

**JURNAL HUKUM *Ius Quia Iustum***  
**Fakultas Hukum**  
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**No. 1 Volume 18, Bulan Januari 2011**

**Penulis** : Rohidin

**Judul** : Problematika Beragama di Indonesia: Potret Persepsi Masyarakat Terhadap Otoritas Fatwa Majelis Ulama Indonesia

**ABSTRACT:** *This study focused on the assessment of public perception on fatwa of The Council of Indonesian 'Ulama' (MUI) about the religious cult in Indonesia who has become quite intense public debate. Various responses to that fatwa, on the one side create a religious life in Indonesia more dynamic, but on the other side, the public misunderstanding to the status of a fatwa making religious life became disturbed. This research included in the qualitative research tradition. The main characteristic of this research is the way of observation and data collection performed in the background or natural setting, Based on the results of research in the field, the public perception on fatwa of The Council of Indonesian 'Ulama' (MUI) inferential into three views: First, exclusive category, those in support to the fatwa with all the consequences (taken for granted). Second, inclusive-moderate category, those in support to the fatwa with record does not affect to the civil rights who has been deceive. Third, inclusive-extreme category, those who refuse for any reason (apriori).*

**Key words** : *Religious problems, public perception, fatwa authority*

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**Penulis** : Afifah Kusumadara

**Judul** : Kedudukan Pemeliharaan dan Pelestarian Pengetahuan Tradisional dan Ekspresi Budaya Tradisional Indonesia: Perlindungan Hak Kekayaan Intelektual dan non-Hak Kekayaan Intelektual

**ABSTRACT:** *Indonesian Maintenance and Preservation of traditional knowledge and traditional cultural expression or folklore (PTEBT) has forced to be done by government. PTEBT is cultural heritage that gave unreal treasure for Indonesia. This research focused on the problem in what obstacles might appear when Rancangan Undang-Undang PTEBT (PTEBT Constitution Bill) constituted which could reduce its effectiveness to protect Indonesian PTEBT as well as effort of solution that must be done by government to overcome those problems. This research was done by juridical sociological research method. This research has concluded that government planning to give protection through RUU Perlindungan dan Pemanfaatan Kekayaan Intelektual PTEBT (PTEBT Constitution Bill of Intellectual Wealth Protection and Utilization). Intellectual PTEBT could not prevent the loss of Indonesian PTEBT. Besides, the maintenance and preservation of PTEBT must be done comprehensively that included the protection effort of Intellectual Property Rights (IPR) and non-IPR, law effort, and non-law.*

**Key words** : *Traditional knowledge, traditional cultural expression, intellectual property rights.*

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**Penulis** : Yanyo Sufriadi

**Judul** : Penyebab Sengketa Pengadaan Tanah untuk Kepentingan Umum (Studi Kasus Sengketa Pengadaan Tanah untuk Kepentingan Umum di Bengkulu)

**ABSTRACT:** *This research focuses on the causes of disputes use for land procurement used for public importance occurring frequently in the past time how the position of traditional law in the legal substance of national land affairs is how the working procedures of the Land Procurement Committee (legal structure) are, and how the legal culture of the internal land procurement executor. This research uses the socio-legal approach and it also uses the data collected from the results of the field study and literature materials. This study concludes that the disputes in land procurement used for public importance are caused by the centralis substance of the agrarian law, the legal structure of land procurement executor regulated by the stric formal procedures, and the legal culture of the eecitive apparatus bound by the tradition of legal positivism throught.*

**Key words** : *Land procurement used for public importance, disputes, legal system.*

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**Penulis** : Darwin Ginting  
**Judul** : Reformasi Hukum Tanah dalam Rangka Perlindungan Hak Atas Tanah Perorangan dan Penanam Modal dalam Bidang Agribisnis

**ABSTRACT:** *In the field of land property law, there is a gap between owners and mastery of the property individually compared to the investor. This condition has happened because the new order era had prioritized more in economic development. This problem, in the future, needs to be noted to encourage the realization of the rights on the property protection for citizens without ignoring the attention on the property rights especially agribusiness field. The problem that would be investigated was how the policy format of law in the future that has mentioned the rights protection on individual land property and investment in agribusiness field. This research is law normative research with the statute approach. Data processing and analyzing used was descriptive qualitative. The research result has concluded; first, it is necessary to form the regulation of land property rights, so it could support the certainty of land property rights for individual and the certainty of law for every sector of capital investment. Second, the constitution bill has prioritized the citizen's aspiration and the community of agribusiness industrial field.*

**Key words :** *Reformation, land property rights, private and agribusiness*

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**Penulis** : Bagya Agung Prabowo  
**Judul** : Perlindungan Hukum Nasabah Sebagai Syarik dalam  
Pembiayaan Al Musyarakah pada Bank Syariah Mandiri

**ABSTRACT:** *Musyarakah is one of the instruments of Islamic economics system. Musyarakah a profit and loss sharing partnership. In a Musyarakah financing arrangement, the Bank and the Customer will both contribute their capital as well as expertise in a project. Profit and loss will be shared normally based on the capital contribution. The objective of this research was study how to Customer protect and position of collateral in musyarakah financing in Yogyakarta Branch of Bank Syariah Mandiri. This was juridical empiricial research, that is, it was based on field study to get primary data in law field. Primary data was obtained by interviewing informants. To support and complete data from field study, literary study was done to get secondary data. Secondary data was obtained from primary, secondary and tertiary law materials. Result of the research indicated that each doing musyarakah financing in Yogyakarta branch of Bank Syariah Mandiri must use collateral because each financing containt risk and it function as trust binding that secure mudharib to meet his/her obligations in future, as stated in the previously agreed musyarakah financing agreement.*

**Key words** : *Customer protect, status of collateral.*

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**Penulis** : Erna Widjajanti

**Judul** : Ganti Rugi Perbuatan Melawan Hukum dalam Gugatan Perwakilan Kelompok di Indonesia

**ABSTRACT:** *The problem reviewed the research was the procedure of compensation on tort in representation claim. This research was juridical normative research. The legal material used in this research was primary legal material in the form of constitutional regulation and court decisions, and secondary legal material. The legal material was analyzed qualitatively. This research concluded that if the compensation claim was granted, the judge had decided the amount of compensation in detail, group determination, the mechanism of compensation distribution and steps must be taken by the group representative as well as the obligation to conduct the notification.*

**Key words :** *Group representation claim, compensation, tort.*

**Penulis** : Devi Rahayu  
**Judul** : **Ganti Rugi Perbuatan Melawan Hukum dalam Gugatan Perwakilan Kelompok di Indonesia**

**ABSTRACT:** *Human trafficking is not only for prostitution but also for other forms of exploitation, such as forced labor and similar slavery practice in informal sectors including domestic work. The problem which was appointed in this research; first, is there any trafficking of women in cases happened in the process of migrant workers delivery in Kabupaten Bangkalan and Sampang? Second, can the valid regulations be used to conduct the protection for migrant workers in the process of migrant workers delivery from the trafficking of women as well as the appropriate legal protection in order to prevent the trafficking of women practice? The method used in this research was juridical empiric, while the data collecting method was; observation, structured interview, and deep interview. The data analyzing method was done by content analysis, with the use of formal interpretation method, analogy, and extensive. The result has shown that in the process of the migrant workers delivery, there were elements of human trafficking, such as; over-limited actions, violence or threats of violence, fraud, debt bondage, violence with abuse of power, and forced labor or the condition similar with slavery. The regulation of migrant workers delivery has not entirely arranged the related protection on trafficking action. The local government should have immediately created the policy related to the local trafficking delivery victims. The preventing policy has to be supported by Lembaga Swadaya Masyarakat (LSM/NGO), community, and all involved stakeholders. Furthermore, the local government is expected to overcome the cases that happen to the migrant workers abroad.*

**Key words** : ***Legal protection, migrant workers, trafficking of women***

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**Penulis** : Syaiful Bakhri

**Judul** : Pengaruh Aliran-Aliran Falsafat Pemidanaan dalam Pembentukan Hukum Pidana Nasional

**ABSTRACT:** *This research discusses the development of criminal sanction philosophy from time to time. This research is a normative research which has juridically philosophic character. The approach applied in this research is conceptual approach, because of its relation with criminal sanction philosophy which could be the basis of criminal law. Research was performed by using literary study. The legal matters is qualitatively analyzed. With that method, the conclusions obtained are criminal law mainstream which developed in its era had influenced the Indonesian criminal legal scholar in formulating and connecting the theoretical framework and the criminal sanction philosophy inside the currently discussed reformation of criminal law either legislation or formal criminal law and material criminal law. Mainstream and philosophy of criminal law sanction has the role of reflection of Indonesian criminal law reformation.*

**Key words :** *The flow of criminal law, philosophy of punishment, national criminal law.*