

## **DIVERSION IN JUVENILE CRIMINAL CASES (EVIDENCE BASED PRACTISE)**

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### **ABSTRACT**

President of the Republic of Indonesia enacted Law No. 11 of 2012 in July 30, 2012. The law regulates about Juvenile Criminal Justice System and is an amendment of Law No. 3 of 1997. Law No. 3 of 1997 is seen irrelevant with the current legal developments and needs of the society, because the law did not provide a comprehensive child protection before the law, hence must be amended with the new law. However, Law No. 11 of 2012 only began to be implemented in July 2014, in accord to article 108. There a number of new issues regulated in this Law, for instance: the term “naughty children” is revised to “children with legal conflict”. Another change is the minimum age of children to be the object of juvenile criminal justice system, from 8 years old to 12 years old, and below 18 years old of age. Restorative justice principle is also regulated in the new law (article 1 point 6). This principle provides the definition of case finalization, whereby the process to finalize a case must include the perpetrator, the victim, the family of the perpetrator and the family of the victim, and other related parties, to look for a fair solution and to restore the previous condition, and not a mean of revenge. In other words, this Law put more emphasis on seeking of solution alternatives outside of criminal justice system, meaning that the Law is giving hope that the punishment of a criminal act in a form of prison time will only be a last resort.



# **DIVERSION IN JUVENILE CRIMINAL JUSTICE SYSTEM (EVIDENCE BASED PRACTICE)**

Elfina Sahetapy

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The 2nd ICLAVE , Bali 7 – 8 Nop 2018

# 1. The Function of Juvenile Justice System

- In year 2014, is the crucial Transision regarding with juvenile justice system in Indonesia, because there are some structures changes and reform in a new Provision.
- The Act Number 11 year 2012 with title Juvenile Justice System In Indonesia and applicable since August 2014.



## Based On

- Convention on the Rights of the Child
- Beijing Rules
- Riyadh Guidelines
- The Standard Minimum of Deprived and Liberty






## II. CURRENT PRACTICES

### IMPORTANT REFORMATION:

- The minimum age of criminal responsibility: from 8 to 12 years old
- Diversion is applicable
- Detention maksimum for 24 hours (article 30 (1) and juvenile placed in special room or in the victim and witness protection facility (article 30 (2))
- Detention could be dismiss if there is guarantee from parents, guardian or institution.

- 
- Custody only available for juvenile offender who is 14 years old and for the crime which convicted for minimum 7 years (article 32) and the period of custody is no longer than 7 days (article 33) and they will stay in custodial institution of juvenile.
  - During the trial, custodial by judge no more than 15 days. (article 37)
  - Specialized in juvenile police, juvenile prosecutor and juvenile judge is guaranteed (article 1). The Uniform is not allowed during the process.
  - Closed trial is compulsory and not optional.
  - Social report is obligation for juvenile case → Judge Consideration



## Definition of Restorative Justice

Is any process in which the victim and the offender and, where appropriate, any other individuals or community members affected by a crime participate together actively in the resolution of matters arising from the crime, generally with the help of a facilitator.

→ The Facilitator are the law enforcement agencies (police, general attorney and judge)



## DATA:

- There are only 18 Juvenile Correctional Facility spread out in 18 provinces from the 34 provinces in Indonesia
- The amount of ch in custody and in Correction in the whole country is 5.709 juvenile;



## The Provinces:

- Child Correctional Facility in North Sumatera, Tanjung Pati-West Sumatera, Palembang-South Sumatera, Pekanbaru-Riau, Muara Bulian-Jambi, Bandar Lampung-Lampung, Boy Prison Tangerang-Banten, Girl Prison Tangerang-Banten, Bandung-West Java, Kutoarjo-Central Java, Blitar-East Java, Gianyar-Bali, Mataram-West Nusa Tenggara, Kupang-East Nusa Tenggara, Parepare-South Sulawesi, Tomohon-North Sulawesi, Pontianak-West Kalimantan and Martapura-South Kalimantan.



## Composition:

- Juvenile custody are 2.197 and there are 2.133 boys and 64 girls
- Juvenile correction facility are 3.512 and there are 3.444 boys and 68 girls
- Obviously , in 18 Correctional Facility occupied only for 1.612 juvenile.





# The Commission of Child Protection (KPAI)

- KPAI shows that each year 6,000 Indonesian children were in conflict with the law. Of these number, 3,800 children ended up in prison, and the rest retained in adult prisons or in police custody which were actually not feasible for Children.





# DIVERSION

The aim of Diversion:

- ❖ obtain reconciliation between perpetrator and victim;
- ❖ to avoid the state from limiting child's freedom;
- ❖ to encourage the community participation;
- ❖ to incept the sense of responsibility to children

# Proses (Musyawarah) dalam Diversi

Orangtua/  
Wali Anak

Anak  
Pelaku

Orangtua/  
Wali Anak

Polisi/Jaksa/  
Hakim

Tokoh Masy

Orangtua/  
Wali Korban

Korban

Pekerja Sos

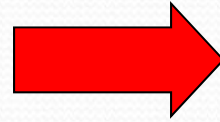
Pembimbing  
Kemasyrktn



**Penting:  
Harus ada persetujuan korbam**

# PROCESS OF DIVERSION

INVESTIGATION  
POLICE



EFFORT TO  
DIVERSION

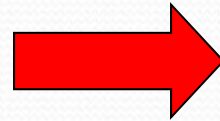


**FAILED**



**NEXT**

PROSECUTION  
PROSECUTOR



EFFORT TO  
DIVERSION



**FAILED**

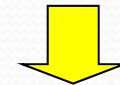


**NEXT**

COURT  
JUDGE

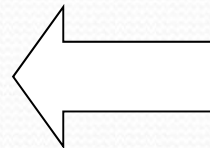


EFFORT TO  
DIVERSION



**FAILED**

PUNISHMENT







## RECOMMENDATION

- Diversion concept is based on the fact that criminal justice system process for juvenile offenders resulted in more harm than good. The fundamental reason is that trial will stigmatize children, so it would be better if the children are prevented to the systems outside criminal justice system.



**The Main Goal of this paper : The penal sanction for Juvenile has to be the last resort**





THANK YOU FOR  
YOUR ATTENTION





UNIVERSITAS  
INDONESIA  
*Yusuf Khatib, S.H., M.H.*

FAKULTAS  
HUKUM

# 2nd **icLave** 2018

2nd International Conference on Law and Governance in Disruptive Era

Bali, 7 - 8 November 2018

## PROGRAM BOOK

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## GREETINGS FROM DEAN



Selamat datang, welcome, to the 2<sup>nd</sup> icLave 2018.

It is a great honor that I welcome distinguished guest and participants to the **2<sup>nd</sup> International Conference on Law and Governance 2018** is the second international conference, held by Faculty of Law, Universitas Indonesia

The theme for the 2<sup>nd</sup> icLave 2018 is **“Law and Governance in Disruptive Era”**. The term of disruptive refers to the latest trend related to utilization of technology, automation process, data exchange and cloud computing, and including cyber-physical system, Internet of things (IoT), cloud computing and cognitive computing as it refers to term of Industry 4.0. It is aimed to contribute to the discourse on law and government by highlighting the current development, progress, achievements, as well as challenges faced in research and studies on this issue.

I also honored to welcome all of you, speakers and participants. Many of you have travelled far to participate in this Conference and share your valuable work with us. I hope that this Conference will serve as a platform for stimulation intellectual curiosity, triggering academic discussion and creating network among all of researcher, academics, professionals, across different background.

*Sincerely,*

**Prof. Melda Kamil Ariadno, SH, LLM, Ph.D**



# PROGRAMS

## PROGRAMS

Day 1 – 7 November 2018	
08.00 – 08.30	Registration
08.30 – 09.30	Opening Ceremony
09.30 – 10.15	Keynote Speech by Director General of Post and Information Technology, Ministry of Communication and Information Republic of Indonesia – Prof. Dr. Ahmad M. Ramli, S.H, M.H., FCBARB
10.15 – 10.30	Coffee break
10.30 – 12.30	Plenary Session 1 1. Dr Edmon Makarim (Universitas Indonesia) 2. Dr Bruce Wardhaugh (University of Manchester, England) 3. Prof Yuzuru Shimada (Nagoya University, Japan) 4. Prof Andrew Mitchell (University of Melbourne, Australia) 5. Prof Anis Bajrektarevic (University of Vienna, Austria)  Moderator: Heru Susetyo, Ph.D
12.30 – 13.30	Lunch break
13.30 – 14.45	Parallel panel session 1
14.45 – 16.00	Parallel panel session 2
16.00 – 16.15	Coffee break
16.15 – 17.30	Parallel panel session 3
17.30 – 18.30	Afternoon break
18.30 – 21.00	Gala dinner and social event Entertainment

Day 2 – 8 November 2018	
08.15 – 09.30	Parallel panel session 4
09.30 – 10.45	Parallel panel session 5
10.45 – 11.00	Coffee break
11.00 – 13.00	Plenary Session 2 1. Marsma TNI Bambang Eko (Head of Legal Bureau, Ministry of Defence Indonesia) 2. Prof George Williams (University of New South Wales, Australia) 3. Prof Sally Wheller (Australia National University) 4. Prof Koh Kheng Lian (National University of Singapore, Singapore) 5. Prof. Theodorus Adolphus De Roos (Former Judge Court of Appeal, Netherlands) 6. Prof. Pasi Lehmusluoto (University of Helsinki, Finland)  Moderator: Arie Afriansyah, Ph.D
13.00 – 13.30	Closing ceremony
13.30 – 15.00	Lunch
15.00 – 21.00	Excursion session (optional, additional fee may apply)



# PARALLEL SESSION SCHEDULE

**PARALLEL SESSION 1**

**Wednesday, 7 November 2018**  
**13.30 – 14.45**

<b>Room 1</b>		
No.	Paper Title	First Author / Presenter
1	The Harmonization of Presidential Regulation No. 13 of 2018 Concerning Beneficial Ownership Principles with Indonesia Banking Sector Regulations	Abdul Salam
2	Counterfeit Cosmetics Cases in Indonesia: Is It Considered as Trademark Infringement?	Annisa Dinda Soraya
3	Consumer Protection on the Use of Electronic Money (E-Money) on Toll Road as an Access to Public Service	Ayu Galuh Anggraini
4	Indonesia's Legal Approach Towards the Marketing of Credit Card Insurance	Conde Claudia Amanda
5	The Existence of The State in The Protection of Consumers in an Effort to Increase the Quality of Production	Duhita Driyah Suprapti
<b>Room 2</b>		
No.	Paper Title	First Author / Presenter
1	Analysis On The Effectiveness Of “Unbundling” And “Open Access” In Indonesian Gas Business Sector	Parulian Paidi Aritonang
2	Open Access For Industrial Activities Using Pipeline Gas Competitive	Parulian Paidi Aritonang
3	Foreign Ownership Rights for Housing Good Governance and the Right of Housing	Ni Ketut Supasti Dharmawan
4	Implementation of Notary Duties and Position in Guaranteeing Legal Assistance In Investment in Indonesia, Singapore and Japan	Ninik Noviana

5	Maternity Leave for Nurses in District Hospital of Bogor City	Monica Octavianne Risti
<b>Room 3</b>		
No.	Paper Title	First Author / Presenter
1	Corruption in The Public Procurement: A Discussion Concerning Court Decision in Indonesia	Edita Elda
2	Corruption By Corporation Countermeasures In Indonesia: Is The Supreme Court Regulation Number 13/2016 Sufficient?	Febby Mutiara Nelson
3	Confidentiality Of Banks as Modus Operandi By Gatekeeper In Money Laundering	Isma Nurillah
4	Deradicalization From Within; Enhancing The Role Of Jihadits On Countering Violence Extremism	Muhammad Ismail
5	Terrorism and Radicalism as a Challenge For The World Peace and Security	Aulia Rosa Nasution
6	Law Enforcement Against Corporations Illegal Fishing Actor In Indonesia	Raden Agung Gunawan
<b>Room 4</b>		
No.	Paper Title	First Author / Presenter
1	Authority and Access To Justice Mechanism For Child Victims Of Violence In The Special Region Of Yogyakarta And Malang	Dianwidhi Michelle Pranoto
2	Access To The Right To Education For Marginal Communities (Case Study: Education Access To The Lapak Pancoran Community, South Jakarta)	Princesslady Kezia Hillary
3	Prevention Of Domestic Violence (KDRT) Through Adat Criminal Law Approach And Local Wisdom In West Sumatera	Aria Zurnetti



4	The Community Based Conservation: An Interpretation Gap Between State and Indigenous Peoples (Study of Kasepuhan Cirompang)	Luh Rina Apriani
5	Ceremony Administrative Ceremony In Marapu Trust With Appropriate Antropology Approach (Case Study In Kuta Village, Kanatang Sumba Timur)	Nazihatul Muna
<b>Room 5</b>		
No.	Paper Title	First Author / Presenter
1	Firm Valuation in the Moratorium Context in Indonesian Law	Kurnia Toha
2	Comparative Study Of Restitution In Indonesia, United States Of America, And Vietnam	Abdul Salam
3	The Meaning of Proportional Copyright Royalty Tariff: Case Study of Royalty Tariff-Setting for Television Broadcaster in Indonesia	Muhammad Sabilal Rasyah
4	Trademark Infringement in Online Marketplace: The Latest Development of Indonesia Law and Practices on the Marketplace Providers' Liability	Shabrina Aprilia Adani
5	Legal Protection of Indonesian Citizens in Mixed-Marriage with Rohingya Refugees	Agnes Galuh Sekarlangit

**PARALLEL SESSION 2**

**Wednesday, 7 November 2018**  
**14.45 – 16.00**

<b>Room 1</b>		
No.	Paper Title	First Author / Presenter
1	The Classic Misconceptions of Corporate Governance in Indonesia: Independent Directors and Institutional Investors's Comparisons with Malaysian Corporate Governance	Yetty Komalasari Dewi
2	Protection of Debtors in Completion of Debt Through Delivery of Obligations of Debt Payments in Indonesia	Teddy Anggoro
3	Protection of Personal Data on the Use of Digital Identity on E-Commerce Transactions In Indonesia	Mujadiddah Aslamiah
4	Strategic Step Of Corporate Debtor Rehabilitation In The Modern Bankruptcy Law	Parulian Paidi Aritonang
5	Constraints In Application Of The Legal Protection Model Of Geographical Indications As A Strategic Solution For Unhealthy Business Competition	Yoan Nursari Simanjuntak
<b>Room 2</b>		
No.	Paper Title	First Author / Presenter
1	Chasing Liability of Ocean Negligence: Safeguarding the Marine Protected Areas in Indonesia	Arie Afriansyah
2	Assessing Indonesian Government Protection for Migrant Domestic Workers in Disruption Era: An Ethico-legal Case Study on Maids for Sale through Carousell in Singapore	Eva Maria Putri Salsabila

3	From Internationalism To Globalization - How Globalization Impacts On Tuvalu's Climate Due To Climate Change	Kezia Sahetapy
4	Maintaining Sea Sovereignty Through an Environmental Approach in the Age of Disruption	Maria Maya Lestari
5	Marine Resource Management By The Local Government Of Riau Islands Following The Enactment Of Law No. 23 Of 2014 Regarding Local Government	Rosita Candrakirana

**Room 3**

No.	Paper Title	First Author / Presenter
1	Counterfeit Medicines Cases in Indonesia's Cases on Trademark Infringement? Analysing the Regulations and Court Decision in 2011-2016 on Illegal/Counterfeit Medicines	Henny Marlyna
2	The Eligibility of Foreign Established Companies to Record Intellectual Property Rights in the Custom Recordation System	Rizky Rakhmadita
3	Urgency of Legal Protection and Management of Intellectual Property Rights in Higher Education Institutions (Study at Universitas Sumatera Utara)	Jelly Leviza
4	New Regulation On Oil And Gas In Disruptive Era	Brigita P. Manohara
5	Indonesia's Mining Downstream Policy : A Study of Mineral Processing and Purification Obligation circa 2009	Genio Ladyan Finasisca

**Room 4**

No.	Paper Title	First Author / Presenter
1	Deposit Refund System For Solid Waste Management In Indonesia: A Preliminary Assessment	Andri G. Wibisana
2	State of Responsibility for Forest and Land	Partahi Gabe Uli



3	Governing Biodiversity In Vietnam: The Issue of Law And Beyond	Ly Anh Hoang
4	The Development of REDD+ Funding Mechanism in Indonesia	Yosep Batubara
5	Environmental Compensation System: Seeking the Possibility for Implementing an Ideal Compensation System for Environmental Restoration in Indonesia	Theresia Endah Karini Hindriadita
<b>Room 5</b>		
No.	Paper Title	First Author / Presenter
1	The Importance Of Halal Certification Instruments For Hotel Services In Senggigi Village	Gemala Dewi
2	Juridical Analysis of Banker's Clause in Sharia Financing Contract	Muhamad Athoilah
3	Influence of Government Policy In the Management of Zakat in State Zakat Institutions After the Zakat Law 2011	Muhammad Izzuddin Abdul Aziz
4	Implementation Of The Insurable Interest Principles Between The Insured And The Beneficiary In Sharia Life Insurance	Muhammad Patra Rakutta Sinulingga
5	Implementation Of Good Governance To Improve the Public Trust In BAZNAS	Nurfahmi Islami Kaffah

**PARALLEL SESSION 3**

**Wednesday, 7 November 2018**  
**16.15 – 17.30**

<b>Room 1</b>		
No.	Paper Title	First Author / Presenter
1	Is Criminal Law Relevant For Democratic Election In Indonesia?	Topo Santoso
2	Ekonomi Rakyat, Quo Vadis? An Explanation on The Ideological Deviation of Economic Legislature in Indonesia	Aurora Jillena Meliala
3	The Future Issue of The House's Right to Investigate: An Implication of The Constitutional Court Judgment Number 36/PUU-XV/2017	Muhamad Dzadit Taqwa
4	Regional Regulation Annulment By Minister Of Internal Affairs As Executive Control For Regional Government	Sonia Ivana Barus
5	The Paradox Of Democracy Rationality At Local Level The Phenomena Of Single Candidate In The General Election Of The Regional Head	Syafri Hariansah
6	The Destiny Of The Presidential Threshold In The Constitutional Court	Qurrata Ayuni
7	Constitutionalism in Politic Transition	Kris Wijoyo Soepandji
<b>Room 2</b>		
No.	Paper Title	First Author / Presenter
1	Range of Diversion Options for Young Offenders Indonesia vs Australia	Kharisanty Soufi Aulia
2	The Revitalization Of Structural Criminal Responsibility Of Indigenous Peoples In The Reform Of The Criminal System In Indonesia	Pujiyono

3	Corruption Offence In Public Procurement: Understanding Article 2 Section (1) And Article 3 Of Corruption Law	Putri Vera Hutapea
4	Non-Conviction Based Asset Forfeiture In Indonesia: Discourse On Asset Forfeiture Regulation	Rahmaeni Zebua
5	Handling serious crimes, Best practices from the Netherlands in Application of ICT in the Penal System	Martin Moerings

### Room 3

No.	Paper Title	First Author / Presenter
1	Review On Regulation Of The Director General Of Tax Number Per-17/PJ/2015 On Norms Of Net Income Calculation Of Several Specific Free Workers	Shariif Imadudiin
2	Urgency of the Role of the North Sumatra Province Manpower Office to Encourage Skilled Worker Readiness in the Era ASEAN Economic Community	T. Keizerina Devi Azwar
3	The State of the Indonesian Non-Performing Loan Market. What Are The Countering Views?	Parulian Paidi Aritonang
4	Implementation Of Regional Regulation Of Bungo Regency Number 7 Of 2012 Concerning Entertainment Tax To Increase Regional Tax Deposits	Dedi Epriadi Dedi
5	Analysis of The Conflict of Taxation: Exploring Multi-National Corporations Income Tax Criteria In Indonesia	Russel Butarbutar

### Room 4

No.	Paper Title	First Author / Presenter
1	Preventive Model Of Child Marriage In The Disruption Era To Achieve Sustainable Development Goals	Dian Latifani



2	Review On Reform Policy On Settlement Of Past Severe Violation Of Human Rights In Indonesia	Junaedi Saibih
3	Woman Sues Right Of Her Body Integrity As The Women Right: The Law Implication And Jurispruden Analysis / Court Decision On The Case Of Women As The Victims Of Not Fulfilment Promise Being Married	Lusiana M Tijow
4	A Normative Analysis of the Limitation of Human Rights: Assessing the Constitutionality of Press Freedom in Indonesia	Nabilla Arsyafira
5	The Right to be Forgotten: Arising Awareness on the Right to Privacy in Indonesia	Nenny Rianarizkiwati

### Room 5

No.	Paper Title	First Author / Presenter
1	Comparative Analysis of State Approaches to Management of State-Owned Enterprises in Indonesia, Netherlands, Singapore and China	Detania Sukarja
2	Foreign Direct Investment: Underscoring Its Regulation for Sustainable Development in Developing Host Countries	Rafiqul Islam
3	An International Treaty According To The Convention Of Vienna 1969 And Correlation With International Trading Cooperation In Indonesia	Jean Elvardi
4	When Investors Ask for Too Much: The Rise of Abuse of Process and Indonesia's Termination of BITs	Kadek Denny Baskara Adiputra
5	Constitutional Debate: Hard Case in the Bailout Century Bank Policy	Lily Evelina Sitorus

**PARALLEL SESSION 4**

**Thursday, 8 November 2018**  
**08.15 – 09.30**

<b>Room 1</b>		
No.	Paper Title	First Author / Presenter
1	Legal Protection of Adoption Process, Lesson from United Kingdom	Raisa Fatnisary
2	The Authorities Of Marriage Between Different Countries Of Religion	Maria Francisca Mulyadi
3	Retroactive Principle in Postnuptial Agreement in Providing of Legal Protection for Unemployed Housewives	Nur Hayati
4	The Transparency Principle in Regional Development Banks to Implement Good Corporate Governance: A Case Study on PT Bank Pembangunan Daerah Jawa Timur Tbk	Citranela Ramadhani Yuwana
5	Delivery Business Based on Unmanned Aerial Vehicle: Lesson Learned from Indonesia's Regulation	Mira Erwinda
<b>Room 2</b>		
No.	Paper Title	First Author / Presenter
1	Renewable Energy Governance: Utilization Of Geothermal For Rural Community Welfare	Sjahriati Rochmah
2	CPTPP and Personal Data Governance: A Critical Analysis	Abu Bakar bin Munir
3	State Responsibility against a sinking of vessel in biosecurity	Amelia Rahmi Syaiful

4	Investing in sustainable development: can international investment treaties be instruments of good governance?	Ashley Schram
5	Application Of Cross Border Insolvency Model For Bankruptcy Process Between Countries And Indonesian Law	Parulian Paidi Aritonang
<b>Room 3</b>		
No.	Paper Title	First Author / Presenter
1	Electronic Court Filling: Between Case Management and Access to Justice	Yunani Abiyoso
2	Potential Alternative Dispute Resolution As An Effort To Resolve Minor Criminal Acts In The Karimunjawa Community In The Disruption Era	Anis Widyawati
3	Questioning the Regulation of Filling in the Position of Constitutional Justice in Indonesia	Fatmawati
4	Bridging The Distance: The Use Of Videoconferencing Technology In Corruption Criminal Court In Indonesia	Nani Mulyati
5	The Readiness of The Supreme Court in Reviewing Local Regulations	William Aditya Sarana

<b>Room 4</b>		
No.	Paper Title	First Author / Presenter
1	Legal Review Of Commodification Process On REDD Project In Indonesia: Chance And Challenge	Adiwarman
2	Water-Friendly Behavior in a Legal Perspective Study of Depok City Regional Regulation related to Water Resources	Aad Rusyad Nurdin
3	Principles for the Next Generation of Environmental Law in the Face of Technological Innovation	Rob Fowler
4	Technology Innovations: The Cause or Solution to Human Wildlife Conflict?	Maizatun bt Mustafa
5	The Development, Challenges and Prospects on Environmental Litigation in the Philippines	Rose-Liza Eisma-Osorio



**PARALLEL SESSION 5**  
**Thursday, 8 November 2018**  
**09.30 – 10.45**

<b>Room 1</b>		
No.	Paper Title	First Author / Presenter
1	The Struggle to Decriminalize Possession of Small Quantity of Drug in Indonesia and Lithuania	Choky Ramadhan
2	Diversion In Juvenile Criminal Justice System	Elfina Lebrine Sahetapy
3	The Perfect Money Laundering Crime: Placement, Layering, or Integration?	Firman Adi Prasetyo
4	Special Treatment for Terrorism Inmates through Participatory Social Approaches	Hanafi Amrani
5	Legal Comparison of Completion in The Criminal Acts of Corruption Committed Members of The Military in Indonesia and Finland	Janatul Firdaus Tirtayasa
6	Overlapping Government Authority In Implementing Social Rehabilitation Of Addicts And Drug Abuse Victims	Rino Cahyadi Nugroho
<b>Room 2</b>		
No.	Paper Title	First Author / Presenter
1	The Practice of Utmost Good Faith between Insurers and Insured In Sharia Life Insurance	David Ruston Khusen
2	Legitimacy of Caning Punishment	Heru Susetyo Nuswanto
3	Implementation of the Civil Servants Income Zakat Policy in Aceh Province	Titin Fatimah
4	Environmental Waqf under Islamic Law and Indonesia's National Laws (A Case Study of Hutan Wakaf in Aceh)	Wirdyaningsih
5	The Application Of Islamic Business Contract Law In National Regulations	Gemala Dewi

	(Comparison Among Civil Law Legal System Countries)	
<b>Room 3</b>		
No.	Paper Title	First Author / Presenter
1	Rights Of The Construction Service Industry Workers In Gorontalo City	Mutia Cherawaty Thalib
2	The Right to Work for Women Workers Affected by the National Slum Upgrading Project in Jakarta: Fulfilment and Protection of Rights in the Perspective of Gender Justice	Joce Timoty Pardosi
3	Balancing between Counter-Terrorism Measures and Conforming Human Rights Standards in Malaysia	Khoo Ying Hooi
4	Snapshot on the Situation of Human Rights and Peace Education in Southeast ASIA/ASEAN	Joel Mark Barredo
5	Caning Punishment: The Enforcement of Syariah Law versus Human Rights Violation in Aceh, Indonesia	Marina Mary Marpaung
<b>Room 4</b>		
No.	Paper Title	First Author / Presenter
1	Responsibility of Notary on Personal Data Protection on its Cloud Computing Based Electronic Office System	Ayu Galuh Anggraini
2	Arbitration and artificial intelligence: the future challenges for dispute settlement	Emmy Latifah
3	The Impact of Automation towards Female Labor Force in Indonesia and The Attempts to Establish Better Protection Mechanism	Dominique Virgil Tuapetel
4	Authorship of Works Created by Artificial Intelligence	Metha Ramadita
5	Deposit of Literary and Phonogram Works in Digital Era	Nadya Athira

# PLENNARY SPEAKERS PROFILE

## PLENARY SPEAKERS PROFILE



**Dr. Edmon Makarim, S.Kom., S.H., LL.M**

He's lecturer at Faculty of Law, Universitas Indonesia. He was graduated bachelor degree from the same school, and also gained bachelor of computer science form Universitas Gunadarma. He gained his doctoral degree from University of Indonesia, after finishing post graduate master of law form University of Washington.

His recent publication are: Electronic Identity and Personal Data Protection International Conference on The Digital Economy. Security and Privacy in the Big Data Era. 26-27 April 2017, Sahid Jaya Hotel Jakarta, organized by University Padjajaran & Padjajaran Alumni Club; Electronic ID and Right to Data Portabilty. International Conference on law and Governance (ICLAVE), Depok Faculty of Law University of Indonesia, 1-2 November 2017; Indonesia Cyber Notary: Trusted Third Party in e-Transaction for e-commerce. International Seminat of International Union of Noataries. Seminar Internasional tentang Pemenuhan Kemudahan Berusaha (ease of doing business): Peluang, Tantangan dan Peran Notaris serta Profesi Hukum Lainnya. NDCC-Bali 7-9 September 2017; Indonesian Cyber Diplomacy The Asia-Pacific Research in Social Sciences and Humanities (APRISH) > The 2nd APRISH 2017, 27-29 September 2017. The Margo Hotel, Depok.



**Dr Bruce Wardhaugh (Manchester UK)**[bruce.wardhaugh@manchester.ac.uk](mailto:bruce.wardhaugh@manchester.ac.uk)

He's senior Lecturer in Law with affiliation of Manchester Centre for Regulation and Governance and Public Law School of Law (L4)



Bruce Wardhaugh joined the School of Law at the University of Manchester in January 2015 as a Senior Lecturer in Competition Law. Prior to that he was a Lecturer at The Queen's University Belfast (2012-2015) and the Newcastle University (2011 - 2012). He holds his LLB (JD) and PhD degrees from the University of Toronto, and an LLM from the University of Amsterdam. Prior to beginning an academic career in law, Bruce practiced in British Columbia (Canada) for a number of years.

Bruce's research interests are in Competition law (in particular EU and US), WTO law and law and economics. He has written extensively on the competition issues surrounding collusion. His monograph, *Cartels, Markets and Crime: A Normative Justification for the Criminalisation of Economic Collusion* was published by Cambridge University Press in 2014. In addition to this, he has published numerous articles in scholarly journals, and is a UK news correspondent in regard to matters conducted by the Competition and Markets Authority for the *European Competition Law Review*. He also contributes regularly to academic conferences. In September 2013, his paper "Bogeymen, Lunatics and Fanatics: Collective Actions and the Private Enforcement of European Competition Law" won the Best Paper Prize at the Annual Meeting of the Society of Legal Scholars. It was later published in *Legal Studies*.

**Recent Publications:**

- Punishing Parents for the Sins of their Child: Extending EU Competition Liability in Groups and to Sub-Contractors
- Research output: Contribution to journal Article
- Intel, Consequentialist Goals and the Certainty of Rules: The Same Old Song and Dance, My Friend
- Research output: Contribution to journal Article
- Buying Competition: Developing Competition Regimes Through a WTO-Compliant Generalised System of Preferences



### **Prof Yuzuru Shimada**

He's lecturer at Nagoya University Japan. He was

Assistant Professor, Faculty of Foreign Studies, Nagoya University of Foreign Studies in 2007, Associate Professor, Graduate School of International Development, Nagoya University.

#### **Recent Publication**

- "The Role of Law in the Reconstruction Process of the Aceh Tsunami Disaster" in Per Bergling, Jenny Ederlof and Veronica L. Taylor eds. Rule of Law Promotion: Global Perspectives, Local Applications Iustus Jan 2010
- Aikyo Masanori ed., The Handbook of Asian Legal Systems, Nagoya University Press, pp. 130-155. Nagoya University Press Oct 2009
- "Islamic Law", Aikyo Masanori ed., The Handbook of Asian Legal Systems, Nagoya University Press, pp. 390-398. Nagoya University Press Oct 2009
- "Legal systems for disaster management in Indonesia" in Djati Mardiatno and Makoto Takahashi eds., Community approach to disaster Gadjah Mada University Press Jul 2012 ISBN:979-420-787-X

## Prof Andrew Mitchell



Andrew is Professor at Melbourne Law School, Australian Research Council Future Fellow, Director of the Global Economic Law Network, a member of the Indicative List of Panelists to hear WTO disputes, and a member of the Energy Charter Roster of Panelists. He has previously practised law with Allens Arthur Robinson (now Allens Linklaters) and consults for States, international organisations and the private sector. Andrew has taught law in Australia, Canada, Singapore, and the US and is the recipient of four major grants from the Australian Research Council and the Australian National Preventive Health Agency. He has published over 130 academic books and journal articles and is a Series Editor of the Oxford University Press International Economic Law Series, an Editorial Board Member of the *Journal of International Economic Law* and a General Editor of the *Journal of International Dispute Settlement*. He has law degrees from Melbourne, Harvard and Cambridge and is a Barrister and Solicitor of the Supreme Court of Victoria.

### Recent Publications

- Community Interests and the Right to Health in Trade and Investment Law. *Community Interests Across International Law*. Oxford University Press. 2018
- Data at the Docks: Modernizing International Trade Law for the Digital Economy 2018
- Ending International Investment Agreements: Russia's Withdrawal from Participation in the Energy Charter Treaty. *American Journal of International Law*. 111. 2018
- Regulatory Autonomy in International Economic Law The Evolution of Australian Policy on Trade and Investment. Edward Elgar Publishing. 2017
- Australia and International Trade Law. *International Law in Australia*. Thomson Lawbook Co. 2017



### **Prof Anis H. Bajrektarevic, Ph.D.**

He is a Research Fellow at the Institute for Modern Political- history analyses, Dr. Bruno Kreisky Foundation as well as the Legal and Political Advisor for CEE at the Vienna-based Political Academy, Dr. Karl Renner (mid 1990s). Senior Legal Officer and Permanent Representative to the UN Office in Vienna of the Intergovernmental Organization ICMPD (1990s).

Attached to the IMC University of Austria as a Professor and Chairman for Intl. Law and Global Political Studies (2000s – 10s). For past 16 years, he teaches subjects of Geo-political Affairs, International Law (including Intl. Relations, Law of IOs and EU Law) and Sustainable Development (Institutions and Instruments of). Besides, he served as a pro bono expert numerous academic institutions, think-tanks and intergovernmental institutions (such as the UN ECE, OSCE, Council of Europe, American Bar, Oxford Academy of Total Intelligence, etc.). Since 2013, he is a visiting professor for international law at the University in Geneva (graduate and postgraduate programs). The International Institute IFIMES has entrusted him as its Department Head for Strategic Studies on Asia, and its Permanent Representative to Austria and Vienna-based IOs (and nonresidentially the UN office of Geneva, UNOG). (2014 – on) Prof. Bajrektarevic is the author of dozens presentations, publications, speeches, seminars, research colloquiums as well as of numerous public events (round tables & study trips, etc.). His writings are frequently published in all five continents (over 70 countries and translated in some 25 languages).



**Marsma TNI Bambang Eko Suhariyanto, S.H.,  
M.H**



Air First Marshal (AFM) Bambang Eko Suhariyanto is currently the Chief of Legal Affairs Bureau, General Secretary, Indonesia Ministry of Defense. He was born on 1 October 1961 in Jember, East Java. AFM Suhariyanto graduated from the Indonesian Military Academy in 1987. He started his career as a junior paralegal and promoted to Chief of Legal Section afterwards. He was a Lieutenant Colonel (2002) when he received his Master Degree in Law (University of Indonesia). He was promoted to Colonel (2007) when he was assigned to San Remo, Italy. He was promoted to Air First Marshal in 2015. AFM Suhariyanto attended many courses and training in U.S.A (DIILS course in New Port) and Hawaii, Australia, Netherland, Singapore and Italy.

He obtained several courses/trainngs: Law Operation Course (USA) 1999  
Air Force Staff Collage 2002; Legal Adviser Course (Australia) 2003  
Ilomo Course (USA) 2004; Air Law Course (Nederland) 2005;  
International Law Development Programs (USA) 2006; International  
Humanitarian Law Course San Remo (Italy) 2007; Operation Law Course  
For Senior Officer, Hawaii 2007; Senior Staff College 2010; Maritime  
Security Workshop (USA) 2015

He gained Awards for United Nation Medal (UN Peace Keeping)



## Prof George Williams

Scientia Professor George Williams

Expertise: Constitutional Law, the High Court, Human Rights, the Republic, anti-terrorism and the law, Bill of Rights. Founding Director of Gilbert + Tobin Centre of Public Law.

Field of Research (FoR): Constitutional Law, Comparative Law, SEO tags, Law Reform, Justice and the Law

George Williams AO is the Dean, the Anthony Mason Professor, and a Scientia Professor at UNSW Law. He has held an Australian Research Council Laureate Fellowship, and visiting positions at Osgoode Hall Law School in Toronto, Columbia University Law School in New York, and Durham University and University College London in the United Kingdom.

He has written and edited 34 books, including *Australian Constitutional Law and Theory*, *The Oxford Companion to the High Court of Australia* and *Human Rights under the Australian Constitution*. He has appeared as a barrister in the High Court in many cases over the past two decades, including on freedom of speech, freedom from racial discrimination and the rule of law. He has also appeared in the Supreme Court and Court of Appeal of Fiji, including on the legality of the 2000 coup.

George was made an Officer of the Order of Australia in 2011: 'For distinguished service to the law in the fields of anti-terrorism, human rights and constitutional law as an academic, author, adviser and public commentator.'

**Prof. Sally Wheeler OBE, MRIA, FAcSS**

She is the Dean of Australian National University's College of Law. She is also a Visiting Full Professor at the UCD Sutherland School of Law and Adjunct Professor at Waikato University, New Zealand, and Jilin University, China. Wheeler was elected to the Academy of Social Sciences and the Royal Irish Academy in 2011 and 2013, respectively. She was previously a Professor at Queen's University Belfast and was the Head of the School of Law at Queen's University Belfast for several years, she also served as Interim Dean of the Faculty of Arts Humanities and Social Sciences (AHSS), Dean of Internationalisation (AHSS) and, in 2017, Interim Pro-Vice Chancellor for Research Enterprise. Wheeler is the author or co-author of several books on corporate governance, over 70 articles or book chapters, and she has edited or co-edited nine other books. Wheeler has given major addresses and led workshops around the world, and has also been cited as "one of the world's leading experts" on the governance of pensions.



Research interests: Socio-legal studies, Corporate law, Contract Law

**Prof Koh Kheng Lian, Ph.D. LL.M.**

Koh Kheng Lian is Professor Emeritus of the Faculty of Law, National University of Singapore, and a founder and the Director of the Asia - Pacific Centre for Environmental Law (APCEL), established by the Faculty in collaboration with the World Conservation Union - Commission on Environmental Law (IUCN-CEL) and the United Nations Environment Programme.



In 2009 she initiated a new course on ASEAN Environmental Law, Policy and Governance Professor Koh has presented papers at conferences held in Austria, Australia, Brazil, Brunei, Cambodia, China PRC, Germany, Hong Kong, India, Indonesia, Japan, Kenya, Kuwait, Malaysia, the Philippines, Singapore, South Africa, Sri Lanka, Switzerland, Thailand, United Kingdom, Ukraine, United States of America and Vietnam.

**Representative Publications**

1. "ASEAN Environmental Law, Policy and Governance: Selected Documents (Vol I)", pp xxii + 713. Vol II will be published in Fall 2011.
2. "Regional Environment Governance: Examining the Association of Southeast Asian Nations (ASEAN) Model" in Daniel C. Esty and Maria H. Ivanova (eds), *Global Environmental Governance* (Yale, USA: 2002). (jointly with Nicholas A. Robinson)
3. "ASEAN Agreement on the Conservation of Nature and Natural Resources, 1985: A Study in Environmental Governance" in Panksy D (ed), *Governance Stream of the Vth World Parks Congress* (Ottawa, Canada: Parks Canada and IUCN/WCPA, 2005) (in CD-Rom).
4. "Land Stewardship and the Law: ASEAN Heritage Parks and Transboundary Biodiversity Conservation" in Land Use for Sustainable Development (Chalifour, Nolon, Lye and Kameri-Mbote, eds) (Cambridge University Press: 2006).
5. "Governance on Adaptation to Climate Change in the ASEAN Region", *Carbon and Climate Chang Law Review*, Vol 5 No 1 (The Legal Publishers Lexxion, Berlin: 2011), pp 82 - 90 (jointly with Lovleen Bhullar)