



UNIVERSITAS ISLAM INDONESIA

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Nomor : /ka. Panitia/ 10/ IP/ II/ 2018
Lamp : 1 halaman
Hal : Permohonan Sebagai Pembicara (*Speaker*) DILA Conference 2018

Kepada Yth,
Drs. Agus Triyanta, M.A., M.H., Ph.D.
di

tempat

Assalamu'alaikum Warahmatullahi Wabarakatuh

Fakultas Hukum Universitas Islam Indonesia bekerjasama dengan The Foundation for the Development of International Law in Asia akan menyelenggarakan Konferensi Internasional dengan tema "Historical Injustice and Islamic Views on International Law" serta Workshop Internasional dengan tema "The Making International Law in Indonesia" dan "State in International Law in Asian State in The Year" pada tanggal 20-24 April 2018 di Hotel Grand Inna, Yogyakarta.

Untuk itu, kami mengundang Bapak/Ibu untuk berpartisipasi dalam acara tersebut sebagai pembicara. Abstrak dan *paper* Bapak/Ibu kami mohon agar sesuai dengan tema acara yaitu "Historical Injustice and Islamic Views on International Law" atau "The Making International Law in Indonesia". Adapun untuk *full paper* kami mohon agar disampaikan paling lambat pada tanggal 1 April 2018 pukul 15.00 WIB. Adapun jadwal kegiatan terlampir dalam surat ini.

Bagi *paper* dengan kategori terbaik dan telah lolos melalui seleksi dari pihak DILA Korea, maka akan mendapatkan kesempatan untuk diterbitkan dalam Asian Yearbook of International Law (ASIAN YBIL), Korean Journal of International and Comparative Law (KJICL), atau Asia-Pacific Journal of Ocean Law and Policy (APJOLP). Proses seleksi dimaksud mendasarkan pada originalitas penulisan, kesesuaian dengan tema dan cakupan acara konferensi, dan substansi penulisan.

Untuk informasi lebih lanjut, kami mohon Bapak/Ibu dapat menghubungi secara langsung Contact Person kami: Agung Aditya dengan nomor telepon: 089626268899.

Demikian surat permohonan ini kami sampaikan. Atas segala perhatian dan kerjasamanya disampaikan terima kasih.

Wassalamu'alaikum Warahmatullahi Wabarakatuh

Yogyakarta, 19 Februari 2018

Dodik Setiawan Nur Heriyanto, S.H., M.H., L.L.M., Ph.D.
Ketua Panitia





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SURAT TUGAS

No : 07.04 /Dek-ST/60/Div.URT/H/IV/2018

Bismillaahirrahmaanirrahiim

Dengan ini Pimpinan Fakultas Hukum Universitas Islam Indonesia Yogyakarta menugaskan saudara yang namanya tersebut dibawah ini sebagai Narasumber International Conference pada tanggal 20-24 April 2018:

Nama : Drs. Agus Triyanta, M.H., M.A., Ph.D
Jabatan : Lektor
Pekerjaan : Dosen Tetap Fakultas Hukum UII Yogyakarta
Tema : The Making International Law in Indonesia dan State in International Law in Asian State in The Year

Surat Tugas ini disampaikan kepada yang bersangkutan, untuk diketahui dan dipergunakan sebagaimana mestinya.

Yogyakarta, 19 April 2018
Dekan,

Dr. Aunur Rahim Faqih, S.H., M.Hum



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IHYA AL-MAWAT: ISLAMIC LAW PERSPECTIVE ON THE CONCEPT OF LAND OCCUPATION IN INTERNATIONAL LAW

Presented at DILA International Conference, April 21-22, 2018 in Universitas Islam Indonesia, Yogyakarta

by
**Agus Triyanta &
Saufa Ata Taqiyya**

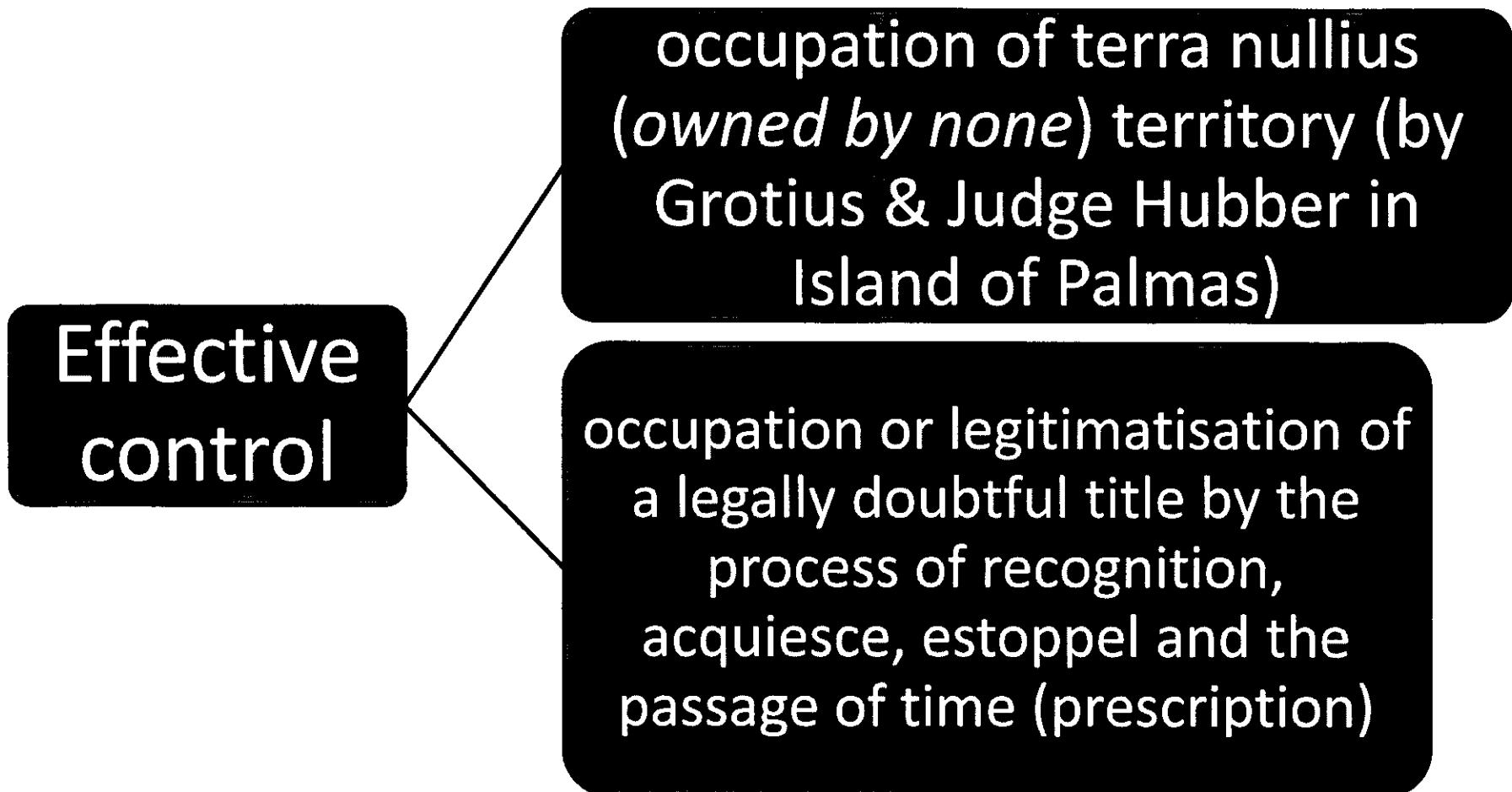
Meaning of Ihya al-Mawat



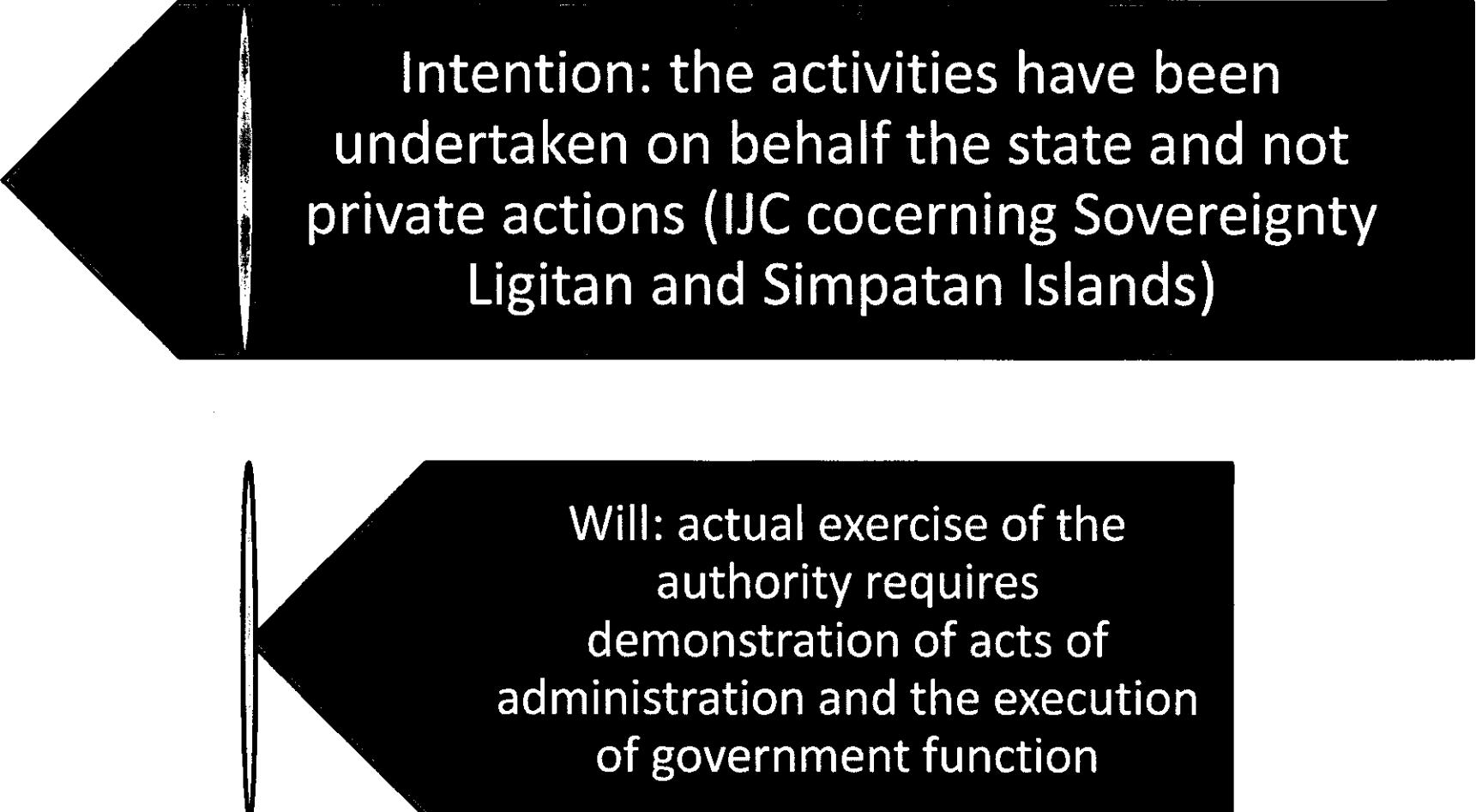
It is a revival of:

- ✓ dead/
- ✓ unutilized/
- ✓ abandoned /
- ✓ Waste land

Land Acquisition in Int'l Law



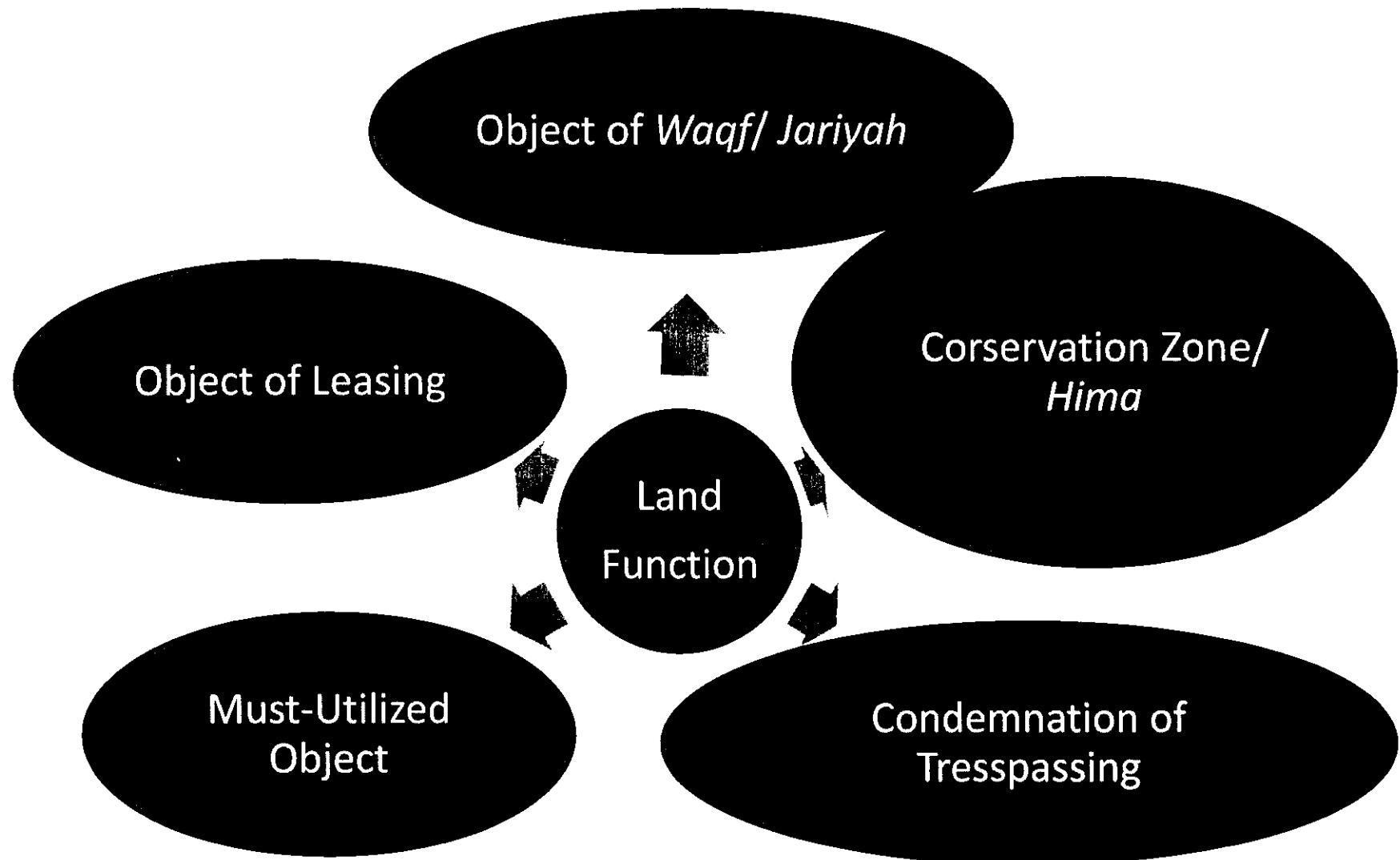
Effective control : 2 elements



Intention: the activities have been undertaken on behalf the state and not private actions (IJC concerning Sovereignty Ligitan and Simpatan Islands)

Will: actual exercise of the authority requires demonstration of acts of administration and the execution of government function

Strategic Land Position in Islamic Law



Land Acquisition Procedure

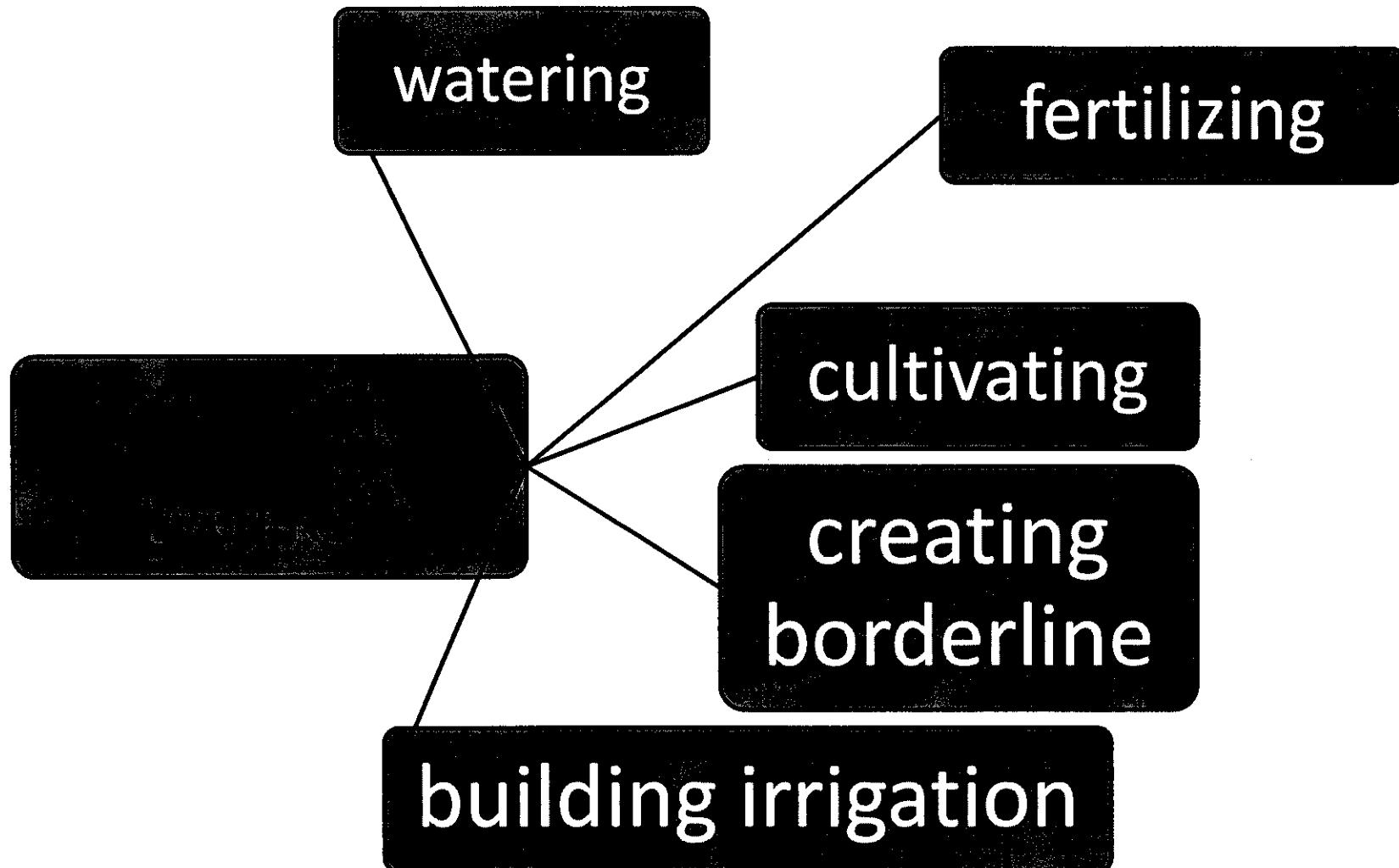
- Sale and Purchase ('adq al-bay').
- by booty of war distribution
- by the grant from the government (*iqta*)
- Inheriting the land from the family
- by way of dead land or abandoned land revival

Legality of Ihya al-Mawat

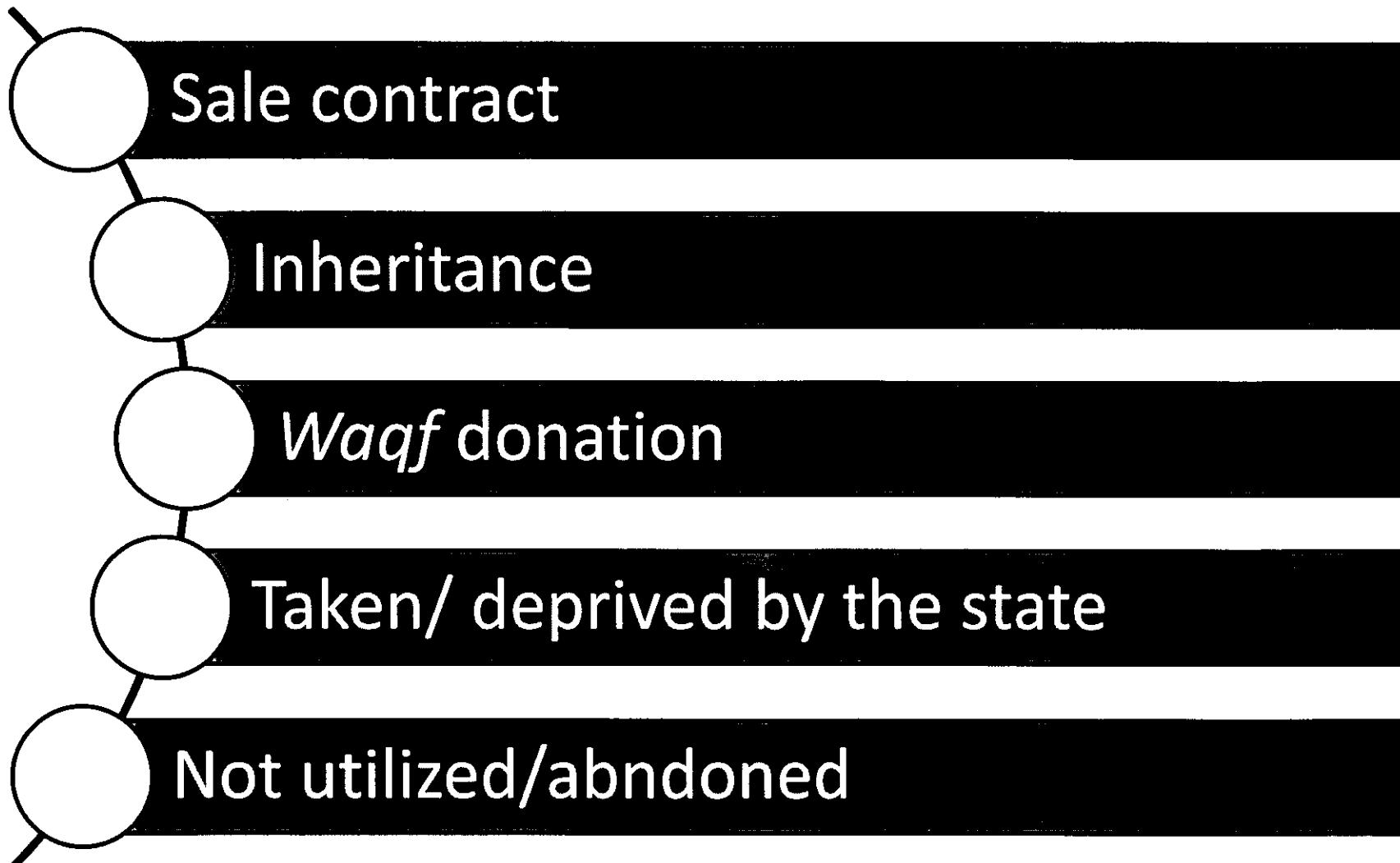
Hadith from the Prophet:

- “Whoever reclaim the land, it becomes his; and a transgressor’s sweat does not grant him any rights.” (al-Tabarani)
- Also another hadith, “Whoever takes accessible property that was not taken by any other Muslim thus own what he took.” (Abu Dawud)

Ihya al-Mawat Procedures



The loss of Land Ownership



Conclusion

- the way of taking possession of land can be attained by reviving an abandoned/unutilized land.
- This accords with the concept of the loss of land by abandoning it or leaving it unutilized.
- When a piece of land which is not owned by any parties, and this is found by someone (natural person) or an institution (legal person), it is thus, in Islamic law view, the finder reserves the right to posses it.

Conclusion.....

- However, the finder of such land must undertake necessary action to function the land for beneficial purposes.
- Otherwise, the ownership will lose due to the doctrine in In Islamic law that any land belong to anybody, which is not well utilized for at least **three years**, will be taken over by the government.

Conclusion.....

- Thus, the elements of **intention** and **will** in Int'l law can put in analogy to **well utilizing** land in the commcong function.

- Pertaining to *ihya al-mawat*, the way of land acquisition by way of reviving the dead or abandoned land, Islam, interestingly, can be equalized with the way of land acquisition in International law, namely the effective ownership/control
- Though the practice in the era of Prophet did not reach international level, it does not mean that this method can not be brought to international level by way of *ijtihad*, a personal human reasoning may establish legal status on something new not found before.



DILA
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CERTIFICATE OF APPRECIATION

This Certificate is awarded To:

Drs. Agus Triyanta, S.H., M.A., Ph.D.

As a Speaker for:

2018 DILA International Conference

Historical Injustice and Islamic Views on International Law

The Making of International Law in Indonesia

&

2018 DILA Academy and Workshop

on State Practice in International Law in Asian States in the Year of 2017

Yogyakarta, 20-24 April 2018