

Ngindung & Magersari : The Harmonization of Customary Law and State Law Dealing with Land Ownership and its Shifting Meaning in Jogjakarta

By M. Syamsudin



PROCEEDING



PROCEEDING

The 4th International Graduate Students Conference on Indonesia

The Graduate School UGM, Jl. Sekeloa Selatan I, Yogyakarta 55283

Telp. 0274-564239, 544873, 555881

E-mail: gsr@ugm.ac.id or gsr@mail.com; gsr@ugm.ac.id

Website: <http://gsr.pascasarjana.ac.id> or <http://pascasarjana.ugm.ac.id>

THEME

INDIGENOUS COMMUNITIES AND "THE PROJECTS OF MODERNITY"

The Graduate School UGM, 30 - 31 October 2012

Keynote Speakers

Dr. Pujo Sarnedi Hargo Yuwono, M.A.
Gadjah Mada University

Dr. Suraya Afif
University of Indonesia

Mr. Amrith Widodo
Australian National University

Associate Professor Maribeth Erb
National University of Singapore

Reviewer

Prof. Ir. Supus Purwoto, M.A.Sc., Ph.D.

Prof. Dr. Sudibyo, M.S.

Dr. Budiatan

Dr. Rima Noviani

Dr. Syamsul Ma'arif

Mr. Tri Kuntoro Priyambodo

The 4th International Graduate Students Conference on Indonesia

INDIGENOUS COMMUNITIES AND "THE PROJECTS OF MODERNITY"

PROGRAM STUDI/INAT STUDI (S2/S3 MULTIDISIPLIN)
SEKOLAH PASCASARJANA (SPS) UGM MELIPUTI:

- Agama dan Lintas Budaya **)
- Ekonomi Islam
- Kajian Timur Tengah **)
- Bioteknologi **)
- Rekayasa Biomedis
- Ilmu Lingkungan **)
- Geo Informasi untuk Manajemen Bencana
- Magister Pengelolaan Lingkungan
- Inter-Religious Studies (IRS)
- Kajian Budaya dan Media **)
- Manajemen Informasi dan Perpustakaan
- Kajian Pariwisata **)
- Ketahanan Nasional
- Magister Perencanaan dan Resolusi Konflik
- Magister Manajemen Bencana
- Magister Manajemen Pendidikan Tinggi
- Pengelolaan Infrastruktur dan Pembangunan Masyarakat
- Pengkajian Seni Pertunjukan dan Seni Rupa **)
- Penyuluhan dan Komunikasi Pembangunan **)
- Studi Kebijakan **)
- Studi Kependudukan **)

*) program S3

**) program S2 dan S1

ISBN: 978-602-9243-95-5
www.pascasarjana.ugm.ac.id

PROCEEDING

The 4th International
Graduate Students Conference
on Indonesia

T H E M E

INDIGENOUS COMMUNITIES AND
"THE PROJECTS OF MODERNITY"

THE GRADUATE SCHOOL UGM, 30-31 OCTOBER 2012

PROCEEDING
The 4th International
Graduate Student Conference
on Indonesia

T H E M E
INDIGENOUS COMMUNITIES AND
"THE PROJECTS OF MODERNITY"

THE GRADUATE SCHOOL UGM, 30-31 OCTOBER 2012

KEYNOTE SPEAKERS

Dr. Pujo Semedi Hargo Yuvono
(Gadjah Mada University)

Dr. Suraya Afif
(University of Indonesia)

Mr. Amrith Widodo
(Australian National University)
Associate Professor Marilbeth Erb
(National University of Singapore)

R E V I E W E R

Prof. Ir. Suryo Purwono, M.A.Sc., Ph.D.

Prof. Dr. Sudhiyanto

Dr. Badiawan

Dr. Ratna Noviani

Dr. Samsul Ma'arif

Tri Kuntoro Priambodo

E D I T O R

Dr. Badiawan

The Graduate School Gadjah Mada University
Jl. Teknika Utara, POGUNG, Yogyakarta, 55281, Telp.: 0274-564238, 544975, 955881
E-mail: graduate@ugm.ac.id

PROCEEDING

The 4th International Graduate Students Conference on Indonesia

T H E M E

INDIGENOUS COMMUNITIES AND "THE PROJECTS OF MODERNITY"

THE GRADUATE SCHOOL UGM, 30-31 OCTOBER 2012

Keynote Speaker : Dr. Pujo Smedo Idris Wicaksono, M.A. (Graduate School Gadjah
Mada University)

Dr. Suraya Afif (University of Indonesia)

Mr. Anurik Widodo (Australian National University)

Associate Professor Matthew Ellis (National University of Singapore)

Reviewers

: Prof. Dr. Surjo Puzwono, M.A.Sc., Ph.D.

: Prof. Dr. Sudhyatno

: Dr. Budiawan

: Dr. Katin Noviaz

: Dr. Syamsul Ma'arif

: Mr. Tri Kuntoro Priyambodo

Editor

: Dr. Budiawan

Cover Design

: Puji Wulandari, M.K.020

First Edition : October 2012 (*Anggota IKAPI 077 / DNY 2012*)

Publisher

: Sekolah Pascasarjana UGM

Address

: Jl. Teknika Utara, Pajene, Sleman

Yogyakarta 55281

Telp. (0274) 564239 and 520318

Fax. (0274) 564239

Email : spg@ugm.ac.id

Website : <http://pascas.ugm.ac.id>

ISBN: 978-602-8683-26-5

All rights reserved

PREFACE FROM THE DIRECTOR OF GRADUATE SCHOOL

In line with new paradigm as a *research university*, Graduate School Gadjah Mada University has annually been conducting *International Graduate Student Conference (IGSC)* as an international student publication media. In 2012, it is the fourth conference, entitled *Indigenous Communities and The Project of Modernity*, chaired by Dr. Budiawan, our lecturer from Cultural and Media Studies Department. The main objective of this conference is to provide a media for graduate students in disseminating their research results. The topic was adopted with at least three reasons: (1) modern project tend to explore natural resources in every district since regional autonomy era in 2004, (2) sustainable development has three consideration aspects namely, ecological, economic, and social matters, and (3) cultural development of modern project has impact on local wisdom and also on indigenous communities. They are still isolated and far from modern facility, and hence they are underdeveloped and undergo far from modern activities.

Indonesian development has been based on sustainable development criteria. In ecological point of view, natural resources exploitation was intensively carried out in Sumatera, Kalimantan, and Papua covering forest and mining resources. Every district cut forest for their welfare which include more than 1 million hectare a year. Mining activities (petroleum, charcoal, silver, and gold) are running continuously. These industrial activities sometimes are done in the indigenous communities (Dayak, Buntan, Sasak, Toraja, etc). They make suffer the people and create some conflicts in socio-economic consideration. Gross Domestic Product (GDP) increasing is considerable (e" 6%), but it is still being questioned whether it cover the indigenous community socio-economic welfare or not. There is no research and accurate information talking about this delicate

From those samples of papers, it is clear that the academic spirit of most scholars contributing their works to this proceeding is exploring the issue in concern in order to build some epistemologic understanding of the problem in question. It is by such an epiphany a scholar turns to be an engaged individual, through which knowledge production would likely help the making of public welfare.

Hopefully the compilation of these fifty seven papers is taking a part in clearing a path to such a normative virtue.

References

- Davidson, Jamie S. and David Henley (2007), "Introduction: Radical conservatism - the protean politics of adat", in Jamie S. Davidson and David Henley, *The Revival of Tradition in Indonesian Politics - The Deployment of adat from colonialism to indigenism*. New York & London: Routledge
- Montaga, Sandra (2007), "From *3in1puter* to *Masyarakat* adat: a long and confusing journey", in Jamie S. Davidson and David Henley, *The Revival of Tradition in Indonesian Politics - The Deployment of adat from colonialism to indigenism*, New York & London: Routledge.



LIST OF CONTENTS

Preface	PROF. DR. HARTONO, IMA, DESS	V
Indigenous communities and the 'project of modernity' in post-Suharto Indonesia: <i>an Introduction</i>	BUDI HAWAN	VII
1	KEYNOTE SPEAKER	
The Relationship Between Indigenous Communities and The Indonesian State of Post-Suharto Era: <i>Some Reflections through Actor-Oriented Approach</i>	SUCIYANA PIRIE	1
2	Can Indigenous People be Modern? Media, Performance and Technology in Indigenous Movement in Indonesia	AMRIH WIDODO
3	Proliferating Boundaries in a Borderless World: <i>Thinking about the Disappearance of Modern Subjects of Inclusion and Exclusion</i>	MARIBETH IERB
Panel 1	The Existence of Pawang Glee and Patuwu Seneubok of Makini Pince Bate's Indigenous Community, Poulada in Bitouen Regency-Aceh	TEUKUCUT MAIMUDAZIZ
Conflict of the Land Within Indigenous Narratives	Can a Decision Making Frame from Australia (New Zealand) be transferred to Papua (Indonesia)? Changing Land Use from Peat Land to Agricultural Purposes in Merauke, Papua	ELISABETH VERONIKA WAMBRALAN
Panel 2	Indigenous Community which is No Longer "Genuine": <i>The Struggle of Badui People in the Crisis of Tourism</i>	ATIKA WIJAYA
Indigenous Enterprises	Settlement Pattern of Petungsewu Village by Using Map and Behavioral Mapping	
Engaging Tourism		

"Conformism" Space of Local Community Agencies: Tourism Community's space in Tourism area of Teluk Pahi	51
MUHAMMAD BAKRI	
PROF. NINDYO SOEWARNO,	
PROF. WIENDI SURYANTI,	
DR. BUDI PRAYITNO	

Tourism Politics and Local Wisdom: <i>Revitalizing the Art of Jembalang in the Cultural Tourism Development of Bali; dances, Central Java</i>	43
TRIANA ARIADITAMA	
SOL AHUDDIN FUSMANEGARA	

Panel 3 Visualizing the Indigenous Culture	
Revealing Discursive Formation behind the Definition of Traditional Dance through Postcolonial Perspective: <i>The Restoration of the Local Dances of Indigenous Communities' Conception as an Art in Academic Justification</i>	77
IRAM SETYI MELDI	

Studying Indigenous Culture: <i>Communication Media and Preservation Strategy</i>	95
IRADWI MAYANGSARI	

The Commodification of Indigenous People in Print Advertisement	105
LISTIA NATADJAJA	

Packaging Design: <i>Local Culture in Design Culture</i>	117
MOCH JUNAIDI Hidayat	
KARIR	
LONO LASTI BROS MATUPANG	
YASRAF ANIRPILANG	

Panel 4 The Local Survivals in Global Change Challenges	
Nuagene Culture in Practice of Aji Modareng	131
ASMA LUTHFI	
Hegemony of Mass Media Upon the Order of the Cultural Values of Local Communities Butoh in Bior-Bau	139
HADIATI	

Panel 5 The Local in Global Media Discourses	
Local temples: <i>Projects of Modernity, Complicated Cultural Appropriations, and Ethno-hybrid Subjectivity in a Local Sphere</i>	155
IKWAN SETIAWAN	

Media and the Representation of Madurese People: <i>Local Wisdom of Madurese People in Emha Ainun Nadjib's Folklore Madura</i>	167
NETTY D. KURNIASARI, S.SOS, M.MED.KOM	
Framing Indigenous Community: <i>Media Representation of the Collective Identity of the Pre-Tapanuli Activists in Indonesia</i>	179
SUZANNA ERIYONO	

Panel 6 Cultural Commodification Within and Without	
Sea Nomads in Iuani: <i>A Phenomenon in Development Policy in Barisan Island, Batam</i>	195
ATIK RAHMAWATI	

Commodification of Exotic Culture: <i>The Case of the Baju in Wakatobi Islands, South East Sulawesi</i>	207
BENNY BASKARA	
Exploring the Life of Indigenous Sapek Fisherman: <i>Between Economic Pressure and Local Wisdom</i>	221
YANTI PUJULASTUTJE	
ERNY ROSYANTI	

Panel 7 Doing Cultural Agencies in the Social Challenges	
Tourism Communication for Belawi Community in Iakarta	237
<i>A Case Study in Kampung Seta Babakan, Jagakarsa, South Jakarta</i>	
HERNY HAYAT, SE, M.MSI	
YOHANES ARIKONOROVAKTI	
ANDIKA WITONO	

Regulations and Policies on Biological Diversity as Protection Toward Indigenous Communities in Indonesia (Post Nagoya Protocol)	247
ANUGRAH ADIASTUTI	

Community's Local Knowledge of Flood-Prone Areas
in East Java as Disaster-Alien Educational Efforts
MUTIMANNAB, S. SOS, M. ISLAND
DEVIRAJAYU, S. L. N. H. U. M. 257

Panel 8
Evaluating
the Meanings of
Local Wisdom
Educational Value Among the "Secular Sikep"
in Kariyoso Family, The Sibid-Distract of Lyuban,
Kudus Regency, Central Java
ERIK ADITIA ISMAYA 271

Local Wisdom in Life Cycle of Madurese Women
As the Basis of the Arrangement of
Self-Empowerment Communication Strategy
FARIDA NURUL RAHMAWATI 281

Panel 9
Arts of Cultural
Resistance
Post-Colonial Samin Mentality:
State, Religion and Tradition struggles in
Pro-Got Construction of Cement Factory
in Sukoharjo, Central Java
ABDULLOH HAMMO 297

Final Communique 1955 and Asian-African Solidarity:
On Indigenous Identity and Global Relationship
HARYO KUNTO WEBISONO
AHMAD YANI ALIR
FADRI FADHILANE 309

Against in Loyalty:
Politics of Identity and the Arts of Resistance among
Suku Ana Krawa in Penyongat, Sukoharjo, Central Java
MUHAMMAD ANSOR 329

Panel 10
Reproducing
Local Wisdom for
the Social
Sustainability
Social Behavior of A Rural Community
in Alleviating Poverty:
A Case Study in Sraggang Village, Sukoharjo,
Central Java
AHMAD ZUBER 345

Local Knowledge and Socio-Cultural Capital
Reproduction During the Food Crisis
An Ethnography Study of the Peasant Life
Experiences in the Regency of Wonorejo,
Central Java
DESINTHA DWIASRIANI 351

Consensus as the Basis for Organizing a Community
A Study of Auction Market as the Power of Farmer in
Panglisan Coastal Area, Kulon Progo Regency
IKSARUNDIYANA, S. P. 361

Panel 11
Economics
Dimension of
Indigenous
Communities
A Study of Socio-Economic Vulnerability of Salacca
Farmer in Cakran, Sleman, Yogyakarta
A Lesson Learned from the Merapi Volcano
Eruption 2010
DHANDYUN WACANO
FITRIANUCHEHA
AHMAD CAHYADI
ARIESDWI WAHYU RAHMADANA
SITI PUTI LESTARININGSIH 373

The Independence of The Migrant Worker Wives
through Ecocultural Strengthening Program
of Gramscian Bank:
Case Study of Reclamation Fund Management
in Malang and Semarang
ISKANDAR DZUL KARNAIN 381

Economic Dimension of the Right to
Self-Determination of the Orang Asli:
Rights to Land and Natural Resources
MUHAMMAD SAYUTIBIN HASSAN @ YAHYA
DR. ROHADA NORDIN 391

Panel 12
Legal Problem of
Indigenous Land
Conflicts
Conflict of Land between Adm People,
the Government, and Corporations:
A State of Legal Plurality in Industrialized
Indonesia
JOENI ARIANTO KURNIAWAN 407

State Law vs. Customary Law:
The Problems in Indonesia's Legal Pluralism
LUBIRIN AURIANI 421

Ngandung & Magersari:
The Humanization of Customary Law and State Law
dealing with Land Ownership and its Shifting
Meaning in Jogjakarta
M. SYAMSUDIN 437

Panel 13
Climate Injustice and Local Values:
Climate Change
The practice of traditional community in Bali
TUNJUNG AMANT 447

Panel 13
Climate Change
and Indigenous
Adaptions

The Potential Role of Mothers in Climate Change Mitigation PARAJI	471
Climate Change Phenomenon is the Part of Coastal Community Life in the Semarang City RIZKI KIRANA YUNIKIANI	477
Hydrological Drought Index Based on Traditional Paston System WALLUYO HATMOKO	493

Panel 14
Representations of
the Indigenous in
the Global Media

Environmental and Cultural Based Indigenous Community Radio: <i>Radio Rakyat FM, West Java</i> EMELIA BASSAR HERMININDIAH WAHYUNI	503
Madurese Non Voters: <i>A Study of Cross Cultural Communication</i> NIRMALAH SURYANDARI	517
Internet as Media Literacy, Information and Self-Identity of the "Karapung Cyber" Yogyakarta RAGIL TRIATMI ME	529
Integrating Local and Foreign Cultures in the English Teaching Learning Process: <i>One way of maintaining local cultures</i> SITI SUDAKTINI	537

Panel 15
Different Voices
and Experiences of
Indigenous
Religions
in Indonesia

The Challenge of Gender Segregation in Islamic Javanese Wedding and the Emergence of Male Wedding Makeup Artists DEWI CAHYA AMBARWATI	551
The Concept of Life After Death Fala Bian Ma Hau Bian: <i>A Study of the Efforts to Maintain the Identity of Indigenous Religion Atuin Puh Meen Among the Bait Tribe, East Nusa Tenggara</i> ELISABETH HUFLEN	575
Naming As Identity of Being A Muslim Study of Salman ITR Community Bandaran Aceh	

The Ritual of Biso Segeri The Function of Mappahit as Social Transformation SYAIRUL	605
---	-----

Panel 16
Ambivalences of
the Indigenous
Communities

The Change of Indigenous Life Style in Supporting the Project of Modernization <i>The concept of Communication Project to the Madurese Society</i> DINARA MAYA JULIANI	625
Modern Lifestyle that Penetrates the "Innocence" of Saurin People A politics of Encounter and Negotiation HARTATI SUSTYO RINI	635

Panel 17
Indigenous Land
in Crisis

Water Management in the Lowlands of Southern Papua Indonesia Using a Decision Support System and Integrating Traditional Ecological Knowledge ELISABETH VERONIKA WAMBRAUW	647
--	-----

Green Belt of Bintuni Bay Ethnographic Studies on the Introducing Program for the Implementation of Carbon Emissions Reduction in Bintuni Bay Regency, West Papua MUHAMMAD SYAITUL ROHMAM	659
---	-----

The Java Forest in the Turbulence of Interest and Power: <i>The Eco-History of Mangrovegarum Forest</i> NINA WITASARI	675
---	-----

Panel 18
Narratives of New
Indigenous
Identity

"Interracial Courtship": A Recent Dilemma in the Contemporary Social Relation of Chinese Indonesians A Study from Discussions on Social Media SESCOSARAGIH	687
Symbolic Communication as a Struggle for Identity Recognition: <i>A Case study in Bimbangara, Bali</i> SIHNATALIA SIKMI	725
"Being Indigenous" Debating The Reproduction of Knowledge and Its Articulation into The Law VEGITYARAMADHANI PUTRI	737

Panel 19 Biduan: A Concept as A Basis for Development
*The Case of Resettlement Program of Dusun Meratus
 Tribes in South Kalimantan*
IKANINGORMUCHAMAD
TONYATYANTODHAROKO
ARYARONALI
HEDDY SRIAHINSA-PUTRA 749

*The Built Up Light of Gwl in the Traditional House:
 A Case study of nDulen Pengerman in Badilawati
 Kampong, Sarakaria Pulau*
DYAU S. PRADNYA, P. 753

PANITIA
**THE 4th INTERNATIONAL GRADUATE STUDENT CONFERENCE
 ON INDONESIA**
"INDIGENOUS COMMUNITIES AND THE PROJECT OF MODERNITY"

Instansi : Solara Rabu, 30 – 31 Oktober 2012
 Waktu : 07.30 – 17.00 WIB
 Tempat : University Club UGM, Jl. Pancasila No. 2 Yogyakarta
 Pakaian : Batik bebas
 Pendaftaran : Dilarang pendaftar sebagai sarlat tugas No. 2738/H1.SES/EC-2012

STEERING COMMITTEE:

Prof. Dr. Hucans, DEA., DESS
 Prof. Dr. Suryo Purwono, MA, Sc., Ph.D

ORGANISASI COMMITTEE:

Ketua : Dr. Budawan
 Wakil Ketua : Dr. Dewi Haryati Sugilastuti
 Koordinator Pelaksana : Lestiyani, SH., M.Pd
 Wakil Koordinator Pelaksana : Sugiyanto, SE
 Sekretaris : Siti Nurhidayah, MA
 Asas Anggrani, M.Hum
 Asas Zahra
 Wicaksa Sejati Timor
 Bendahara : Siti Rochani, SE (koordinator)
 Bidang Sri Widada, SE (dan pembangun baliak)
 Perbandingan dan noralis : Endy Sipuro, MA (koordinator)
 Asas Zahra
 Wicaksa Sejati Timor
 Asas Anggrani, M.Hum
 Siti Nur Hidayah, MA
 Pradiastuti Purwitasari, SS
 Presiding : Dr. Puamtha Dyah Fitriani

Cultural Night

Moderator

1. Prof. Dr. Mak Woodward
2. Dr. Prasmu Hadi
3. Dr. Hediawan
4. Dr. Dewi Haryati Sugilastuti
5. Dr. Nicholas Wareaw
6. Dr. Wening I Idositico
7. Dr. Rana Noviani
8. Dr. Dina Ramlanari
9. Dr. Dicky Soefan
10. Dr. Iqbal Akbar
11. Dr. Syamsul Ma'arif
12. Dr. Damsang Sri Hrodnoko
13. Dr. Mukronadi
14. Dr. Puamtha Dyah Fitriani
15. Drs. Pri Kiatogo Priyambodo, M.Sc
16. Drs. Kais Budiman, M.Hum
17. Enul Karmila, M.Dev

NGINDUNG & MAGERARI: The Harmonization of Customary Law and State Law Dealing with Land Ownership and its Shifting Meaning in Jogjakarta

M. SYAMSUDIN

Dosen Tetap Fakultas Hukum, Faculty of Law
Universitas Islam Indonesia (UII) Jogjakarta

E-mail: sm.syamsudin@yahoo.com.au

ABSTRACT

Nginding and *Magersari* are very common terms for the people of Jogjakarta. The former is dedicated and related to the land owned by people in general, while the latter is designated and associated with land owned by the Sultan of Jogjakarta. There is a historical relationship between the latter and the former. Agrarian Act (*Undang-Undang Pokok Agraria*) of 1960 as a representation of the state laws have been enacted in Yogyakarta Province entirely since 1984, however, the influence of historical background on the status of *magersari* and *nginding* still maintains in harmony to the present. The development and the rapid rate of population growth affect the existence and the commercial value of land. Indeed, the social value of land tends to be changed into commercial values which inspires the relationship among the members of the society, especially in terms of land nature. Nature of the relationship between them initially is based on kinship or mutual relationship. The relationship is recognised as *bazuk* relationship or family relationship, nonetheless, the relationship has changed into self-interest relationship. Hence, the meaning of *nginding* and *magersari* has already changed into commercial function, and not a social one anymore.

KEYWORDS: *nginding* and *magersari*, local law, state law, the shift of

- Wrightsoebroto, Soetandyo. (2002). Law: Paradigms, Methods, and Development, ELSAM and HUMA, Jakarta.
- Wijardjo, Buedi, et al. (2001). *Conflict, Danger or Opportunity: Exercise in Addressing Conflict facing and Natural Resources*, BSP Kemala and Jakarta.
- Wright, Glen (2011), Indigenous People and Land Ownership Under Domestic Rule, *Journal* Vol. 7/2, pg. 117.
- Wulan, Yuliana Cahya, Yudi Yasmi, Ancient Christian, And Eva Wollenberg, *Conflict Keturunan in Indonesia Before and After the Reformation*, in *Kebijakan*, No.15, October, CIFOR, Bogor.



Introduction

The land law in "Daerah Istimewa Yogyakarta" right now is not in spite of continuity of history which would greatly influence by *agekan* and *polo* Kraon Jogjakarta. That is included the tradition of the local laws related land rights called "*Ngindung*" and "*Magerwari*". *Ngindung* and *Magerwari* are an individual land rights born of gratitude landowners based on the price of mutual help and kinship. Someone who gets *ngindung* authorized by owner of land may build houses on the land or the inhabited portion of building houses the landowner at no particular payment. If possible it could payment, merely marks (symbols) into the yard or the house is owned someone else.¹

Ngindung and *Magerwari* are very well known among the people Jogjakarta. The term is typically intended *ngindung* and lands associated with the title rights held by the general public. On the other hand *Magerwari* designations and associated with specific understanding of the yard for land title rights owned by the Sultan of Jogjakarta and people who are there historical ties.²

Looking from history, the first king (Sultan) of Jogjakarta is the absolute owner of the land that is his national territory. King as the absolute owner of the land is a logical consequence of the understanding of the absolute monarchy legitimacy its power, including the power to the land itself. The absolute power of the king and the royal thoroughly understand its contents are also understanding which received at that moment, as the Majapahit Javanese Period accepted since the Islamic Mataram.

According to this understanding, the land territory of the king and king is the king of the land is free to do as they wish. The concept of the king as the owner of the land until today, especially in Yogyakarta is known as "Land of *Kayungan Dalem*". In further developments is known as "Sultan Ground" with the title of SG.³

¹ Ter Haar Rijn, 1989. *Asas-asas dan Sistem Hukum Adat, Jember*, K Ng Soebarto Pustaka Jember, Pustaka Paramita, p. 115.

² Pasal 1 Keputusan Kewedanaan Hingung Puncakwan Watono Hari Kito Nomor 23/WKRT/881.

³ Soemardjo Moertono, 1986, *Meneliti dan Usaha Rina Masa di Jawa, Masa 1 dan 2*, Jakarta: Yayasan

On the basis of this understanding, people merely have the right to use *agekan*. If the land is agricultural land, then the user (*Pengagah*) obliged to pay half or a third of the land under their control. However, if the land is in front of garden soil, then *Pengagah* shall work without pay for the benefit of the king or royal officials. In its development, the land belongs to the king given to servants and royal officials as salary. The provision of land by the king is accompanied by the transfer of the right of the king over the results of the land. Stelsel is commonly called *Stelsel Apang*.⁴

The beginning of the 1900's many Dutch entrepreneurs invested in the plantation sector. For this purpose many employers required land and it can be obtained easily from the king and *apang* holder. King and *apang* holder are happy because it's easier to get rents from the planters. Similarly planters prefer to deal directly with the king and *apang* holder, in addition to easily get the land can also be obtained for free labor. Instead, the cultivators of land (farmers) suffered quite a lot because they had to give his cultivated fields ranging from half or one-third plus had to work without pay for the planters.⁵

Under such conditions, the Yogyakarta Sultanate government is aware. In 1918 held improvement in the affairs of granting land rights to the people. Yogyakarta Sultanate government action is known as the Land Stelsel reorganization. Prior to the 1918 reorganization stelsel land, use of land in Yogyakarta Sultanate based on "complying *Pramutan* 1853" which can be grouped into:

Land used by the Sultan for his palace with all the equipment as for the square, performances, *Siti Hinggit*, *nuandangan ticheut*, *sri penggah*, and so on. This land is called *Tanah Keprabon*.

Land that the Sultan handed over free of charge for use by the Dutch government (Gubernement) NIS, to Fort Vredenberg, *Karistidenen* Office, Railway Station, and so on.

Lands that are given to the Dutch and Chinese to *eigendom* right or *opstal* right.

Group Land, namely lands granted by the Sultan to the royal officials.

⁴ Bud Hazono, 1988, *Undang Undang Pokok Agraria, Sajarat Panyusun, Isi dan Paiksananya*, Diakarta: Pustaka, 0.57.

- e. *Kesontoran* land, which land granted by Sri Sultan to relatives or *Sontoran* palace with use rights.
- f. This land basically included the group land but it eventually released from the bonds of class and become yard of the other higher employees with the surrounding villages.
- g. *Tanah Kebun* (read garden), the land planted with trees and yard are usually located outside the center of the capital and it is given to *pejabat* with the right to use.
- h. Land of the civilian, excluding of that categories land mentioned above, placed directly under the *kepatihan*.
- i. These lands are managed by *Bekoh*; the land is called *manisan* palace land.

Since 1918, the village in Yogyakarta area designated as a legal entity that has the rights to the land. Similarly, the rights for the people of the land are used as a residence and business recognition. With *Rijksofsblad* Sultanate in 1918 and No. 16 of 1918 *Rijksofsblad* Paku Alam No. 18, both claimed control over the land in each region as follows: "*Gokahabane hami kang ora ana tondh yektine kadarbe ing liyan buwra wevenang eigenendom, dadi hami kangangwa kratoningsun Ngayogyakarta*" (all land that is not proven owned by someone else with the *eigenendom* right, belonged to the Ngayogyakarta Palace).

On the basis of the domain statement, the Government of the Sultanate and Paku Alaman grant rights of use (*anggeaduh* authority) to the establishment of villages. Later, rights based *Rijksofsblad* Sultanate of 1926 and *Rijksofsblad* Paku Alaman 1925, *anggeaduh* right from the village was changed to the right or *andharbani* *andharbani* authority. However, the lands granted to the village with the *andharbani* right not cover all the land that has been clearly worn by them, either to stay or processed or grown continuously or at an entrepreneur uses the grace period as contained in the registers *Kalurahan*.

Granting authority *andharbani* land rights to the village accompanied by the obligation that the village should still preserve the rights of members of the public land users. The use rights of the people are hereditary (hereditary).

sonogo authority) as intended by the Sultanate *Rijksofsblad* 16 in 1918 and *Rijksofsblad* Paku Alaman No. 18 in 1918.

This condition is different from individual rights to land inside the city. *andharbani* right outside of town owned by the village, then in the city are owned by individuals. Thus individual rights over land in the city is stronger than the individual rights to land outside the city (rural) with the right to use it. Regarding land rights in the city, set in *Rijksofsblad* Kasultanan No. 23 in 1925 and No. 25 *Rijksofsblad* Paku Alaman 1925. Thus, it means that the reorganization of the city more than the final reorganization outside the city. But individual rights are acquired by the citizens in the city are more powerful than those in the village who are not bound by the village, no town given in the village.

Later in the year 1954 is an important step increase people's rights over land in DU, especially in rural areas. This year "Dacrah Istisnawa Yogyakarta" born Regulation No. 5 of 1954, the contents of which promote the right to use or *authoritative anggeaduh* proprietary hereditary. Despite the increased rights to the property, but still within the bounds village, as the village is entitled to intervene in the execution of such property in the traffic society, for example in the case of transfer, use, and loading. Under the regulation, the landowner has the authority to exercise its right for the benefit of themselves and their families; for example, process and use to stay; divert forever; sell, donate, give, pass, move for a while; mortgage, rent, and the burden with debt.

On the other hand, it has issued Regulation No. 5 of 1954, the position of individual rights over land in the town still remain under the rule of *Rijksofsblad*. *Rijksofsblad* Sultanate and Pakualaman. In case, this enrolment still uses the old way, i.e., according to the provisions of *Rijksofsblad* Sultanate No. 1 in 1926 and No. 13 in 1926 and *Rijksofsblad* Pakualaman No. 32 in 1925 and No. 36 in 1925.

1 April 1984 pursuant to Presidential Decree (Keppres) No. 33 year 1984 and article 5 of the Basic Agrarian Act 1960 (*Undang-Undang Pokok Agraria* -UUPA) in Yogyakarta. With full force, the normative consequences of all the problems in the field of agriculture, including land subject to this UUPA comply.

Based on article 53 of the UUPA was determined that the land from indigenous rights by BAT, ranked as the rights of temporary and not be regulated to limit properties as opposed to UUPA. These rights are sought abolition in a short time. One of those rights is the right ride (*nginding* and *mageruari*). In the Customary Law library, rights are used to refer to rights that can be held by a person to build a house on land owned by another person who has the permission of the land. From this sense is known as rights inhabit the yard inhabit home on the land of others.⁸

Problems

The problems that will be studied in this paper focus on the following questions: (1) How are *Nginding* Rights and *Mageruari* existence article 5 of the agrarian law of 1960 on the UUPA in DIY?; (2) What is the meaning of *Nginding* Management for Yogyakarta society?

Discussion

Although UUPA has been fully implemented in the province since 1984, the influence of historical background on the status of *nginding* or *mageruari* rights are still going on until now. In this development, Kunoro (1996) explains that the right of *nginding* or *mageruari* appeared with the following characteristics:

1. Rights of *Nginding* essentially born of a legal relationship or agreement which only put a strain unilateral obligation on one party only. *Nginding* rights over land occurred during license or permission to set up and houses provided by the landowner. From this observation the western law, rights over land can be classified *nginding* the agreement for free charge, because the profits or benefits of a relationship *nginding* only felt by one of the parties that the user.
2. Legal relationship that make on land rights of *nginding* essentially binding on the landowner and user only. Therefore user heirs who continue *nginding* rights without the knowledge and permission of the land owner.

⁸ Muan-Sudjati, 1981. *Hukum Agrar Suku Acheh*. Yogyakarta: Liberty, p.54.

they have done occupy or use the land of another without right. On the basis that the person concerned can be sued as have committed unlawful (*non-consummata causa*).

In line with the tendency for people to make changes in order to adapt to the developments, the legal relationship which spawned *nginding* rights on land originally was based on incest relationships (familial) stilled towards relationships that are selfless. It is characterized by the existence of the obligation to provide a fixed payment each month or a year, commonly referred to as rent.⁹

It is that cannot be denied that the enactment of the UUPA (*legal provision*) full in Jogjakarta as a whole does not mean removing customary law (*the living law*) are there. Actually, if examined carefully, the enactment of the UUPA in Jogjakarta actually strengthen the customary law of the land. It appears from the contents of article 5 of the basic agrarian law determines *agrarian Act which applies to the earth, water and air space are customary law, provided they do not conflict with national interests and state, which is based on the unity of the nation ... and so on*¹⁰. It must be acknowledged honestly, that although UUPA compiled based on customary law, but impressed at the level of practice occur dualism in land law. According to the writer so make this condition can refer to as harmonization of law, namely the application of the conjunction between local law (custom) and state law (*positive law*). In other words, there is considerable scope to apply customary law regime in the UUPA and it is required by the law itself. Customary law and positive law are complementary so there is no contradiction (*legal gap*). Thus it can be said that UUPA is essentially a manifestation of customary law, and both are one entity.¹⁰

Of the provisions of Article 5 of the UUPA can be understood that customary law is the basis of the implementation of the agrarian in Indonesia, because the native customary law is the law for the nation of Indonesia. However, the enactment can be interpreted as insincere because restrictions

⁹ Bruno Kurnio, 1986. "Negeri: Aspek Hukum Hak Nanding alas Tawoh di Komarunya Yogyakarta". Tesis Program Pascasarjana Universitas Airlangga Surabaya, p. 115-116.
¹⁰ Muan-Sudjati, 1981. *Hukum Agrar Suku Acheh*. Yogyakarta: Liberty, p.54.

are contained in Article 5 of the UUPA, namely:

- a. Not to be contrary to the national interest based on nation unity;
- b. Not contrary to the interests of the state by the nation unity;
- c. Not against socialism Indonesia;
- d. Not contrary to the rules contained in the UUPA;
- e. Not conflict with other laws.

According to Mahadi (1978), restrictions on the entry into force of custom law should be interpreted narrowly so that these restrictions would eliminate the existence of customary law itself. In other words do not let restrictions into the primary, while the force of customary law into second. Better validity of customary law was bent to a more harmonious harmony.¹¹

The same thing also expressed by Abdurrahman (1984), that common law as the basis of national agrarian law implies that all sorts of law derived from customary law following concerning the legal relationship between man and the land or deed relating to land under customary law, should be in the system of national agrarian law despite various modifications must made certain.¹² As with Daniel S. Lev, Lev; that the influence of the presence of force UUPA land rights in fact been abolished land rights derived from customary law. Although still permitted some administrative policy that accordance with local customary law, but obviously UUPA denies indigenous rights are typical, with the aim of creating a land law which is general and national.¹³

Actually, the process of the relationship *ngindung* or *ngugusan* land owned by Kraton Jogjakarta has been set in the Decree Kewedanan Hageng Punokawan Waluyo Sarto Kriyo Ngayogyakarta 29/WK/1981. Article 2 stated that the right *ngindung* given to those who occupy / land in Ngayogyakarta palace and then made an agreement with the rent as high 3% x the price of land every year. Meanwhile *ngindung* relations on land

by individuals are generally only based on oral or written agreements. resulted in a lack of regarding the terms that accompany the onset of the relationship between users with the landowner.

Ngindung or associated with this tenant, the palace has set conditions must be met by anyone who occupy or use land in the state as a palace Yogyakarta user or tenant. The requirements are contained in a manuscript of agreement issued by the Office Panfektisme using Java language as

Samangsa pekarangan kagungan Dalem ingkang kula engeni wau wonten karsa Dalem hade kagem kula inggih nyumanggakaken, boten hade damel angel punapa-punapa, naman nyuwun paring Dalem kerengan (1/3) sapara tigunipun pengausing griya miturut t a paitan, sarta nyuwun inah tumrap hade pindhah kula saking ngriki lami-laminipun (3) tipang wulan kapetang wiwit titimangsa serat dawuh. Samangsa pekarangan kagungan Dalem ingkang kula engeni wau wonten karsa Dalem hade kagem kula inggih nyumanggakaken, boten hade damel angel punapa-punapa, naman nyuwun paring Dalem kerengan (1/3) sapara tigunipun pengausing griya miturut tapiran, sarta nyuwun inah tumrap hade pindhah kula saking ngriki lami-laminipun (3) ngang wulan kapetang wiwit titimangsa serat dawuh. (When the yard belonging to the Sultan that I occupy will be used before the Sultan, I will follow and will not be difficult, but I beg a third compensation (1/3) house prices as expected prices, and have approximately three months starting this letter into force);

Tumrap tetanuman kula piyambak ingkang kula tanem wonten ngriki boten hade nyuwun kerengan punapa-punapa, Tumrap tetanuman kula piyambak ingkang kula tanem wonten ngriki boten hade nyuwun kerengan punapa-punapa. (For plants that I planted in the ground, I will not ask for damages);

Boten kenging ngrihak utawi unduh-unduh kerangkiri ing pekarangan kagungan Dalem ingkang kula engeni, kajiwi sampun tungal ijin Dalem nawi serat. Boten kenging ngrihak utawi unduh-unduh kerangkiri ing pekarangan kagungan Dalem ingkang kula engeni, kajiwi sampun amesd ijin Dalem nawi serat. (Prohibited

¹¹ Mahadi 1978, "Kedudukan Tanah Adat Cewasa In" Simposium Undang-Undang Pokok Agraria dan Kekuasaan Tanah Adat Cewasa In, Badan Penelitian Hukum Nasional, Jakarta, Bala Cipta, p.28
¹² Abdurrahman, 1984, "Kedudukan Hukum Adat dalam Perundang-Undangan Agraria di Indonesia, Jember, Akademika Pressindo, p.80.
¹³ Lev.

often neglected by the land owner. It is unusual that after a long user inhabit of land owned by someone else and then trying to find it instead of garden can be owned individually, instead it little by little trying to repair his garden even some that lead to a more permanent.¹⁴

Shifting Meaning Ngingdung and Magersari

At first appearance *nginding* rights and *magersari* relationships are on kinship, mutual help and mutual assistance, (inest relationship) between people who have land with people who do not own land. This relationship based on the idea that became the basis of the actions that gave birth to rights, which provide assistance to follow members of the community need help to meet their needs, the land for habitation. But in the next, due to narrowness of the land from development and rapid population growth, land changed in character to be commercially valuable objects.¹⁵

Shifted from the original value of the land is social to the commercial value affects the nature of relationships among the members of society especially in terms of land tenure. The nature of the relationship between people who initially based on kinship, mutual assistance, and mutual assistance or relationships are shifted to a more selfless nature. Consequently *nginding* and *magersari* have meaning that initially social functioning (not subject payment to user and tenant) at the present time to shift to commercial function (subject to any periodic payments to the landowner).

These conditions are reinforced by the results of studies that have been conducted by Endro Kumoro (1996) which shows that at the present time rarely found an association *nginding* and *magersari* are not accompanied payment of money by user and tenant to landowners (Table 1).

The condition can be understood considering the changing society in build tendency arising from community members to make changes in accordance with the pace of development. No exception, *nginding* and *magersari* relationships that are initially free covenant relationship shifted to the lease relationship.

¹⁴ Endro Kumoro, op.cit p. 88.

¹⁵ Endro Kumoro, 1996, *Polisi Agraria Nasional: Hubungan Masyarakat dengan Tanah yang Berbasis Hukum*.

Yogyakarta: Gadjah Mada University Press, 1997.

Table 1.

The Amount of Rent or Land Ngingdung Calendar or Magersari			
No.	The amount of money in dollars	Frequency	Percent
1	Not requested payment	5	15.15
2	Paying for UN	1	3.03
3	Less than 10,000 per year	7	21.21
4	10000-20000 per annum	12h	36.36
5	20000-30000 per annum	4	12.12
6	30000-40000 per annum	2	6.06
7	More than 40,000 a year	2	6.06
	N N	33	100

Sources: Endro Kumoro, 1996

Conclusion

Union *nginding* and *magersari* in Daerah Istimewa Jogjakarta is an example of the harmonization of local law and state law. At first the terms of *nginding* and *magersari* of land is born of gratitude landowners based on the principles of kinship and mutual help. Someone who was given permission to establish *nginding* or *magersari* houses on land partly inhabit the yard or house building and owners at no particular payment.

Although the UUPA has been a fully implemented in the province since 1960, but the influence of historical background on the status of land ownership tenant rights *nginding* still going on until now. Further development, due to the narrowness of the land from development and rapid population growth, the soil turns into its commercially valuable objects. Shifted from the original nature of the land is social to the commercial value affects the nature of relationships among the members of society, especially in terms of land tenure. The nature of the relationship between those who initially based on kinship, mutual assistance, and mutual assistance or incest relationships are shifted to a more selfless nature. Consequently *nginding* and *magersari* have a meaning that initially a social function at the present time to shift to commercial functions.



Ngindung & Magersari : The Harmonization of Customary Law and State Law Dealing with Land Ownership and its Shifting Meaning in Jogjakarta

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.