JURNAL HUKUM Fakultas Hukum
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No.3 Volume 17, Bulan Juli 2010

Penulis : Abdul Halim Barkatullah

Judul : Penerapan Arbitrase *Online* dalam Penyelesaian Sengketa Transaksi *E-Commerce*

ABSTRACT: *This research focuses on method of dispute resolution using online arbitration as online dispute resolution. This research character is analytical descriptive. Analysis method used in this research is qualitative method. The result of this research shows: First, online arbitration as one of the method of dispute resolution using online dispute resolution considered by e-commerce business actors as the best solution in resolving dispute in cyber world; Second, online arbitration in the practice faces juridical obstacle in some matters as follow: (1) agreement to perform arbitration; (2) choice of arbiter (3) fulfillment of fundamental procedures; (4) character and execution of arbitration binding decision.*

Key words : Online arbitration, dispute, and e-commerce.

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Penulis : Hamidah Abdurrachman

Judul : Perlindungan Hukum Terhadap Korban Kekerasan Dalam Rumah Tangga dalam Putusan Pengadilan Negeri Sebagai Implementasi Hak-Hak Korban

ABSTRACT: *This research discusses the form of legal protection for domestic violence victim woman in court decision and how is the effort in realizing the legal protection for domestic violence victim woman in Indonesian criminal system This research is a normative juridical using statute approach and case approach. Data collection conducted by literary study and document study, observation, and interview. Analysis is conducted qualitatively to obtain proper conclusion from the observed problem. This research found that some judge decisions show the absent of legal protection for domestic violence victim, because judge still imposed the decision merely based on statement in Acts and only imposed punishment to the perpetrator.*

Key words : Legal protection, victim, domestic violence, state court judge's decision

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Penulis : Iza Fadri

Judul : Kebijakan Kriminal Penanggulangan Tindak Pidana Ekonomi di Indonesia

ABSTRACT *This research focuses on the eradication of economic crimes policy in Indonesia. This is a normative juridical research using statute approach and conceptual approach. Legal materials collected by literary study which is analyzed qualitatively. This research found that eradication of economic crime policy as public policy to solve economic crime is still focused on the effort of criminalization through legislation dan legal enforcement using criminal justice system, in which non-criminal justice sistem actors still do not perform well in eradication of economic crime through preventive action.*

Key words : Criminal Policy, economics crime, and law enforcement

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Penulis : M. Syamsudin

Judul : Faktor-Faktor Sosiolegal yang Menentukan dalam Penanganan Perkara Korupsi di Pengadilan

ABSTRACT: *This research discusses sociolegal factors problem which determines the treatment of corruption case in court. The discussed problem focus is sociolegal factors works in treatment of corruption case so that general court recently tends to impose free from charge decision. This research is classified as empirical legal research (non-doctrinal) with sociolegal approach. Data is collected through interview, pbservation and document study analyzed based on interactive model from Mattew B Miles and A Michael Haberman. Data validation is performed by triangulating source and method. The result of research shows that there are sociolegal factors which work in the treatment of corruption case both in Corruption Court and General Court. Those factors includes: case input quality, availability of eveidence and quality of indictment, composition and qualification of panel of judges amd social environment.*

Key words : Sociolegal factor, treatment of corruption case, court

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Penulis : Maqdir Ismail

Judul : Bank Indonesia dalam Tata Pemerintahan Indonesia

ABSTRACT: *his research focuses on problems as follows: First, position and role of Bank Indonesia as a state body in Indonesia; Second, independency of central bank in performing its monetary function. This research is a juridical normative research using primary legal source which is legislation concerning central bank. Data is collected through document study and literary study. This research concludes that position of Bank Indonesia as a legal entity should have been included in the explanation of constitution system. Legislation should emphasize that Bank Indonesia is a central bank not a state body. Central Bank should have independency to avoid conflict of interest.*

Key words : Central bank, governance , independency

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Penulis : Natangsa Surbakti

Judul : Pidana Cambuk dalam Perspektif Keadilan Hukum dan Hak Asasi Manusia di Provinsi Nanggroe Aceh Darussalam

ABSTRACT:*This research discusses the phenomena on Islamic Criminal Law enforcement by applying whipping in the perspective of justice and human rights. Analysis is based on empirical research result in Nangroe Aceh Darussalam using socio-legal approach. Research data includes regulation related to Islamic Law enforcement and dynamic thought of the actors involved in the enforcement of Islamic Law. The research result shows that the competency of sharia court is limited to some criminal conduct regulated in qanun. Competency is limited to the Islam citizen.*

Key words : Syaria' court, criminal act, voluntary self submission

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Penulis : Riri Nazriyah

Judul : Kewenangan Mahkamah Konstitusi dalam Menguji Peraturan Pemerintah Pengganti Undang-Undang

ABSTRACT: *This research is focused on the competency of Constitutional Court to review Perpu. The analyzed problem is judicial review by Constitutional Court over Perpu. This research is a normative research. The characteristic of this research is prescriptive research, which is a research purposed to obtain suggestions on how to solve the problem. The research approach applied in this research includes statute approach and case approach. The data used in the research is secondary data. The result of this research is that Constitutional Court has competency to perform judicial review over Perpu, although Constitution does not clearly grant authority to Constitutional Court. Consideration used by Constitutional Court judges to review Perpu is teleological and sociological factor due to developing society needs.*

Key words : Competency, examination, vacuum of law

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Penulis : Trisno Raharjo

Judul : Mediasi Pidana dalam Ketentuan Hukum Pidana Adat

ABSTRACT : *This research focused to dispute resolution through negotiation in "Adat" Law. This research operates in "adat" community of Banjar, Aceh, Ambon, North Lombok, and Lamaholot. The researched question is penal mediation as conflict resolution between perpetrator and victim of criminal conduct. Using normative, conceptual, and historical approach, this research reveals negotiation becomes the basis conflict dispute between perpetrator and victim. Negotiation inspired the development of criminal mediation which is known as traditional village or tribal moots.*

Key words : Criminal Mediation, "adat" penal law, "adat" community