

The Importance of Progressive Interpretation for Judge in Handling Corruption Cases in Indonesia

By M. Syamsudin

The Importance of Progressive Interpretation for Judge in Handling Corruption Cases in Indonesia

M. Syamsudin

Abstract—The objective of this research is to analyze method of legal interpretation which is conducted by judge in handling corruption cases. Data were collected by interviewing judge and analysing judge verdict on corruption cases. Research result showed that common methods of legal interpretation are wide and narrow interpretations. Wide legal interpretation is interpretation which considers norms and moral turpitude based on unwritten legal sources. Narrow legal interpretation views corruption merely based on written legal sources. The application of both legal interpretations brings implication. If judge employs narrow legal interpretation, judge tends to pass non guilty verdict. Meanwhile, if judge applies wide legal interpretation, judge is likely to pass guilty verdict. This research recommends the importance of progressive interpretation for corruption case. Progressive interpretation is legal interpretation on written regulation and legal facts which does not only to read them literally but also to place them in certain context.

Index Terms—Progressive legal interpretation, corruption.

I. INTRODUCTION

Commonly, the scholars define corruption as abuse of power for personal interests [1]. Robert Klitgaard formulated general definition of corruption in formula $C=M+D-A$. This formula explains that corruption (C) is a function of monopoly (M), which is added with discretion (D), and minus accountability (A). Therefore, corruption may happen if there is a monopoly of power in the midst of uncertainty of regulation and discretion along with the lack of accountability mechanism or irresponsibility towards public/society [2]. Corruption might happen in the sector of public, private or even in *non profit* sectors, if someone monopolize the power upon goods or service in receiving or acquiring something without accountability [3].

In Indonesia, corruption is defined specifically as an unfair action which is committed by government official in managing fund that is supposed to be utilized for public interest. It is also a form of abuse of authority that belongs to certain government position which eventually can bear damage for public service since the fund is corrupted for fulfilling personal interest of government official [4].

William J. Chambliss stated that many people who are getting involved in corruption are called *cabal* or corruption network. He views that corruption is an integral part in any bureaucracy which meets with interests of certain business actors; legal enforcers and politicians that is difficult to be destroyed. Corruption network involves certain people who

belong to the center of government power, such as executive leader, members of political party, judicial officers and business actors. Corruption belongs to the internal system. As the result, it is difficult to wipe corruption out from the system because the judicial officers usually appear in the middle of dilemmatic position. Corruption is not a crime which occurs outside the system. Therefore, corruption network becomes a thick wall which is internally impenetrable due to the collusion that occurs among business actors, politicians and legal enforcers. Corruption network is also impenetrable externally since the legal enforcers may provide low ranked criminal which is ready to be sacrificed in order to protect the real corruption actor which remains at the core of such network [5].

Paul Heywood emphasizes corruption definition on the public space and the actor. If the doer of corruption is public official, the corruption is named political corruption. Political corruption is: "...corrupt activities which take place either wholly within the public sphere or at interface between the public and private space -such as when politicians or functionaries use their privileged access to resources (in whatever form) illegitimately to benefit themselves or others...". Political corruption scope is limited by the actor category: politician. Politician refers to public official, such as bureaucracy leader, judicial officer leader and police commander. As the consequence, corruption which occurs within business sector or financial corruption such as financial report manipulation and financial auditing manipulation do not belong to political corruption, unless such financial corruption involves public officials [6].

Modus of corruption cases which occur in Indonesia are presented on the following Table I.

There are still many corruption modus besides what have been explained previously on the Table I. However, the occurrence of corruption is close related to the space, time, possible condition and the willingness which is aimed to be achieved by corruption doer. There is also corruption that uses religion as 'vessel' to commit corruption and it is related with money politics. For example: a certain person who acts as briber grants prize money (*bisjarah*), builds religious sites or builds educational place (*jariyah*) for religious leader in order to achieve his/her political interests. It usually happens prior to general election or pre-presidential election. As the consequence, the religious leader has to help to do political campaign for the bribery actor in order to gain more mass sympathy and ultimately to obtain more vote for one of candidates in general election. By issuing political campaign against female presidency or declaring political vow to do *social corruption* (corruption ala Robin Hood) in which the corrupted money will be used to build religious sites, boarding school and madrasa-which is privately owned by

Manuscript received December 20, 2012; revised February 21, 2013.
M. Syamsudin is with the Faculty of Law Universities Islam Indonesia
(e-mail: sm.syamsudin@yahoo.com.au).

the religious leader or owned by his affiliations, the bribery actor that acts on behalf of a certain general election candidate hopes to win people vote during general election [8].

TABLE I: TYPES OF PROJECT AND CORRUPTION MODUS

No	Types of Project	Modus
1.	Equipment Procurement	<ul style="list-style-type: none"> The value of goods and service is marked up which exceeded market price. Having collusion with contractor during bidding process
2.	Removal of inventory/state assets	<ul style="list-style-type: none"> Taking office inventory for personal purpose
3.	Carer promotion and pension management	<ul style="list-style-type: none"> Collecting additional illicit cost which is not regulated by official provision
4.	Social aid and subsidy	<ul style="list-style-type: none"> Reducing social aid fund which is usually conducted by all of public officers within public service system
5.	Fictional Subsidy	<ul style="list-style-type: none"> Creating a fictional request letter which as if there is aid from government for another party.
6.	Corruption on project fund	<ul style="list-style-type: none"> Taking government project fund illicitly without following official regulation. Reducing project fund illicitly.
7.	Fictional physical project	<ul style="list-style-type: none"> Allocated fund which is written in official report is actually fictional
8.	Manipulation on selling result and retribution	<ul style="list-style-type: none"> The real amount of selling result and tax are not reported. Stipulating tax revenue target under the real received income
9.	Manipulation on physical project	<ul style="list-style-type: none"> Marking-up on project value. Imposing and collecting illicit payment towards the contractor
10.	Fictional Salary or honorarium list	<ul style="list-style-type: none"> Creating fictional job
11.	Manipulation on physical renovation data	<ul style="list-style-type: none"> Reducing the maintenance fund Mark-up on physical renovation fund
12.	Reduction on aid fund	<ul style="list-style-type: none"> Direct/indirect reduction on aid fund which is committed by public official illicitly
13.	Fictional human resources project	<ul style="list-style-type: none"> No project/ no report (fake project report)
14.	Extortion license	<ul style="list-style-type: none"> Imposing and Collecting illicit cost towards society Marking up license cost
15.	Extortion on management of residential and immigration	<ul style="list-style-type: none"> Collecting illicit cost towards society Marking up license cost

Source: The Habibie Center [7]

Some people argue that corruption which occurs in Indonesia is equal to incurable pandemic disease [9]. Meanwhile, some believe that corruption is part of culture which is embeded in entire aspect of life in Indonesia. Corruption has already transformed into mentality of most Indonesians [10]. It is due to high tendency of corruption occurrence in any level of social life which starting from corruption on the making of birth certificate, marriage certificate, ID Card, building license and government procurement projects and, futhermore, corruption even occurs in judicial environment as signaled with the exsistence of judicial mafia (*judicial corruption*) [11].

II. THE TYPOLOGY OF JUDGE LEGAL INTERPRETATION IN HANDLING CORRUPTION CASES

According to research on judge legal interpretation in handling corruption cases in Indonesian courts, there is classification that can describe on how Indonesian judges interpret elements of corruption. The classification is wide legal interpretation and narrow legal interpretation. Wide legal interpretation is a legal interpretation that views corruption form material perspective that consideration on norms and *moral turpitude* which come from unwritten legal sources. Meanwhile, narrow legal interpretation is a legal interpretation that views corruption merely based on written legal sources but, at the same time, ignoring unwritten legal sources.

The application of both legal interpretation brings implication. If judge only employs narrow legal interpretation, the judge tends to pass a non guilty verdict. On the other hand, if judge applies wide legal interpretation on the corruption case, there will be high tendency to pass a guilty verdict. Regarding the guilty verdict, penal sanction that is passed by judge may fall into several categories, such as extremely light sanction, light sanction, moderate sanction, heavy sanction and extremely heavy sanction. However, the judge is likely to pass penal sanction which falls into light sanction category. The relation between the characteristic of judge interpretation on corruption and penal sanction on verdict is described in Table II.

In Table II, there is relation between characteristic of judge interpretation on corruption and the sanction as written in verdict. If the judge uses narrow legal interpretation on corruption case, the result is more likely non guilty verdict in which the defendant is free from charges and sanctions. Even if the defendant is considered guilty and sanctioned, the judge is likely to impose extremely light sanction. Meanwhile, if the judge chooses to apply wide legal interpretation, the result usually leads to guilty verdict. Regarding the sanction of guilty verdict, the penal sanction may fall into several categories such as light sanction, moderate sanction and heavy sanction.

TABLE II: RELATION BETWEEN CHARACTERISTIC OF JUDGE INTERPRETATION ON CORRUPTION AND VERDICT IMPLICATION

Typology and characteristics of judge legal interpretation on corruption	Verdict implication
<p>Wide legal interpretation:</p> <p>Indicators of tort:</p> <ul style="list-style-type: none"> Violation against written regulations Violation against norms, justice principles and etc <p>Indicators of abuse of power:</p> <ul style="list-style-type: none"> Violation against written regulations Violation against good governance principles 	<ul style="list-style-type: none"> Guilty verdict, with various range of penal sanctions: light, moderate and heavy sanctions which depends on judge consideration upon assessing incriminating factors and demulcent factors
<p>Narrow legal interpretation:</p> <p>Indicators of tort:</p> <ul style="list-style-type: none"> Violation against written regulations Abuse of power practice Violation against written regulations 	<ul style="list-style-type: none"> Guilty verdict, with extremely light sanction which depends on judge consideration Non guilty verdict which means free from charges and sanctions

The characteristic of legal interpretation on corruption depends on types of corruption, such as tort and abuse of power which are committed by legislative officials and executive officials in local government environment. Narrow interpretation on corruption is conducted based on tort category and abuse of power practice which is merely interpreted as violation against written regulations. Meanwhile, wide legal interpretation on corruption is conducted based on criteria of tort and abuse of power practice that contradicts with and violates both written and unwritten regulations. Unwritten regulation for tort element is in the form of violations against norms and values that injure justice principle on society. Meanwhile, unwritten regulation for the element of abuse of power practice is in the form of violation against good governance principles.

Based on this research, it shows that the panel of judge fallacy in proving corruption elements as presented on the indictment during the trial session is caused by judge tendency to apply narrow legal interpretation on corruption. If the judge uses wide legal interpretation on corruption, the corruption elements as indicted by prosecutors will be successful to be proved during trial session. The application of both legal interpretation brings implication. If judge only employs narrow legal interpretation, the judge tends to pass a non guilty verdict which means letting free defendant from any charges and sanction. Even if the judge imposes guilty verdict to the defendant, the sanction will be extremely light one. On the other hand, if judge applies wide legal interpretation on the corruption case, there will be high tendency to pass a guilty verdict. Regarding the sanction in guilty verdict, the penal sanction may fall into several categories such as light sanction, moderate sanction and heavy sanction. It depends on judge consideration as basis in creating a decision.

Theoretically, in legal science, there are some types of legal interpretation. Some of legal interpretation methods even complement each other. Each method has their characteristic. Therefore, there is no obligation to use one specific method when deals with a certain real case. As the result, there are many legal interpretation methods which are possible to be employed by judge, especially in creating a verdict. The judge independently has right to choose method of legal interpretation which is considered proper to be applied in certain case [12]. In other words, judge is free from obligation to obey a certain fixed method of legal interpretation in creating verdict by ignoring other legal interpretation methods.

However, this research also points out that there is close relation between the characteristic of legal interpretation and judge verdict. The assessment upon the quality of judge verdict can be evaluated from the way of judge interpret the elements of certain article in law. It should be conducted by applying the legal interpretation on the case and applying contextual consideration on the case. According to Burgh and Winkelman, history has shown that there was attempt to force the application of a certain method of legal interpretation. However, the result was contradictory and against expectation which lead to ambiguous guidance. It was due to the difficulty to grasp the real motives of judge in making a certain decision since there was only explicit

argument as written in the verdict [13].

III. THE IMPORTANCE OF PROGRESSIVE LEGAL INTERPRETATION FOR JUDGE

Based on result of the research as explained previously, it is important to have discussion on progressive law as basis to do reconstruction on legal interpretation method which is employed by judge when dealing with certain case. Progressive law requires holistic interpretation upon legal issue settlement in order to achieve substantive justice which is more than formal and procedural justice achievement. Interpretation is an activity to give meaning on text of regulation and legal facts which does not merely refer to reading the literal meaning of text in regulation and legal facts. This is called as progressive law which means placing the legal text/facts in a certain context and later gets contextualized.

Progressive legal interpretation views formulation of a regulation on the position as initial piece. Meanwhile, the main objective which should be reached out is justice as the essential ultimate piece. As the result, the initial formulation of written regulation should not be viewed as something that final and absolute one. The regulation admonishes anyone that the society needs justice and justice is formulated in the form of words that have legal implication. Justice is merely a little piece of objective of law since there are some missing pieces that should be compiled together, they are: *justice, utility, doelmatigheid, billijkheid*. In other words, any time people read law or regulation, they are also obliged to find out essential meaning behind the said regulation [14].

Progressive legal interpretation views legal process as a process of liberation from any irrelevant concept or doctrine which is not appropriate anymore to be applied in responding the current issues of people's life nowadays. Progressive legal interpretation is stemmed from "law for people" paradigm. It is completely contradictory with *analytical jurisprudence* which believes in "people for law" paradigm. Human is a symbol of dynamics of life fact. The main assignment of law is to guide people and to serve people. Therefore, the balance between "static and dynamics" among regulations is needed along with open opportunity.

From the perspective of progressive law, law and court cannot be perceived as engine or robot. It should be perceived as an institution that creatively guiding and serving people. Such assignment can be performed if law is granted with liberty to implement interpretation. Interpreting is form of implementation upon assignment to guide and serve people.

Progressive law is relevant with various schools of thoughts, such as: historical (Savigny), realist (America, Europe), sociology (Pound, Ehrlich, Black), responsive (Nonet dan Selznick). Those schools of thoughts basically accept the fact that legal interpretation acts as connector between rigid and static regulation or laws and the dynamic present and future which requires law to be adaptable. The reliable desired law will appear if the law is able to do its main assignment as guidance and servant of society. Therefore, the law cannot rely on past. Instead, it should move forward to the present and future. It is the main essence

of progressive law and the progressive legal interpretation.

From theoretical perspective, there are some types of legal interpretation, in which one and another complement each other. Each method has their respective characteristic and there is no obligation to use a certain fixed method of legal interpretation which should be applied on certain real case. The judge has independent rights to choose one of legal interpretation method which is considered appropriate to be applied on the said case. In other words, judge is free from obligation to obey certain fixed method of legal interpretation in creating verdict by ignoring other legal interpretation methods [15].

However, practically, there is evidence that shows close relation between characteristic of legal interpretation and judge verdict. The assesment on quality of judge verdict is related to the ability of judge in interpreting formulation of article in certain regulation, the said case along with the social context which is dynamic and continuously developed.

Since the characteristic of judge legal interpretation determines the quality of verdict, therefore, according to Arief Sidarta, all methods of legal interpretation should be mustered hermeneutically. In order to determine the meaning of law as written on laws and regulations, it should be conducted based on positive law rule which requires grammatical interpretation within frame of historical context in relation with its main objective that determines the content of the said regulation (theological). Besides, it also should be conducted within contextual relation among other related regulations (systematical) and contextually refers to sociological and economical factors by referring to cultural and fundamental human rights values for the future. It is called as hermeneutical approach.

Moreover, in order to manifest the main legal objective, such as to create progressive law that serves people for achieving social justice and social welfare, all methods of legal interpretation is needed (wide interpretation). Besides, in order to develop legal science, law has to involve the study on sociology of law, history of law and philosophy of law.

ACKNOWLEDGMENT

The author would like to express gratitude to Director of Research and Social Service Institute of Universities Islam Indonesia Yogyakarta and Directorate General of Higher Education of Ministerial of Education and Culture of Republic of Indonesia which had granted excellence research fund for higher education that supported the creation of the research and this article.

REFERENCES

- [1] R. Ackerman and R. Susan, *Korupsi Pemerintahan, Sebab, Akibat dan Reformasi*, Jakarta: Pustaka Sinar Harapan, pp. 127, 2006.
- [2] R. Klitgaard, R. M. Abora, and H. L. Paris, *Pemuntun Pemberantasan Korupsi dalam Pemerintah Daerah*, Jakarta: Yayasan Obor Indonesia, pp. 29, 2002.
- [3] P. Bernasson, "Role for International Organizations in The Fight Against Corruption," in *Responding to Corruption: Social Defense*,

Corruption, and The Protection of Public Administration and The Independence of Justice, pp. 367, 2000.

- [4] S. Wignjosebroto, "Korupsi: Sebuah Tinjauan dari Perspektif Sosial Budaya," presented at Law School Doctorate Program of Diponegoro University, June 23, 2007.
- [5] W. J. Chambliss, *Corruption, Bureaucracy and Power, Sociological Reading in The Conflict Perspective*, pp. 358-359, 1973.
- [6] P. Heywood, "Political Corruption: Problem and Perspectives," *Journal of Political Studies*, vol. 45, 1977.
- [7] Rustamadji, "Habis Otonomi, Terbitlah Korupsi," *Journal of Democracy*, vol. 2, pp. 37-38, 2005.
- [8] A. K. Umam, *Kiai dan Budaya Korupsi di Indonesia*, Semarang: Rasail, pp. 99-107, 2006.
- [9] M. Y. Firdaus, "Pandemik Korupsi dan Mentalitas Birokrasi," *Opini Radar Jogja*, January 27, 2007.
- [10] R. T. Sugiarto, "Mengebor Sumur Tanpa Dasar," *Journal of Democracy*, vol. 2, pp. 6-8, 2005.
- [11] I. G. M. Nurdjaja, *Korupsi dalam Praktik: Bisnis Pemberdayaan Penegakan Hukum, Program Aksi dan Strategi Penanggulangan Masalah Korupsi*, Jakarta: Gramedia Pustaka Utama, pp. 1, 2005.
- [12] J. M. V. Bemmelen, *Hukum Pidana I Hukum Pidana Materiil Bagian Umum*, Jakarta: Binacipta, pp. 63-72, 1984.
- [13] Shidarta, *Karakteristik Penalaran Hukum dalam Konteks Keindonesiaan*, Bandung: CV. Utama, pp. 44, 2006.
- [14] S. Rahardjo, "Penafsiran Hukum Progresif," presented on the Class Discussion at the Law School Doctorate Program, Diponegoro University Semarang, October 23, 2007.
- [15] A. Sidarta, "Hukum Progresif dari Sisi Filosofis: Persepsi Epistemologis, Hermeneutis, dan Metafisika," presented at the National Seminar of Prospek Hukum Progresif di Indonesia, Faculty of Law Diponegoro University, April 28, 2009.



M. Syamsudin was born in Purworejo, Central Java, September 4th, 1969. Graduated from Law School Undergraduate Program of Universitas Diponegoro (Undip) Semarang 1994, Law School Post-Graduate Program of Universitas Airlangga (Unair) Surabaya, 2002, and Law School Doctorate Program in Universitas Diponegoro Semarang, 2010. Working as lecturer at Law School of Universitas Islam Indonesia (UII) Yogyakarta (for Undergraduate, Post-Graduate and Doctorate Program). Teaching for subjects: Indigenous Law; Anthropology of Law; Method of Legal Research; Philosophy of Law and Theory of Law. Notable career as Chief of Social Research Institute Center of UII Yogyakarta (2002-2005), Chief of Legal Research Study of Law School of UII (2010-present), Secretary of Law School Senate of FH UII (2005-2010), Research Consultant for Institute of Research and Development (Balitbang) of Transportation Ministerial of Republic of Indonesia (2002-present), Editor for UNISIA Journal of Universitas Islam Indonesia (2011-present). Participant in *Training on Social-Legal Studies in Promoting and Protecting Indigenous Rights: A Harmonization between Modern Law and Customary Law in Indonesia*, 15 March – 1 April 2010, in Van Vollenhoven Institute, Leiden University, Netherlands. Participant in Sandwich Program in *School of Law, Flinders University, Adelaide South Australia*, September-December 2008. The author actively conducts various research activities independently or jointly which is offered by some research institutions, such as Higher Education Directorate General (Dirjen Dikti), Transportation Ministerial, Local Government and etc. His research results have been published in various research journals. His published books were "Hukum Adat dan Modernisasi Hukum" (Editor), year 1998; "Hak Kekayaan Intelektual dan Budaya Hukum" (with Budi Agus Riswandi), year 2004; "UII in Cita dan Fakta" (editor), year 2005; "Operasionalisasi Penelitian Hukum", year 2007; "Mahir Menulis Legal Memorandum" 2008, "Pendidikan Pancasila: Menempatkan Pancasila dalam Konteks Keislaman dan Keindonesiaan", 2009, and "Konstruksi Baru Budaya Hukum Hakim Berbasis Hukum Progresif", 2012.

The Importance of Progressive Interpretation for Judge in Handling Corruption Cases in Indonesia

ORIGINALITY REPORT

0%

SIMILARITY INDEX

PRIMARY SOURCES

EXCLUDE QUOTES OFF
EXCLUDE BIBLIOGRAPHY OFF

EXCLUDE MATCHES < 2%



UNIVERSITAS ISLAM INDONESIA

Kampus Universitas Islam Indonesia, Gedung Rektorat, Jl. Kaliurang Km. 14,5, Yogyakarta 55584
Telp. (0274) 898444 (Hunting); Fax. (0274) 898459; Http://www.uui.ac.id; E-mail: rektorat@uui.ac.id

Berita Acara Hasil Pengecekan Keaslian Karya Ilmiah Atas Nama Dr. M Syamsudin, S.H., M.H Untuk kenaikan Jabatan Dari Lektor (300 AK) ke Lektor Kepala (700 AK)

Pada tanggal 24 Juli 2017 telah dilakukan pengecekan *Originality* atau *Similarity* terhadap karya Ilmiah Dosen Tetap Universitas Islam Indonesia:

Nama : Dr. M Syamsudin, S.H., M.H

NIDN/NIK : 0504096901/954100104

Prodi : Ilmu Hukum

Fakultas : Fakultas Hukum

NO	KARYA	REPORT ORIGINALITY	KETERANGAN
1	Jurnal Hukum, Vol. XVII, No.2, Hal. 156-171, Juni 2008 dengan judul "Tanggungjawab Hukum Pelaku Usaha Periklanan Atas Produk Iklan Yang Melanggar Etika Periklanan (Kajian Kritis UU Perlindungan Konsumen) ISSN: 1412-2723, Terakreditasi No.26/DIKTI/KEP/2005	7%	
2	Jurnal Hukum FH Unissula Vol.XVIII, No.2 Hal. 282-314, September 2008 dengan judul "Perlindungan Hukum Konsumen Penumpang Kapal Laut (Studi di Pelabuhan Tanjung Perak Surabaya), ISSN:1412-2723 Terakreditasi no : No.26/DIKTI/KEP/2005	0%	
3	Jurnal Media Hukum Vol.15, No.2, Hal. 187-207, Desember 2008 dengan judul "Kecenderungan Paradigma Berfikir Hakim dalam Memutus Perkara Korupsi," ISSN:0854-8919, Terakreditasi no : No.43/DIKTI/Kep/2008	0%	
4	Jurnal Hukum & Dinamika Masyarakat, Vol.4, No.2, Hal.183-193, April 2009 dengan judul "Model Pengembangan Hukum Untuk Proyeksi Perubahan Masyarakat Indonesia Agraris Ke Industri Modern, ISSN:0854 2031, Terakreditasi no : SK. Dirjen Dikti No. 55A/DIKTI/KEP/2006	0%	
5	Jurnal Hukum Vol.17, No.3, Hal. 406-429, Juli 2010 dengan judul "Faktor-Faktor Sosiolegal yang Menentukan dalam Penanganan Perkara Korupsi di Pengadilan, ISSN: 0854-8498 Terakreditasi no : No.65A/DIKTI/KEP/2008	0%	
6	Jurnal Mimbar Hukum, Vol. 22, No.3, Hal. 498-519, Oktober 2010 dengan judul "Pemaknaan Hakim Tentang Korupsi dan Implikasinya Pada Putusan : Kajian Perspektif Hermeneutika Hukum, ISSN:0852-100X, Terakreditasi no : Nomor : 51/DIKTI/Kep/2010	6%	
7	Jurnal Dinamika Hukum Vol.11 No.1 Hal. 10 - 19, Januari 2011 dengan judul "Rekonstruksi Pola Pikir Hakim Dalam Memutuskan Perkara Korupsi Berbasis Hukum Progresif, ISSN:1410-0797 Terakreditasi no : Nomor 51/DIKTI/Kep/201	0%	

8	Jurnal Hukum, Vol. 18, Edisi Khusus, Hal 127-145, Oktober 2011 dengan judul "Rekonstruksi Perilaku Etika Hakim dalam Menangani Perkara Berbasis Hukum Progresif, " ISSN:0854-8498 Terakreditasi no : No. 65A/DIKTI/KEP/2008	2%	
9	Jurnal Yudisial Vol. 7 No 1 April 2014, April 2014 dengan judul "Keadilan Prosedural dan Substantif dalam Putusan Sengketa Tanah Magersari (Kajian Putusan Nomor 74/PDT.G/2009/PN.YK, " ISSN:1978-6506, Terakreditasi no : LIPI No. 507/Akred/P2MI-LIPI/10/2012	0%	
10	Jurnal Media Hukum: Vol.21, No.1, 2014 dengan judul: Urgensi Pembaharuan Commercial Code di Bidang Pelayaran Guna Menjamin Perlindungan Hukum Konsumen (Studi Perbandingan di Pelabuhan Portklang Malaysia), ISSN: 0854-8919 Terakreditasi Dikti no: 81/DIKTI/Kep/2011	0%	
11	Book Chapter: dengan judul "Memahami Pemikiran Mohammad Koesnoe tentang Hukum Islam dan Penerapannya di Indonesia (Salah satu penulis dalam buku Mohammad Koesnoe Dalam Pengembaraan Gagasan Hukum Indonesia), Penerbit : Epistema Institute, Hal. 177-206, ISBN:978-602-19461-7-6	0%	
12	Jurnal Internasional Bereputasi (Impact Factor): EJEFA European Journal of Economics, Finance & Administrative Sciences, Issue 55, Page 97-105, Desember 2012 dengan judul "Understanding Corruption from Behavioral Perspective: A Case Study of Yogyakarta Special Province," ISSN:1450-2275	0%	
13	Jurnal Internasional Bereputasi (Impact Factor): International Journal of Social Science and Humanity, Vol.3, No.2, Hal.156-159, Maret 2013 dengan judul "The Importance of Progressive Interpretation for Judge in Handling Corruption Cases in Indonesia, ISSN:2010-3646	0%	
14	Jurnal Internasional Bereputasi: Valley International Journals Volume 1, Issue1-3, April-June 2014, April 2014 dengan judul " Understanding The Typology of Judge's Behaviour in Handling Corruption Cases in Indonesia," ISSN:2349-2031	0%	
15	Jurnal Internasional Bereputasi: International Journal of Business and Management Study Volume 1, Issue 2, May 2014, Mei 2014 dengan judul "The Budget Misallocation Mechanism in Indonesia's Bureaucracy, " ISSN:2372-3955	2%	
16	Jurnal Internasional: International Journal of Humanities and Social Science Invention, Vol.3 Issue 11, Nopember 2014 dengan judul "Understanding the Meaning of Justice in the Judge's Verdict for Private Cases in Indonesia," ISSN:2319-7714	0%	
17	Jurnal Ilmiah Internasional: International Journal of Humanities and Social Science Invention Vol. 4, Issue: 9, September 2015, ISSN: 2319-7714, berjudul: Discovering the Meaning of Justice in Judges' Verdicts on Narcotics Crimes in Indonesia	3%	
18	Jurnal Ilmiah Nasional Tidak Terakreditasi: Jurnal Hukum Vol. 15, No.3, Hal.338-351, Juli 2008 dengan judul "Beban Masyarakat Adat Menghadapi Hukum Negara, ISSN:0854-8498	4%	

19	Jurnal Ilmiah Nasional Tidak Terakreditasi: Jurnal Yudisial, Vol - V/No-01/April/2012, Hal. 38-53, April 2012 dengan judul "Keadilan Substantif yang Terabaikan Dalam Sengketa Sita Jaminan Kajian Putusan Nomor 42/PDT/2011/PT.Y," ISSN:1978-6506	0%	
20	Prosiding: The4th International Graduate Studens Conference on Indonesia Theme Indigenous Communities and "The , Oktober 2012 dengan judul "Ngindung & Magersari : The Harmonization of Customary Law and State Law Dealing with Land Ownership and its Shifting Meaning in Jogjakarta," ISBN:978-602-8683-26-5	0%	
21	Prosiding: Asean Conference Educating Asean Societies for Integrity The Role of Educators & Students in Buildin, April 2013 dengan judul "Understanding The Typology of Judge's Behaviour in Handling Corruption Cases	0%	
22	Prosiding pada Konferensi Nasional Hukum, Politik dan Kekuasaan, Oktober 2009 dengan judul "Beberapa Permasalahan yang Dihadapi Pelaut Indonesia dan Urgensi Perlindungan Hukumnya Menghadapi Dampak Globalisasi dan Perdagangan Bebas, ISBN:978-6028011-06-8;	18%	
23	Prosiding Seminar Nasional Penelitian dan PKM: Sosial, Ekonomi, dan Humaniora, Desember 2011 dengan judul "Aspek Yuridis Pembangunan Peron Tinggi di Stasiun Kereta Api sebagai Sarana Perlindungan Hukum Konsumen, ISSN:2089-3590	3%	
24	Prosiding: Prosiding Seminar Nasional Peningkatan Kehidupan Masyarakat yang Madani dan Lestari, DPPM UII, Desember 2011 dengan judul "Urgensi Standarisasi Layanan sebagai Bentuk Perlindungan Hukum Penumpang Kapal Kelas Ekonomi dengan Waktu Pelayaran di atas 8 jam," ISBN:978-602-95472-1-4	0%	
25	Prosiding Seminar Nasional Hukum Islam FH UNDIP, September 2012 dengan Judul "Ilmu Hukum Profetik : Gagasan Awal dan Kemungkinan Pengembangannya," ISBN:978-602-8259-42-2	0%	
26	Makalah Seminar Internasional Non Prossiding: Berjudul "Exploring Indonesian Legal Structure To Reduce Corruption Do Judge's Verdicts Really Fight Against Corruption?, Presented on the Corruption Seminar, held by Indonesian Islamic Society of South Australia (MIAS) , pada Desember 2008 .	0%	
27	Koran pada Examinasi Edisi 1 Tahun 2011, Hal. 9, Nopember 2011 dengan judul "Korupsi Dalam Perspektif Hukum Adat,	2%	
28	Editing/Sunting Buku Ilmiah: Menghasilkan Karya Ilmiah berupa Editing pada Pusat Studi Hukum (PSH) Fakultas Hukum UII, Desember 2013 dengan judul "Ilmu Hukum Profetik (Gagasan Awal Landasan Kefilsafatan dan Kemungkinan Pengembangannya di Era Postmodern), ISBN:978-602-1123-01-0	8%	
29	Jurnal Nasional Terakreditasi: Hasanuddin Law Review, Vol.3, No.1, April 2017, berjudul: An Effective Supervision Model of a Standard Clause for Consumer Protection in Business Transactions, ISSN: 2442-9880	5%	

Pengecekan di atas menggunakan alat IThenticate dengan meniadakan (exclude) beberapa hal dengan ketentuan sebagai berikut:

1. Meniadakan (exclude) hasil cek kesamaan karya yang kurang dari 2 persen.
2. Meniadakan (exclude) hasil cek kesamaan karya yang disitasi oleh pihak lain.
3. Meniadakan (exclude) hasil cek kesamaan karya yang terindikasi plagiasi kepada karya ilmiah yang bersangkutan.
4. Meniadakan (exclude) hasil cek kesamaan karya yang menunjukkan url atau laman karya ilmiah yang bersangkutan.
5. Meniadakan (exclude) hasil cek kesamaan karya yang diupload dalam bentuk yang berbeda (online pribadi) yang terdeteksi merupakan karya sendiri bukan merupakan laman publikasi Jurnal resmi hanya untuk kepentingan sharing (seperti <https://www.researchgate.net> facebook.com dll) sehingga bukan termasuk auto-plagiasi/self plagiarism.

Berdasarkan hasil pengecekan di atas, maka karya ilmiah tersebut diatas dapat diteruskan usulannya ke kopertis Wilayah V.

Yogyakarta, 25 Juli 2017

Rektor



Nandang Sutrisno, S.H., LL.M., M.Hum., Ph.D.

Wakil Rektor I

Dr.-Ing. Ir. Ilya Fadjat Maharika, MA., IAI.