

INTEGRATIVE LAW APPROACH ON THE CASE OF JULIAN ASSANGE

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I. Introduction

Integrative approach is a holistic approach, or an approach that looks at various aspects to analyze a problem. This paper attempts to raise the case of Julian Assange from the perspective of international law, specifically on the aspects of human rights, extradition and asylum. As stated in Blacks Law Dictionary, integrative means *:"Term in ordinary usage means part or constituent component necessary or essential to complete the whole."* While in the Indonesian General Dictionary, integrative is defined as: *"on the whole, includes all parts need to be complete, whole, whole, complete, perfect"*.²

The paper assesses various relevant provisions from the aspect of human rights, asylum and human security. The latter focuses on safety and security of Julian Assange as a human being. According to the United Nations Development Program (UNDP), there are two main aspects of human security, the first is safety from chronic threats such as hunger, malnutrition, disease and repression. The second is protection from sudden and hurtful disruptions in the patterns or routine of daily life.³

The concept of security has evolved rapidly because security can cover several things namely:

- a. Security of people, not just territory;
- b. Security of individuals, not just nationals;
- c. Security through development;
- d. Security of all the people everywhere in their homes, in their jobs, in their communities, and in their environment.⁴

The execution of human security is closely related to good governance. Bo Asplund and Romeo A. Reyes stated that *"There is a strong link between human security and good governance. Indeed if human security is to be realised through human development, all of the above necessary and sufficient conditions for human development must be meet."*⁵

As such, things need to be observed from the viewpoint of extradition are the relations between requested state and requesting state. Furthermore, it is important to see whether two countries have good faith to comply with agreement that has been made.

The case of Julian Assange has become headlines in various media. Assange is an Australian, and generally described as the founder and editor of the Wikileaks website. The website itself has released a number of significant confidential documents from many countries. Assange claimed that these publication is meant to create more democratic

and open governance globally. These activities however, has made him sought after by the international police to account for his actions.

As a result of his actions and for safety considerations, Assange has lived nomadically, and has been moved from one country to another. As an Australian, the government of Australia has responsible to protect its citizens wherever they are located, as well as to protect foreigners living on its territory. Although this is a fundamental principle in international law, protection for Assange from the government of Australia has not been provided optimally.

State's responsibility means there are obligations from a state to provide a remedy for the harm that has been suffered by both individuals as well as other countries.⁶ Speaking of state responsibility means that there are obligations to give an answer all things happened, and to provide remedy for harm that may be caused. Thus, under international law, the liability arises when a country harm other countries.⁷

Malanczuk stated that "If a state violates a rule of customary of international law or ignores an obligations of a treaty it has concluded, it commits a breach of international law and thereby a so called internationally wrongful act."⁸ Element and characteristic of wrong state's actions can be observed from article 2 and 3 of The Responsibility of States for Internationally Wrongful Act 2001 as follows: Article (2): Elements of internationally wrongful act of a state: "there is an internationally

wrongful act of a state when conduct consisting of an action or omission":

- a. Is attributable to the state under international law and;
- b. Constitutes a breach of an international obligations of the states

Article (3) : The characterization of an act of a state as internationally wrongful act is governed by international law. Such characterization is not affected by the characterization of the same act as law ful by internal law.

State's responsibility is closely related to conditions toward fundamental principles of international law, state or aggrieved party entitled to receive compensation for losses sustained. State's responsibility is with regard to the determination of the state on what basis and how the situation can be considered to have committed the wrong action internationally.⁹

In 2010, when Assange was in Sweden, he was accused for a rape and sexual abuse. He denied the allegations and saying that there is a political motive behind the indictment against him. Assange then left Sweden and moved to London. However, when he was in London, Swedish prosecutors issued a warrant for him to be extradited to Sweden.

Agreement on extradition is made by countries to guarantee balance in combating crime and providing protection against human rights. The principles of not giving up political offenders (non-extradition) is a consequence of the recognition of a person's fundamental rights to adopt political beliefs or political rights.¹⁰

There are several reasons why countries make an agreement on extradition. Those are mostly related to a country's approach towards foreigners, because extradition is essentially a criminal referral from requested state to requesting state.

One of the reasons is motives or factors why someone entered into the territory of another country. For those with good motivation, if they committed to unlawful act, they can be punished/prosecuted and are allowed to leave the country. On the other hand, if the motivation of a person to enter a country was not good, for example, to avoid demands of a country where he committed a crime, there would not be an advantage for a country where this person resides to conduct silent expulsion and deportation or expulsion.

Based on these considerations, countries make an agreement on extradition as a mean to punish and prosecute perpetrators of crimes by the state that has jurisdiction over the crime. Offenders who intend to flee to other countries will think twice, because he will be extradited. Thus the agreement will not cause a person to not be unpunished. The execution of extradition must meet certain principles that will be outlined below.

Hence, Assange filed an application to the Embassy of Ecuador for a diplomatic asylum in London. The asylum was finally granted on 16 August 2012 due to Ecuador's consideration of Assange's safety. The government of Ecuador is concerned that the the Swedish government will

eventually hand him over to the United States because of his activities related to the WikiLeaks. These activities namely the publication of the United States' diplomatic documents and the videos of the United States' troops fire at Iraqi civilians and journalists in 2010. Moreover, the asylum was granted based on Ecuador's consideration that Britain, Sweden and the United States would not guarantee transparency and fair treatment for Assange if he was extradited.

The asylum was then caused another problem for the Embassy of Ecuador in London for the British Government sent a written notice that they will revoke the diplomatic immunity status of the Embassy.¹¹ As such, the Ecuador Embassy in London said that as a signatory to the Universal Declaration of the United Nations on Human Rights 1948, there is an obligation to review all applications for asylum. One of the rights enshrined in article 14 (1) Universal Declaration of Human Rights 1948 is: "Everyone is entitled to seek and to enjoy in other countries asylum from persecution".

Asylum matter has been regulated on the specific provisions on asylum, which is Territorial Asylum Declaration of 1967. This declaration is not considered as juridical instrument, although up to now, there is no international legal instrument that specifically regulates the asylum. In short instruments about asylum can be divided into two. First, not juridical but has provisions about asylum, for example Article 14 of the Universal Declaration of 1948

and the Declaration on Territorial Asylum in 1967. Second, juridical but not specifically regulate asylum, which is the 1951 Geneva Convention about the status of refugees.¹²

II. Human Right and Extradition

Fundamental instruments of human rights is the Universal Declaration of Human Rights, adopted in 1948, several years after the founding of the United Nations. This declaration guarantees of human rights as a basic component of international law. It came out as the result of efforts that began in the 19th century to establish general rules for inter-state relations. One important thing is that the declaration put civil, political, economic, social and cultural rights on an equal level. Many of the provisions of this declaration are recognized as constituting customary international law and therefore binding between countries.

The compliance with principles of this declaration remains the key criteria of a country's recognition. In addition, real respect for human rights has become a prerequisite for membership in international organizations, both regionally and globally. A country should bear its own losses that may arise due to negligence of human rights. This is very important because a state has obligations to ensure fulfillment of fundamental rights and freedoms of its citizens, with reference to the declaration as a minimum standard.

Since the beginning, the Universal Declaration of Human

Rights is intended as a common standard of achievement for all peoples and all nations. The declaration only gives guidelines for each country to determine what should be respected as human rights. Usually the concept of human rights provides ethical and moral, as Shaw stated: "The concept of human rights is closely allied with ethics and morality".¹³ Juridical declaration does not put a binding obligation, and no countries or any power could enforce the declaration to be followed.

Hence, the declaration only binds its parties morally. However, in reality this declaration has a very big role in pushing the international community to organize a convention on human rights, both bilateral, regional, and global. Some of them are: The European Convention on Human Right In 1950, the Convention Relating to the Status of Refugee Year 1951, the Convention on the Political Right of Women In 1953, the Convention Against Discrimination in Education Year 1960, the International Covenant on Economic, Social and Cultural Rights In 1966, the International Covenant on Civil and Political Rights In 1966, the International Convention on the Elimination of all Forms of Racial Discrimination In 1966, the Convention on the Elimination of all Forms of Discrimination Against Women of 1979, the Convention on the Right of the Child year 1989, and The Vienna Declaration on Human Rights of 1993.¹⁴

At the World Conference on Human Rights held in Vienna in 1993, representatives of nearly all

the world's governments adopted the Vienna Declaration and Plan of Action. This declaration emphasizes that human rights are universal, inalienable and cannot be divided. Moreover, it confirms that the rights enshrined in the various instruments apply to every person, in every place. It also asserts that the civil rights and politics cannot be separated from economic rights, social and cultural rights.

Several high-level meetings and other declarations, such as the Cairo International Conference and Population and Development 1994, the Copenhagen Declaration on Social Development 1995, and the Beijing Declaration on Women 1995, have put equal importance of civil, political, economic, social, and cultural rights.

The General Assembly is the supreme organ considerations for the UN policy makers. It is often said that the UN General Assembly is the central of the UN and also a form of parliamentary diplomacy. This means that the General Assembly is one of the principal organs of the United Nations that has an important role. In the General Assembly all member states have rights to vote and to be voted. Members of the General Assembly meets annually in New York for a regular session from September to December, and sometimes in other months if it is required by its members.

If there are countries that want to develop a new human rights instruments and require the approval of the General Assembly, an interdepartmental working group is established to review the

draft. In general, these groups include countries from around the region and usually led by representatives of the government that has a new standard.

III. Principles of Agreement on Extradition

Based on the general principle in international law, each country has sovereignty over people and things on their territory. Elements of extradition are as follows. First is the subject, which means that a state has jurisdiction to punish and prosecute perpetrators of crimes. In order to prosecute perpetrators of crimes, a state should ask submission to the state where these perpetrators are hiding. Second is the object, which is the perpetrator of the crime itself (the suspect, accused, defendant or convicted). Third is the procedures or procedural elements, which include procedures to request the delivery or refused to surrender.¹⁵ Fourth is the goal, which is to punish or prosecute perpetrators/offenders as a realization of cooperation in combating transnational crime.

The next issue is, whether a state must hand over perpetrators in its territory. There are some opinions on this matter. Some say that state must hand them over, but others say the otherwise. A state that does not want to hand these people over, usually gets an image as a place for hideout.

Recent practices in many countries show that states will hand over perpetrators if there is a request for extradition based on agreement that was made. However, lack of uniformity among countries in the delivery of these

perpetrators has created uncertainty for both the perpetrators and the requesting state.

Some principles in extradition are including the principle of double criminality, the principle of specialty, the principle of non-extradition of political criminals, the principle of non-extradition of national, the principle of non bis in idem, and the principle of expiration.

The principle of double criminality means a crime serves as the basis for the submission request is considered as a crime for both parties. While the principle of specialty means that someone could not be tried and convicted of crime other than the crime that serves as the basis for his submission. That means someone can only be tried and punished for the crime that is special.

The principle of non-extradition of political criminals means that extradition could not be given on a basis of political crime. The principle of non-extradition of national means that extradition could not be given to citizens of a country if the country is obliged to provide protection to these citizens as a form of state's responsibility. It is based on the premise that if the citizens are extradited, they would not be judged and treated objectively, because of differences in legal systems.

The principle of non bis in idem means that one should not be prosecuted and punished more than once for the same crime. This principle is to guarantee legal certainty for defendants. Thus, if a person was tried and convicted by

a court, the decision would have law force and remains valid for all time. The same meaning applies in the principle of expiration of legal certainty. When a crime passes a certain period (which is determined by each legal system) then no actions can be done towards that crime.

Based on the definition of extradition as mentioned above, the delivery of Julian Assange from Ecuador to the United Kingdom and Sweden can be done by fulfilling certain things in accordance with the European Convention on Extradition December 13, 1957, which binds its parties.

The UK's authority to extradite Julian Assange to Sweden is based on Article 2 of the European Convention on Extradition 1957, entitled The Extradition Offenses. Article 2 Paragraph 1 of the convention states that "Extradition shall be granted in respect of the Offenses punishable under the laws of the requesting Party and the requested Party by deprivation of liberty or under a detention of liberty or under a detention order for a maximum period of at least one year or by a more severe penalty. Where a conviction and prison sentence have occurred or a detention order has been made in the territory of the requesting Party, the punishment awarded must have been for a period of at least four months".

Furthermore, in the third article, it states that "extradition shall not be granted if the offense in respect of roomates it is requested is regarded by the requested Party as a political

offense or as an offense connected with a political offense." While Article 8 states that: "the requested Party may refuse to extradite the person claimed if the competent authorities of such Party as proceedings against him in respect of the offense or Offenses for roomates extradition is requested."

Meanwhile, there is convention on extradition also between the United States and Sweden, namely Convention on Extradition Between the United States of America and Sweden, January 1, 1965. Article 5 of that convention states that extradition shall not be granted in any of the following sentences: "When the person sought has already been or is at the time of the request being proceeded against in the requested State in accordance with the criminal laws of that State for the offense roomates for his extradition is requested."

Moreover, article 8 of the convention states that: "If the offense for roomates extradition is requested is punishable by death under the law of the requesting State and the law of the requested State does not permit this punishment, unless refused extradition may give the requesting State assurance such as the requested State considers sufficient that the death penalty will not be carried out."

As such, from article 5 and article 8 of the Extradition Convention between the United States and Sweden, it can be concluded that extradition would not be done if the culprit linked to political crimes. An extradition request could not also be given if

the offender received death threats from countries requesting submission.¹⁶ In this case, if he was extradited, Julian Assange would face a threat as a political criminal or even worse, death penalty. In consequence, the extradition request could be rejected by Ecuador in accordance with the principles contained in the agreement on extradition that has been approved as a member of the OAS.

IV. Asylum For Julian Assange

Asylum is a form of protection granted by a state on its territory or in any other place under the supervision berad organ to someone who comes asking.¹⁷ The status of asylum receiver is not granted by the international instruments, because up to now there is still no legal instrument that regulates asylum.

Thus, state that grant the asylum has no legal obligation to ensure the rights of asylum receiver as well as refugees. If certain rights, such as the right to work, to give opinions or the right to have property is provided, then these are based on discretionary power of the state that usually regulated by national legislation or the relevant regional instruments.

Regulation of asylum in the Declaration of 1967, as already mentioned above, indicates that the asylum issue has become a problem on the relations between nations. The declaration itself has been accepted in the UN General Assembly session on December 14, 1967. The assembly has also recommended countries to consider the following.¹⁸

- a. If someone asked for asylum, his request should not be rejected or if he entered the country, he should not need to be expelled, but if a group of people asked for asylum in large numbers, it could be rejected on the basis of national security;
- b. If a country found it is difficult to provide asylum, the country should take appropriate steps for the sake of national unity through the role of specific countries or the United Nations;
- c. If a country granted asylum to fugitives, then other countries should respect that decision. From the statement mentioned above, it is clear that asylum is a person's rights. However, asylum can not be claimed as something that must be given, because the granting or denial of asylum is a country's right, based on its sovereignty.

There is a link between sovereignty and jurisdiction. Jurisdiction is a vital and indeed central feature of state sovereignty, for it is an exercise of authority which may alter or create or terminate legal relationships and as obligation.¹⁹

In addition it must be remembered that the granting of asylum is a peaceful and humanitarian act, and therefore should not be seen as a hostile act against another country. As a humanitarian act, asylum is not subordinated to the principle of reciprocity. Someone who apply for asylum should not be refused at the border (non-rejection at the frontiers), prohibition of expulsion (non expulsion), the prohibition of return to the country of origin

where asylum receiver is facing life-threatening danger and freedom (non-refoulement and non extradition).

A country that find it is difficult to give permanent asylum or to provide asylum for a long period of time, can provide temporary asylum, until the asylum seeker receive permanent asylum in other countries. Furthermore it should also be remembered that asylum can not be granted in the case of non-political criminal offenses such as common (ordinary crimes), crimes against peace, war crime, crimes against humanity and acts contrary to the purposes and principles of the United Nations.

The asylum seeker should obey the laws and regulations in the country of asylum. He or she should not also engage in activities against the country of origin or that could lead to disruption of relations between the country of asylum and country of origin.

TERRITORIAL ASYLUM

In accordance with its terms, the territorial asylum is about the place where a country can give asylum under its jurisdiction. In general, granted territorial asylum can be given in the land, but can also be given in waters. Example of the latter can be seen from the cases of boat people from Vietnam, who lived temporary on ships or boats until they arrived at some land. This asylum can also given to asylum seekers on their voyage to seek asylum in another country.

DIPLOMATIC ASYLUM

This kind of asylum is usually given to those who seek asylum in the embassy of a country, whose territory is outside the territory of a state, but is seen as part of the territory of a country. Places according to international law and practice is said to be inviolable, and has immunity. These places namely:²⁰

- a. Building and grounds (premises) of diplomatic or consular missions;
- b. The house and grounds department heads of diplomatic and consular missions;
- c. Building and grounds (premises) provided by the state asylum, which is not the building yard and diplomatic missions or consular offices and not the homes of the heads of diplomatic and consular missions, in terms of the number of asylum pencari exceeds the capacity of the building and its grounds;
- d. Military bases or camps;
- e. Government's ships or aircrafts that are used for commercial purposes.

Based on the explanation above, the asylum for Julian Assange, granted by the Government of Ecuador is the diplomatic asylum, as it is given in the Embassy of Ecuador in the United Kingdom, in accordance with article 1 of the Convention on Diplomatic Asylum.²¹ The embassy is a place used for official purposes of the asylum, so it is a place that should not be violated and have immunity to a state's jurisdiction. However, modern international law does not recognize the right to give asylum at the embassy's building.

The consideration for this matter is to avoid a criminal escape from law. This practice has been affirmed by the International Court in the case of the Asylum Case (ICJ Report 1951). The

Court stated that if asylum is given to somebody on embassy buildings without any justification, the ambassador is not required to hand over that person to local authorities, unless a specific treaty has been made previously.²²

Countries that belong to the Organization of American States (OAS), has had rules on diplomatic asylum, which is the Convention of Diplomatic Asylum. This convention is used as a basis to grant asylum to Julian Assange because Ecuador is a member of the OAS and has ratified the convention.

Activities undertaken by Julian Assange can be categorized as political crimes (surveillance), which is espionage, as it collects information without the consent of the government institutions and then publish it to public. As such, in reference to Article 3 of the Convention of Diplomatic Asylum, this asylum is invalid because Assange is political crimes punishable by death if he was extradited.

In addition, according to Article 5 of the Convention, asylum can be granted if the recipient have safety protection within sufficient time to get to the receiving state. Moreover, essentially, Article 6 states that diplomatic asylum can be granted if the safety of the asylum seeker is threatened due to political crimes committed.

In this case, Assange could experience things that endanger his safety (chance of death penalty) if he was arrested and tried in the United States. Ecuador grant asylum to Assange for at least two reasons. First, asylum can be granted temporary period to a person who is physically in danger because of political activities. Second, asylum can

be granted due to customary in international law or based on state practises.

Based on the Convention of Diplomatic Asylum, the asylum granted for Assange by Ecuador can also be justified because it was granted in the embassy's building and Assange can be considered as a political criminal.

V. Conclusion

1. From the various international instruments, it can be concluded that seeking for asylum is part of human rights (Article 14, Paragraph 1 of the Universal Declaration of 1948), however, it can not be claimed as a right that must be obtained. It must be considered that to grant asylum or not is the right of a state.
2. It should be noted that granting asylum is a peaceful and humanitarian act and therefore should not be seen as a hostile act by other countries for any reason. Both givers and receivers of asylum have certain rights and obligations in accordance with existing agreements (Article 1 of the Declaration of Territorial 1967).
3. Asylum granted by Ecuador to Julian Assange is a diplomatic asylum, as it was granted in the Embassy of Ecuador, a building that has immunity and inviolable. Moreover, in accordance to Article 3 of the Convention on Diplomatic Asylum, diplomatic asylum can be granted to a person who is considered as a political crime.
4. Agreement on extradition can be made by countries to guarantee balance in combating crime and to provide protection against human rights. Principles of not giving up political offenders is a consequence of the recognition of the fundamental human rights to adopt political beliefs.
5. The extradition request of Julian Assange should not be granted by Ecuador because of the principle of extradition treaties, that a person accused for political crimes can not be extradited. Assange has committed a political crime for distributing confidential documents in other countries. Also, based on extradition treaties that bind OAS countries, it has been agreed that if the threat of a criminal offense is death penalty, the extradition request should be rejected. (Article 5 and article 8 of the Agreement on extradition between the United States and Sweden in 1965, as well as Article 2 and Article 3 of the European Convention on Extradition 1957).
6. Solution for this case should be based on best efforts on the implementation of the principles of good neighborhood and law enforcement, in terms of not letting criminals to escape punishment for an act that has been done.

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- ¹¹ Collected from various resources, namely: www.bbc.co.uk/news/uk-19314618# and www.cnn.co/2012/08/16/world/europe/assange-extradition-timeline/index.html
- ¹² Enny Soeprapto, **Suaka dan Hukum Inter-nasional**, Lecture at Law Faculty of Universitas Surabaya, 14 March 2011, pp.2
- ¹³ Malcolm N. Shaw, **International Law**, Fifth Edition, Cambridge, United Kingdom, 2003, pp. 248.
- ¹⁴ Sri Endah Kinasih, "Penegakan HAM dan Perlindungan terhadap Korban Pelecehan Seksual", **Jurnal Masyarakat Kebudayaan Dan Politik**, Year XX, No 4, October-Desember 2007, pp. 310
- ¹⁵ Extradition can be done if an agreement has been made before, but if there was none, extradition can be done based on reciprocity. It should be noted that the request must be done based on legal procedure.
- ¹⁶ This thing can not be excluded, unless there is guarantee from a requested state that the criminal is not facing death penalty.
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- ¹⁹ Malcolm N. Shaw, *op.cit*, pp.572
- ²⁰ Enny Soeprapto, *op.cit*, pp.21.
- ²¹ Diplomatic asylum can be given to a person because of political reason or if person feels threatened because of political activities. This asylum is given in a embassy's building of a state
- ²² J.G. Starke, **Pengantar Hukum Internasional**, Bandung, 1986, pp. 211

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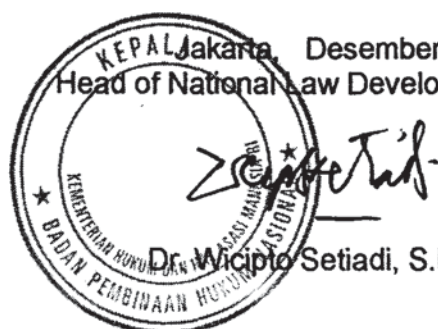
This year's edition of the Indonesian Law Journal includes a wide range of topics which primarily discuss the current development of legal issues in Indonesia. I am particularly excited that some articles of this edition are based on depth research conducted by legal researches from National Law Development Agency. It is hoped that this edition will continue as a useful resource and reference for legal scholars, legal practitioners and legal planners.

One of the main tasks of the National Law Development Agency is to develop national legal system – the Indonesian legal system. A legal system includes some supporting components such as legal substance, legal structure and enforcement, legal services, legal education and legal culture. Developing a legal system is very essential, especially for Indonesia for two reasons. First, some existing laws and regulations are still based on the Dutch inherited laws which are already outdated. Second, every state or society must have its own legal system which may be different from each other. The distinction arises due to some factors, for example, social, cultural, political and economic backgrounds. Therefore, Indonesia may not adopt the foreign legal system except those which are compatible with legal values and needs of Indonesia both for domestic and international relation interests.

Having said that it is necessary to establish the so-called "a grand design" for national law development. It will not be easy. It requires a clear strategy of legal reform, the reform of which is the greatest challenge for our time in Indonesia. What so obvious is, and this is our strength, Pancasila remains become the guidance, direction, and reference of each effort of national legal development.

At present, the Agency has been working on a National Legal Development Planning which will serve as a framework for future reform initiatives. To accomplish this great job, a great effort and the involvement of legal scholars, legal practitioner and other relevant stakeholders are required. In this context, the publication - the Indonesia Law Journal - may provide an opportunity for everybody to participate in this work by contributing ideas, opinions and concepts of legal development in papers. On the other hand, this Journal can also serve as a media for the readers in understanding the problems and the prospects of legal reform in Indonesia from the national and international perspectives.

Jakarta, Desember 2012
Head of National Law Development Agency,



Dr. Wicijito Setiadi, S.H., M.H.

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Dear Readers,

The current edition of the Indonesian Law Journal titled "Shifting of Paradigm toward Reorientation of National Law Development: National and International Perspectives". There are 11 articles in this volume consisting of: 4 articles focusing on dispute settlement mechanism; 3 articles dealing with the issues of improving the quality of regulations; an article examining the implementation of Good Corporate Governance; one article on protection of intellectual property rights; an article on Adat Law; and an article on human rights issue.

The first article by Prof. Huala Adolf focusing on comparative analysis on The Meaning of International Arbitration according to UNCITRAL Arbitration Model Law and Indonesian Arbitration Law. The Enforcement of International Arbitration in Indonesia and its Legal Implications and Challenges is further examined in the article of Prof. Jeane Neltje Sally. The same issue of Enforcement of Arbitration Award from the perspective of Harmonization of Arbitration Law among ASEAN Countries is analyzed in the article contributed by Dr. Suyud Margono. Another issue on dispute settlement on the case of Julian Assange from Integrative Law Approach is presented by Dr. Atik Krustiyati.

The issue of improving the quality of regulations are viewed from different aspects. The Feasibility of implementing Regulatory Reform in Indonesia by using a well recognized regulatory tools such as Regulatory Impact Analysis (RIA) is discussed in the article prepared by Prof. Supancana, followed by an in-depth analysis by Rachmat Trijono S.H., M.H., on Alternative Models of Legislative Process in Indonesian Democratic Process based on Indonesian Constitution of 1945 and its amendments. The Reorientation of Regulation and Policies to guarantee National Food Security is scrutinized in the article of Nunuk Febriananingsih, S.H., M.H.

The Implementation of Good Corporate Governance (GCG) as applied in Legal Due Diligence Process of Regional Government-Owned Enterprise (BUMD) is examined by Tyas Dian Anggraeni, S.H., M.H., in a way to make sure that it will benefit and improve the prosperity of the region and the community therein.

The article of Prof. Hendra Tanu Atmadja focusing its analysis on the Piracy of Recording as a Latent Issue. This is very important issue as a part of promoting enforcement and compliance to intellectual property rights (IPR), particularly copyright issues.

Up to now Adat Law is still one of the pillars and legal sources in Indonesia. Adharinalti, S.H., M.H., in his article examine the Existence of Adat Law in the Implementation of State-Formed Village Governance in Bali. And last but not least, Harison Citrawan analyse

Understanding the Concept of Remedial Determination from the Perspective of Human Rights Law.

The above articles reflecting the thought, ideas and concerns from both academicians, researchers, and practitioners on some important issues in the context of reorientation of national law development to cope with the current trends and needs, both from national and international perspectives.

Enjoy your reading and looking forward to contributions from the readers and experts for the next edition. Wishing you all the best and happy new year of 2013.

Editors



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