final processing site is the site where processing and returning of waste to the environmental medium that safe for human and the environment are taken place; Compensation is giving a certain amount of payment to a person who suffered from negative impacts caused by waste handling activities at the final processing site; A person is an individual, a group of people, and/or a legal entity; Emergency response system is a series of activities carried out to control that includes prevention and handling of accident caused by the improper waste management; Central government, so is called as the Government, is the President of the Republic of Indonesia who held the authority to govern the state of the Republic of Indonesia as stated in the 1945 Constitution of the Republic of Indonesia; Local government is the governor, the regent, or the mayor, and local officials as the part of the local government executive; The Minister is the minister who is responsible in environmental management and in other related sectors.

The Ministry of Environment, on November 1, 2012 in Jakarta, describes the important substance of Government Regulation No. 81 of 2012 concerning Household Waste Management and Household-like Waste Management that was enacted on October 15, 2012. This government regulation is very important as an implementation of Law No. 18 of 2008 concerning Waste Management and as a strengthening legal foundation for the implementation of waste management in Indonesia, especially in the regions. There are several important contents mandated by this regulation, namely: 1) Provide a stronger foundation for regional government in implementing environmental-based waste management from various aspects, including legal, management,

operational, financial, institutional, and human resources aspects; 2) Provide clarity regarding the division of tasks and roles of all parties involved in waste management starting from ministries/institutions at the central level, provincial government, district/city government, business actors, area managers, to the community; 3) Provide an operational basis for the implementation of 3R (reduce, reuse, recycle) in waste management replacing the old paradigm of waste collection and disposal; and 4) Provide a strong legal basis for involving business actors to take responsibility in managing waste in accordance with their roles.

As a follow up of the issuance of this government regulation, all related parties need to take actions, namely: 1) The central government through ministries/institutions in accordance with their authority formulates presidential regulations and ministerial regulations as mandated by this government regulation; 2) Provincial and district/city governments formulate regional regulations on waste management; and 3) The central government immediately conducts dissemination of this government regulation to the regional governments, business actors, area managers and all Indonesian citizens. Article 1 of Ministerial regulation on Guideline for the implementation of Reduce, Reuse, and Recycle through waste bank states that the activities of Reduce, Reduse, and Recycle, hereinafter referred to as 3R, are all activities that can reduce anything that can cause waste, activities to reuse waste for the same function or other functions, and activities to process waste to be used as new products. Waste bank is a place for sorting and collecting waste that can be recycled and/or reused as it has economic value. Currently, environmental problems occurred in various places. These problems involve pollution, either land, water or air pollution. The pollution is caused by human activities. For example, if the amount of waste that is piled up in certain places is not handled properly, it can cause land pollution and reduce the level of public health.

Based on SNI Decree of 1990, waste is solid waste consisting of organic and inorganic substances that are considered to be no longer useful and must be managed so as not to endanger the environment and to protect developmental investment. [9] Waste is the remnants of the materials that have been treated, either because the main part has already been taken, or because of processing, or because there are no benefits in terms of it has no value in social-economic aspect and it can cause pollution or disturbance to the environment in environmental aspect.[10]

Based on Article 1 of this regional regulation, waste management is systematic, holistic and sustainable activities through reduction, sorting, collection, utilization, transportation, and disposal of waste. Waste reduction is an activity to reduce the amount and weight of waste. Reduce, Reuse and Recycle (3R) is an activity to manage waste by reducing, reusing, and recycling. Waste sorting is waste segregation activities to be further managed in accordance with its type and needs. Waste container is a waste collection place based on the type of waste. Waste collection is the collection of waste from a

waste resource to Temporary Collection Site (TPS). Temporary Collection Site (TPS) is the site before the waste is being transported for recycling, processing and/or to Final Processing Site (TPA). Waste transportation is the activity of transporting waste from Temporary Collection Site (TPS) to Final Processing Site. Integrated Waste Processing Site (TPST) is the site where collection, sorting, recycling, handling and final waste processing are taken place. Final Processing Site (TPA) is the site where processing and returning of waste to the environmental medium that safe for human and the environment are taken place. Waste management services are waste services provided by the government and other parties aimed at people in need. Waste organization is a group formed on their own will and desire in which its objectives and activities are in the field of waste management.

Article 6 of the Regulation of Kuningan Regent No. 56 of 2012 concerning Guideline for Implementing Kuningan District Regional Regulation No. 4 of 2010 concerning Waste Management states that: 1) Waste management activities developed in regions are: a) urban areas with a waste management system based on technical services conducted by BPLHD in collaboration with the community and b) rural areas with community-based waste management system; 2) These systems will apply the concept of waste management which includes the efforts to Reduce, Reuse, and Recycle in each stage of waste management where BPLHD has the responsibility to conduct development and guidance; 3) The type of waste managed by BPLHD is organic waste, inorganic waste, and household B3 waste, excluding industrial and medical waste; 4) Industrial waste is the responsibility of each related institution or individual and/or agency. Household waste originating from daily activities, excluding specific feces and waste, household-like waste from commercial areas, industrial areas, specific areas, social facilities, public facilities, and other facilities. Specific waste includes:

- a Waste contains hazardous and toxic materials;
- b Waste contains hazardous and toxic waste;
- c Waste derives from disaster;
- d Construction and demolition waste;
- e Waste that cannot be processed due to there are no available technology existed;
- f Waste that is not periodically occurred.

Article 1 of Law No. 32 of 2009 concerning Environmental Protection and Management states that environment shall be an integral space with all the things, resources, conditions, and living creatures, including humans and their behaviors that affect the nature and the continuity of livelihood and the welfare of human beings and other living creatures. Based on the description, it can be concluded that waste management in Kuningan District is in accordance with the theory of the rule of law governing waste management based on legislation.

B. The Implementation of Waste Management Policy in Kuningan District Based on Regional Regulation No. 4 of 2010 concerning Waste Management

The policy of Environment Agency (DLH) in handling waste generated from household is that there must be a sorting process done by households to separate organic and inorganic waste before it is dumped into TPS and the waste disposed must be residual waste or waste that cannot be recycled. This policy is in accordance with Kuningan District Regional Regulation No. 4 of 2010 concerning Waste Management Chapter VII Article 13 stating that sorting is a process of grouping and separating waste based on its type and/or its nature. After grouping and separating waste based on its type and/or its nature, then the remnants of waste that is dumped into TPS must be residual waste or waste that cannot be recycled. Waste in TPS will then be handled by officers of Environment Agency (DLH), especially the waste transportation department which will transport the waste in TPS at rural areas once a day (every morning) and twice a day (every morning and evening) in TPS at main lane, namely Siliwangistreet.

In addition to household waste, Kuningan District Regional Regulation No. 4 of 2010 concerning Waste Management also regulates waste originating from markets and supermarkets. In this case, market waste will be transported first by waste transportation officer to TPS, while supermarket waste will be directly transported by waste transportation officer with a drum truck. Waste that is on the highway has been served by street sweepers from Environment Agency (DLH), including Siliwangi Street, Otista Street, Veteran Street, Ahmad Yani Street, Pramuka Street, Cijoho Street, Juanda Street, Ciporang Street, and Cirendang Street. Street sweepers operate from 06.00 WIB until finished in accordance with their respective lanes. Yet, the number of street sweepers is not enough to serve the whole area in Kuningan District.

Waste management in Kuningan District is based on Law No. 18 of 2008, Law No. 32 of 2009, Kuningan District Regional Regulation No. 04 of 2010 concerning Waste Management, and Regulation of Kuningan Regent No. 56 of 2012 concerning Guideline for Implementing Kuningan District Regional Regulation. Yet, the implementation of waste management is not yet optimal due to the limited number of street sweepers and waste transportation officers as well as the facilities and infrastructures in which there are only 13 drum trucks, 4 armrols, 2 tankers, 2 pickup trucks, 65 garbage carts, 5 three-wheeled motorcycles, 1 bulldozer, and 1 saporator. This number is not enough for providing waste services in Kuningan District as there is 6 m3 of waste per day from urban areas.

Waste processing in Final Processing Site (TPA) has not been in accordance with Kuningan District Regional Regulation No. 04 of 2010 concerning Waste Management, especially Article 17 regarding the final waste processing which should apply sanitary landfill method or burying waste with the height of 30-50 cm. Yet, in fact, TPA in Ciniru applies landfill control method which is a three-month burial of waste due to an

insufficient budget from the local government to apply sanitary landfill method.

C. The legal system in waste management in Kuningan District

According to Friedman, as quoted by Ade MamanSuherman, legal system is a system that includes legal substance, legal structure and legal culture. [11] First, legal structure is the institutionalization of legal entities. For example, the court power structure (in Indonesia) consists of Level 1 Court, Appellate Court, and Cassation Level Court. Besides, there are also General Court, Religious Court, Military Court, State Administrative Court, and Tax Court. Further, Friedman asserts that law has the first element of the legal system, including legal structure, institutional arrangement, and institutional performance. Second, legal substance is a rule or norm which is a pattern of human behavior in a community within the legal system. For example, a driver exceeding the speed limit will be fined and someone who buys goods must hand over a certain amount of money to the seller. Third, legal culture is attitudes and values associated with shared behavior and law in its respective institutions.

The organizational structure of Environment Agency (DLH) of Kuningan District is; 1) Head of Office; 2) Office Secretary who supervises several sub-sections, namely: Sub-Division of Finance, Sub-Division of Program, and Sub-Division of General; 3) Head of Environmental Management Division that includes Section of Environmental Impact and Technology and Section of Partnership and Capacity Building; 4) Head of Sanitation and Gardening Division that includes Section of Sanitation Management, Section of City Parks and Forests; 5) Head of Environmental Conservation Division that includes section of Energy and Mineral Resources, Section of Natural Resources Conservation, and Section of Environmental Quality Recovery; 6) Head of Environmental Pollution and Damage Control Division that includes Section of Environmental Pollution and Damage Control and Section of Environmental Pollution and Damage Monitoring; 7) Head of UPTD of Kuningan Botanical that includes Head of Subdivision of Kuningan Botanical Administration; and 8) Head of UPTD of Waste Management that includes Head of Subdivision of Waste Management. Meanwhile, Waste management in Kuningan District is based on:

- a. Law No. 18 of 2008 concerning Waste Management;
- b. Law No. 32 of 2009 concerning Environmental Protection and Management;
- c. Kuningan District Regional Regulation No. 04 of 2010 concerning Waste Management;
- d. Kuningan District Regional Regulation No. 56 of 2012 concerning Guideline for Implementing Kuningan District Regional Regulation No. 04 of 2010 concerning Waste Management.

D. The culture of Kuningan District's community towards Waste Management

The culture of Kuningan District's community towards waste management is not in line with the expectation of the regional government. The community has not yet fully managed or sorted waste before it is dumped into TPS. In fact, the regional government policy on waste management based on Kuningan District Regional Regulation No. 04 of 2010 concerning Waste Management has been socialized. Besides, there have been waste disposal sites for the separation of organic and inorganic waste in each service lane and TPS in the form of wall TPS, plate easer TPS, and viber trash can. Yet, there are still a lot of people in Kuningan District who are not aware to dump waste into TPS provided by Environment Agency (DLH) of Kuningan District. The implementation of regional government policy on waste management based on Kuningan District Regional Regulation No. 04 of 2010 concerning Waste Management will be optimal if Environment Agency (DLH) conducts socialization to the community as a whole, not only to urban community, but also rural community because community's active role is strongly needed in the implementation of this policy.

Kuningan District Regional Government is trying to offer the concept of community-based waste management that applies the 3R (Recycle, Reuse and Reduce) principle by establishing a waste bank in several villages or sub-districts in Kuningan District. It is followed by the commitment of the Kuningan District Regional Government in terms of funding for the procurement of equipments and facilities. The socialization process before carrying out this waste management program begins with the process of conveying ideas from the local government to the community, represented by RT/RW officials, Environmental Cadres, PKK members, community leaders, and religious leaders. Further, the socialization to the community is carried out through various activities, for example PKK meetings, dasawisma meetings, and incidental meetings between the community and RT/RW officials that specifically discuss the waste management program. The roles of RT/RW officials, Environmental Cadres, PKK members, community leaders, and religious leaders in pioneering waste sorting programs are very significant. They are the spearhead, motivators and mediators bridging the communication between the government and the community.

So far, through the socialization conducted by Environment Agency (DLH) to the community, there are 11 villages, such as Ragawacana Village, that have begun implementing the policy by forming waste bank and 3R (reduce, reuse and recycle) group. The community in Ragawacana village has formed a waste bank and a 3R group in which its operation is assisted by the local government, in this case Environment Agency (DLH), that has provided facilities in the form of 1 unit of laptop, 1 unit of printer, 1 unit of three-wheeled vehicles, and 1 unit of garbage cart. Besides, the community also plays an active role in the government program, namely PROKASI (*Program Kali Bersih*/Clean River Program). One of the examples is the implementation of PROKASI in Citamba

river in which, in its implementation, it is not only the community around Citamba River who participated, but also other community and government agencies, such as LSM, KODIM, Polres, etc. Based on the description, it can be concluded that waste management in Kuningan District has been in accordance with the legal system theory, namely the existence of Environment Agency (DLH). Meanwhile, its legal substances are in the Kuningan District Regional Regulation No. 04 of 2010 concerning Waste Management and the culture of community, institutions, waste bank, and 3R groups.

IV. CONCLUSION

Based on the analysis and discussion concerning the implementation of regional government policy in waste management based on Kuningan District Regional Regulation No. 04 of 2010 on Waste Management, it can be concluded that Environment Agency (DLH) is the executor of regional government policy on waste management based on Kuningan District Regional Regulation No. 04 of 2010 on Waste Management. Basically, waste management in Indonesia is regulated in Law of the Republic of Indonesia No. 18 of 2008 concerning Waste Management.

The implementation of waste management policy in Kuningan District is realized by the existence of Environment Agency (DLH) of Kuningan District. Meanwhile, its implementation is based on Article 28H paragraph 1 of the 1945 Constitution of the Republic of Indonesia, Law of the Republic of Indonesia No. 18 of 2008, Government Regulation of No. 81 of 2012, and Kuningan District Regional Regulation No. 04 of 2010. Further, the legal culture found in the community is the participation of the community in forming Waste Bank and 3R Group. Basically, the regional government policy on waste management based on Kuningan District Regional Regulation No. 04 of 2010 concerning Waste Management has been implemented. Yet, in the field, its practice has not been optimal because there are still many people who do not know about Regional Regulation No. 04 of 2010. Besides, the budget for operational costs is insufficient so that the services to the community is not optimal. For example, there are only 13 dum trucks to transport waste from TPS to TPA throughout Kuningan District. In terms of community's roles in the implementation of regional government policy on waste management based on Regional Regulation No. 04 of 2010 concerning Waste Management, there are still many people in Kuningan District who do not know yet about the policy. Yet, the community who have received socialization from Environment Agency (DLH) on the implementation of regional government policy on waste management based on Regional Regulation No. 04 of 2010 on Waste Management have taken an active role by forming a waste bank, a 3R group, and participating in various waste management programs, such as PROKASI (*Program Kali Bersih*/Clean River Program).

V. SUGGESTION

In disseminating Regional Regulation No. 04 of 2010 on Waste Management, it is expected that the regional government conducts socialization to the community as a whole, not only to urban community, but also rural community, so that the community can understand and implement the regional government policy on waste management based on Regional Regulation No. 04 of 2010 concerning Waste Management.

Further, there is a need for training and guidance for the community of Kuningan District. In this case, Environment Agency (DLH) as the executor of the regional government policy must prepare everything so that the policy can be implemented optimally. Some of the things that must be considered by Environment Agency (DLH) are the improvement of the quality of facilities used, the addition of human resources or personnel in accordance to the needs in the field, and providing assistance in the form of funds or infrastructure for the community that has formed waste bank and 3R group.

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