

Penulis : Mohammad Busjro Muqoddas
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Judul : Radikalisme Islam dan Peradilan: Pengakomodasian
Hak Asasi Manusia dalam Proses Peradilan Komando
Jihad di Indonesia

ABSTRACT: *The legal process from the detention to the court session for the activist of KOMJI (Jihad Commando) seems to be unprofessional, not transparent and mostly engineered by the lawgivers. The topic being examined includes how to accommodate the Human Rights aspect during the process of investigation and verdict in the case of Jihad Commando. The research using doctrinal and non-doctrinal approach is focused on the primary and secondary data. This research shows that there has been a human rights abuse in the case of Jihad Commando in all stages of the case either in the process of detention and preparing the documents bearing the case (BAP) by Kopkamtib/ Laksusda (Command for the Restoration of security and public order), Police Department, Attorney, or in the examining process in court.*

Key words : *Judicial process, jihad commando, human rights abuse*

Penulis : Titik Triwulan Tutik

Judul : Penetapan Masa Jabatan Jaksa Agung dalam Sistem Penetapan Jabatan Pejabat Negara

ABSTRACT: *This research is to examine on how the rules of law that have ever been applied to regulate the determination of term of office of an attorney general and its relationship to the system in determining the position of a state official. The research is dogmatic supported by a historical approach, statute approach, and comparative approach. The steps of the research were conducted by collecting the materials of secondary law, all of which were noted using card system based on the subjects of research problems and the writing system. The result of the research shows that the position of the attorney is between two sides – judicative and executive. As a result, it could emerge a contradiction in its regulation (dual obligation). Related to the term of office, it is found that no regulation of the Attorney of Indonesia Republic regulates about the term of office of an attorney general either definitively or restrictively. The determination of a term of office of an attorney general commonly follows the constitutional convention saying that an attorney general is appointed at the beginning of cabinet and will end by ending of the term of the office.*

Key words : *Determination of term of office, term of office of attorney general, the system of determining the term of office of state officials*

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Penulis : Chairul Huda

Judul : Pola Pemberatan Pidana dalam Hukum Pidana Khusus

ABSTRACT: *What has been a fundamental issue of this study what base for the lawgivers in determining "type and number" of crime showing a disapprobation. Is there any certain pattern used by the lawgivers in determining the case in Special Criminal Code, primarily to do its weighting when compared with the general pattern used in the Criminal Code. This research was conducted by using a normative juridical method, mainly by analyzing the symptoms suggested by the legislators in the enactment of criminal threats. The results of this study indicate that in the Special Criminal Law, becoming the "symbol" of Criminal Law as the identity of Indonesia, there is no specific pattern in conducting the weighting of criminal.*

Key words : *Criminal weighting, the special criminal law, criminal.*

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UNIVERSITAS ISLAM INDONESIA
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Penulis : Wirawan B. Ilyas

Judul : Kontradiktif Sanksi Pidana dalam Hukum Pajak

ABSTRACT: *This study is focused on the aspect of law enforcement, especially on tax law. The study additionally examines the process of tax laws enforcement that tends to emphasize on the criminal law rather than on administrative one. This research was conducted by using a normative juridical method focused on primary and secondary materials. The result of the research shows that merely emphasizing the criminal aspects of tax law enforcement will only jeopardizes the primary goal of tax administration in collecting tax revenue that is highly needed for public needs such as building schools, bridges, hospitals, fuel subsidies, and so on. Conversely, using an administrative approach will maximize tax revenue because it will make taxpayers and tax officers feel safe every time they face a tax dispute.*

Key words : Administrative law, criminal law, government spending.

Penulis : Sri Wartini

Judul : The Impacts of the Saving Clause Under the Cartagena Protocol to the Rights and Obligations of the Contracting Parties on Transboundary Movement of Living Modified Organisms

ABSTRACT: This study is focused on the aspect of law enforcement, especially on tax law. The study additionally examines the process of tax laws enforcement that tends to emphasize on the criminal law rather than on administrative one. This research was conducted by using a normative juridical method focused on primary and secondary materials. The result of the research shows that merely emphasizing the criminal aspects of tax law enforcement will only jeopardizes the primary goal of tax administration in collecting tax revenue that is highly needed for public needs such as building schools, bridges, hospitals, fuel subsidies, and so on. Conversely, using an administrative approach will maximize tax revenue because it will make taxpayers and tax officers feel safe every time they face a tax dispute.

Key words : Saving clause, contracting parties, organisme hasil rekayasa genetika, tanaman rekayasa genetika, sanitary dan phytosanitary

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UNIVERSITAS ISLAM INDONESIA
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Penulis : Dhaniswara K. Harjono

Judul : Konsep Pembangunan Hukum dan Perannya Terhadap Sistem Ekonomi Pasar

ABSTRACT: The issues in this study include: 1) Is the implementation of market economic system run properly and 2) What contribution does law give in market economic and what concept of a pro-market Law Development should be. Conducted by using the judicial-normative method and specified by an analytical-descriptive approach, this research is aimed to obtain the secondary data through a library research for the substances relevant to legal materials on the theories about laws and economics, which at this point is by using a qualitative analysis. The research then concludes that the system of market economy refers to the one giving freedom to individual to achieve as high profit as possible in the economic aspect. There is no role of government as all economic system is given to the individual as the subject of economy. Nevertheless, the market economy is not able to be fully conducted without involving the government that in this case acts to regulate the law. Without this, a downturn of market economy will occur. The system of market economy without any legal support, particularly economic law, will never properly run to achieving the welfare and prosperity.

Key words : The role of law, law development, market economy system

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Fakultas Hukum
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Penulis : Salmon E.M. Nirahua

Judul : Kedudukan dan Kewenangan Dewan Perwakilan Daerah dalam Sistem Ketatanegaraan Indonesia

ABSTRACT: Functioned as a regional representative council, DPD possessing a regional representative character principally has a broader representative character compared to DPR (Legislative Assembly). It is because its representative dimensions are based on all of the citizens living in the regions. The issues being studied include (1) Is the existence of DPD in line with the idea of its establishment based on the bicameral legislative system?, (2) Is the constitutional authority of DPD synchronic with its existence as a state institution? This is a normative research focused on primary and secondary materials of law including the regulation of law and the literatures relevant as the research object. In obtaining the primary and secondary materials, a library research was conducted by involving a descriptive-qualitative analysis. The research result then shows the existence of DPD in relationship with DPR and MPR as regulated in the Constitution of 1945 is not in line with the thought of its establishment. At this point, the reform on the structure of Indonesia Constitution toward a strong bicameralism is not materialized in the Constitution of 1945.

Key words : Existence of DPD, authority of DPD, system of Indonesia constitutional

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Fakultas Hukum
UNIVERSITAS ISLAM INDONESIA
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Penulis : M. Agus Santoso

Judul : Peran Dewan Perwakilan Rakyat Daerah dalam Menjalankan Fungsi Pengawasan

ABSTRACT: This This research discusses about DPRD (the Provincial Assembly), a part of Local Government, having legislative, budgeting, and supervising function. The obligation of DPRD normatively refers to the reflection of democracy life in a local government at this point as a medium of cheek and balance. However, is it possible for the DPRD to be effective in doing the task and function in supervision considering it as a part of local government? To answer the issue, a research on law using a normative-legal approach supported by data in the form of regulations, legal theories, and opinions from the leading scholars is highly needed. Further, it will be continued by conducting a scientific analysis. The discussion will be about the comparison between des sain and des sollen, and it is found that the task of DPRD in supervising the performance of government comes to be not effective.

Key words : DPRD supervision, local government, supervision function