

SELECTED ESSAYS:

Essays on Constitution, Human Rights,
Private and Criminal Law Perspectives

Faculty of Law of Universitas Sriwijaya, Indonesia and
Fakulti Undang-Undang, Universiti Kebangsaan Malaysia



EDITORS :

Assoc. Prof. Dr. Febrian, S.H., M.S

Assoc. Prof. Dr. Hj. Annalisa Y., S.H., M.Hum

Assoc. Prof. Dr. Haniff Ahamat

Assoc. Prof. Dr. Mada Apriandi, S.H., MCL

Drs. H. Murzal, S.H., M.Hum

Nurhidayatuloh, S.Hl., S.Pd., S.H., LL.M., M.H., M.HI



SELECTED ESSAY

**Essays on Constitution, Human Rights,
Private and Criminal Law Perspectives**

**Faculty of Law of Universitas Sriwijaya, Indonesia and
Fakulti Undang-Undang, Universiti Kebangsaan Malaysia**

Sanctions for Violation of Article 113
Law of the Republic of Indonesia Number 28 of 2014 on Copyright

- (1) Any person who unlawfully violates the economic rights as referred to in Article 9 paragraph (1) letter i for Commercial Use shall be sentenced to a maximum imprisonment of 1 (one) year and/or a maximum fine of Rp. 100,000,000 (one hundred million rupiahs).
- (2) Any person who without rights and/or without permission of the Author or Copyright Holder violates the economic rights of the Author as referred to in Article 9 paragraph (1) letter c, letter d, letter f, and/or letter h for Commercial Use shall be sentenced to a maximum imprisonment of 3 (three) years and/or a maximum fine of Rp. 500,000,000 (five hundred million rupiahs).
- (3) Any person who without rights and/or without permission of the Author or Copyright Holder violates the economic rights of the Author as referred to in Article 9 paragraph (1) letter a, letter b, letter e, and/or letter g for Commercial Use shall be sentenced to a maximum imprisonment of 4 (four) years and/or a maximum fine of Rp. 1,000,000,000 (one billion rupiahs).
- (4) Everyone who fulfills the elements as referred to in paragraph (3) committed in the form of piracy, shall be sentenced to a maximum imprisonment of 10 (ten) years and/or a maximum fine of Rp. 4,000,000,000 (four billion rupiahs).

SELECTED ESSAY

Essays on Constitution, Human Rights,
Private and Criminal Law Perspectives

Faculty of Law of Universitas Sriwijaya, Indonesia and
Fakulti Undang-Undang, Universiti Kebangsaan Malaysia

Editors :

Assoc. Prof. Dr. Febrian, S.H., M.S

Assoc. Prof. Dr. Hj. Annalisa Y., S.H., M.Hum

Assoc. Prof. Dr. Haniff Ahamat

Assoc. Prof. Dr. Mada Apriandi, S.H., MCL

Drs. H. Murzal, S.H., M.Hum

Nurhidayatuloh, S.HI., S.Pd., S.H., LL.M., M.H., M.HI



SELECTED ESSAY

Essays on Constitution, Human Rights,
Private and Criminal Law Perspectives
Faculty of Law of Universitas Sriwijaya, Indonesia and
Fakulti Undang-Undang, Universiti Kebangsaan Malaysia

Editors :

Assoc. Prof. Dr. Febrian, S.H., M.S

Assoc. Prof. Dr. Hj. Annalisa Y., S.H., M.Hum

Assoc. Prof. Dr. Haniff Ahamat

Assoc. Prof. Dr. Mada Apriandi, S.H., MCL

Drs. H. Murzal, S.H., M.Hum

Nurhidayatuloh, S.HI., S.Pd., S.H., LL.M., M.H., M.HI



TIU. Publishing and Printing

Universitas Sriwijaya

Unsri Palembang Campus

Jalan Srijaya Negara Bukit Besar Palembang 30139

Phone: +62-1- 0711-360969

Email ; unsri.press@yahoo.com | penerbitunsri@gmail.com

Website : www.unsri.unsripress.ac.id

Member of APPTI No. 026/KTA/APPTI/X/2015

Member of IKAPI No. 001/SMS/2009

Palembang: Unsri Press 2022

Setting & Layout Contents by Mardani, SKom

1st Edition, July 2022

ix + 279 pages: 23.5 x 15.5 cm

Copyright reserved. No part of this book may be reproduced in any form or by any means, electronically or mechanically, including photocopying, recording or using any other storage system, without the written permission of the publisher.

Publishing Rights on Unsri Press

ISBN : 978-623-399-074-5

FOREWORD

This book contains selected essays as a result of collaboration between the Faculty of Law Universitas Sriwijaya (FH UNSRI) and the Faculty of Law Universiti Kebangsaan Malaysia (FUU UKM), in a form of various legal themes written by various authors, including students. These essays are also arranged based on several main themes to make them easier to read and understand.

In addition, these also discuss legal policy practices, such as automatic exchange of financial accounts in the context of tax law enforcement, investment development and growth and regional autonomy. In private law, this book discusses material law related to the division of tangible objects with intangible objects as well as movable and immovable objects respectively regulated in Article 503, 504 of the Civil Code. In public law, it discusses the perspective of juvenile criminal law and human rights. Crimes against children must be prevented by the state. There must be an effort to ensure legal certainty to protect children's rights. Furthermore, these selected essays also contain articles written by academics from the Faculty of Law at the National University of Malaysia who discuss current issues of the Malaysian legal system on maritime security. The geographical conditions of the States in Southeast Asia, especially in the Malacca Strait, are very vulnerable due to the threat of piracy, terrorism, conflict, and environmental disasters.

By the publication of these selected essays, it can hopefully lead readers to gain new insights, as well as contribute ideas to the development and knowledge of law. As a conclusion, it is hoped that these selected essays will fulfill the expectations and desired goals.

Palembang, July 2022

TABLE OF CONTENT

	Halaman
Foreword	vi
Table of Content.....	vii
CHAPTER I: Introduction.....	1
1.1. Indonesian Legal System	
<i>Febrian</i>	1-14
1.2. Searching for a Nationwide System to Promote the Municipal Bond	
<i>Murzal</i>	15-30
CHAPTER II: Legal Policy in Indonesia.....	31
2.1. Politic of Law: Automatic Exchange of Financial Account Information (AEOI) in the framework of Law Enforcement Taxation	
<i>Isnaini</i>	31-44
2.2. The Political Law of Islamic Inheritance in Indonesia	
<i>Yusida Fitriyati, Amelda Yunita & Idil Viktor</i>	45-58
2.3. Understanding Pancasila as a Part of Islamic Teachings: The Theorem of Text and Context	
<i>Adi Tyogunawan, Rasidi, Ario Apriyanto Gopar, Fathoni</i>	59-72
CHAPTER III: Constitutional Law System in Indonesia	73
3.1. Regional Autonomy and the Development of Investment	
<i>Bambang Sugianto, Dita Kurniawati, Muhammad Imam Bagus Asmara</i>	73-83
3.2. The Establishment of Liason of Judicial Commission in the Region as Strengthening of the Judicial Commission Institution	
<i>M. Martindo Merta</i>	84-92
3.3. The Omnibus Law System Approaching on Building Permit	
<i>Rudi Hartono, Tahmudin, Gianda Tifanny & Gazali Ahmad</i>	93-98

CHAPTER IV:Private Law System in Indonesia	99
4.1. Notarial Deed Mandatory: Transfer of Patent and Plant Variety Protection due to Agreement <i>Elmadiantini, Annalisa Y, Febrian</i>	99-117
4.2. Personal Data Protection in Electronic Commerce Activities in Indonesia <i>Ardiana Hidayah</i>	118-129
4.3. Monopoly Practice and Competitive Business Competition Related to the Agreement of Extension Contract Procurement of Give Away by PT. Garuda Indonesia (Case Study on Case Decision Number: 23 / KPPU-L / 2010) <i>Marlina Widiyanti, Febrian, and Annalisa Y</i>	130-138
4.4. Guarantee of Indonesian Halal Industry Legal Satisfaction in Digital Economic Era <i>KN. Sofyan Hasan</i>	139-166
4.5. Notary Deed Rejected at the Indonesian National Arbitration Board Regarding the Choice of Dispute Resolution Forum <i>Bella Silvyana Amin, Annalisa Y, Herman Adriansyah</i>	167-174
4.6. Accessibility: Disabled Passangers in Commercial Flights in Indonesa <i>Annalisa Y, Ridwan, and Firman Muntaqo</i>	175-193
CHAPTER V : Criminal Law and Human Rights.....	194
5.1. Perspective on Urgention of Sanction of Action for Children of Criminal Acts <i>Nashriana</i>	194-212
5.2. The Practice of State Responsibility on Human Rights Breaches <i>Nurhidayatulloh and Mada Apriandi</i>	213-217
CHAPTER VI: The Current Issue in Malaysian Legal System .	218
6.1. The Relevancy of Private Maritime Security Company (PMSC) In Combatting Piracy	

	<i>Muhammad Imran Razali, Wan Siti Adibah Wan Dahalan, Muhammad Abdul Hafiz Sariee & Alla Basril Baqer</i>	218-233
6.2.	Trafficking in Persons and Border Control Laws in Malaysia: ASEAN Discourse <i>Aiman Aizuddin Junaidi, Salawati Mat Basir, Rohani Abdul Rahim, Mohd Shukor Abdul Mumin, Muhammad Afiq Ahmad Tajuddin</i>	234-257
6.3.	Micro, Small and Medium Enterprises (MSMES) and Competition Law In Malaysia and Its Comparison With Indonesia <i>Haniff Ahamat, Bani Adam, and Nasarudin Abdul Rahman</i>	258-268
6.4.	Financial Technology: An Overview on Shariah and Legal Implication <i>Asma Hakimah binti Ab Halim, Mustafa 'Afifi bin Ab Halim</i>	269-279

CHAPTER III

Constitutional Law System in Indonesia

Regional Autonomy and the Development of Investment

*Bambang Sugianto, Dita Kurniawati, and
Muhammad Imam Bagus Asmara*

1. Introduction

The development and growth of regional autonomy investment is one of indicators of progress and economic growth in Indonesia. Investments made in general aim to be able to support the improvement and advance the welfare of people in Indonesia, in accordance with the objectives of the Republic of Indonesia. Investment in its nature does take place in the region, because the region has an administrative territory.¹

In doing investment, there are often problems, one of which is regional autonomy, the challenges of implementing investment in Indonesia in the era of regional autonomy in Indonesia began in 2001 since the enactment of Law Number 22 of 1999 concerning Regional Government and then renewed by Law Number 23 of 2014 concerning Regional Government, the most important from the arrangement is that there is a system of distribution of authority in facilitating the entry of investments. The abundant natural resource wealth in Indonesia is a huge potential that can be developed, including through Direct Investment. The wealth of mining materials and Indonesian agricultural products are very flexible for investments based on natural resources (resource based investment).²

¹ Santoso Sembiring, *Hukum Investasi*, kedua (Bandung: Nusa Aulia, 2010), 155.

² Fery Dona, "Peran Penanaman Modal Asing (PMA) Dalam Pembangunan Ekonomi Di Era Otonomi Daerah," *Al- Ahkam Jurnal Ilmu Syari,Ah Dan Hukum* 2, No. 1 (2017): 80–90.

Regional autonomy itself, as a concept outlined in Law Number 23 of 2014 and amended through Law of the Republic of Indonesia Number 2 of 2015 and Law of the Republic of Indonesia Number 9 of 2015 concerning Second Amendment to Law Number 23 of 2014 concerning Regional Government, aims to simplify and provide great opportunities for the Regional Government in promoting economic growth through investment, whether it is domestic investment or foreign investment.

Article 33 of the 1945 Constitution mandates that the earth, water and natural resources contained therein be controlled by the state and used as much as possible for the prosperity of the people. The mandate of the 1945 Constitution is the foundation of mining and energy development to utilize the rich potential of mineral and energy natural resources owned optimally in supporting sustainable national development.³

Utilization and management of limited natural resources by the state is required to involve third parties, in this case investors to manage natural resources so as to provide tangible added value to the national economy in an effort to achieve prosperity and welfare of the people in fairness.⁴ To realize the objectives as mandated, the government issued Law Number 25 of 2007 concerning Investment, which aims to facilitate and increase investment often experiences obstacles and constraints, the occurrence of obstacles is in the coordination between the district and provincial governments in issuing regulations. In the General Explanation of Law Number 25 Year 2007 the importance of the role of local government is stated. The government is required to establish good coordination between the central government and regional governments.⁵ Such coordination must be carried out in the

³ Negara Republik Indonesia, “Undang-Undang Dasar Republik Indonesia 1945” (1945), <https://www.hukumonline.com/pusatdata/detail/lt4ca2eb6dd2834/node/lt49c8ba3665987/uud-undang-undang-dasar-1945>.

⁴ Surizki Febrianto, “Iklim Investasi Penanaman Modal Dalam Dunia Pertambangan Di Indonesia Investment Climate Of Mining Business In Indonesia,” *Jurnal IUS Kajian Hukum Dan Keadilan* 6, no. 3 (2018): 444–55.

⁵ Negara Republik Indonesia, “Undang-Undang Republik Indonesia Nomor 25 Tahun 2007 Tentang Penanaman Modal” (2007).

spirit of regional autonomy. In developing opportunities for regional potential to coordinate with one another, it becomes an important point for investment in the region, both in governance related to investment, and within the framework of the region's ability to make investments. This is actually counterproductive because it adds to the burden on the public (community) and also impedes the entry of investment into the region. Communities do not contribute as expected (through payment of fees and local taxes), and this may be due to the low ability to pay (willingness to pay) or willingness to pay taxes. One factor that is believed to be the cause of these problems (ability and willingness to pay) is the absence of significant changes in people's welfare.⁶

There are various choices that the government have to improve the investment climate in the region, where one of the policies related to these interests is the application of the One Stop Integrated Service System (PTSP) which is based on Law Number 25 Year 2007 concerning Investment. This policy is very interesting to look at, because if judging from its substance, it has similarities with Presidential Decree Number 29 of 2004 concerning Investment Implementation in the framework of PMA and PMDN through the One-Stop Service System. This Presidential Decree was once seen by the regional government as an effort by the central government to revoke the investment authority that had been decentralized. On the other hand, theoretically, PTSP can improve the quality of licensing services in the investment sector, through simplifying licensing and accelerating the time completion.⁷

PTSP is one of the regional efforts to be able to provide convenience in investing. PTSP in general, by the regional government, is accommodated in the form of regional regulations. Local regulations

⁶ Priyo Hari Adi, "Kemampuan Keuangan Daerah Dalam Era Otonomi Dan Relevansinya Dengan Pertumbuhan Ekonomi (Studi Pada Kabupaten Dan Kota Se Jawa – Bali).," *Artikel Yang Dipresentasikan Dalam The Accounting Conference Yang Diselenggarakan Departemen Akuntansi Fakultas Ekonomi*, 2007, 2.

⁷ Asropi, *Strategi Perbaikan Iklim Investasi Di Daerah, Dalam Bunga Rampai Administrasi Publik: Dimensi Pelayanan Publik Dan Tantangannya Dalam Administrasi Negara (Publik) Di Indonesia*. (Jakarta: Lembaga Administrasi Negara, 2007), 2–3.

on PTSP will provide legal certainty for investors to estimate and design their own investment preparations. In addition, PTSP can make investors confident that investment can be done with legal protection. Apart from the local regulation, regulations regarding PTSP can also be found.

Some reference policies in the administration of investment services in the region include the Presidential Decree Number 97 of 1993 concerning Investment Procedures as amended by Presidential Decree Number 115 of 1998, Presidential Decree Number 117 of 1999, Meninves Decree / Head of BKPM Number 38 / SK / 1999 concerning Guidelines and Procedures for Investment Application established in the framework of PMA and PMDN, and Presidential Decree Number 29 of 2004 concerning Implementation of Investment in the framework of PMA and PMDN Through One-Stop Service System.

Clarity of the regulation, in order to attract investors, can also be done to increase funding sources and the accuracy of the allocation of development investment through the creation of a climate conducive to business development and job creation, as well as developing community empowerment and partnerships in the development process by implementing a development community paradigm. This is realized by providing opportunities for managing strict but easy investment requirements, making good approaches to potential investors, as well as the ability of local governments to provide encouragement to the public to be open in terms of their socio-cultural potential.

Therefore, the authors saw that with regional autonomy ,a regulation synchronization is needed so that investment will easily enter the region and can contribute to development. And do not let the regional autonomy will hamper and make it difficult to invest so that the wealth of natural resources cannot be managed properly and beneficial to the people. This is actually where the feasibility of supporting investment regulations can be seen from two sides, namely Central / or Provincial regulations and local government regulations. The two main things can be seen as follows. First, regulations / or regulations supporting investment in the regions. For example, that changes are needed regarding labor regulations, immigration, customs,

taxes and retribution, the environment to the regulations on contributions and compensation which in general these regulations do not support investment. Second, the authority to grant permission to invest should be able to support, especially those related to good governance. Local governments are expected to behave better to the potential investors. Especially with its willingness to provide honest and open services through PTSP.

2. Results and Findings

2.1. Investment Dynamics, Regional Autonomy and Investment Policies

In line with the regional autonomy policy, it is the delegation of authority from the central government to regional governments which are autonomous regions to regulate and manage their communities according to their own wishes based on the aspirations of the people, in accordance with the laws and applicable regulations under the Unitary State of the Republic of Indonesia. On the side of the interests of the central government, regional autonomy is aimed at realizing prosperity in the economic field, political education, leadership training, creating political stability, and realizing the democratization of government systems in the regions, while on the side of regional autonomy, regional government interests are aimed at:

1. Realizing political equality, which means that through regional autonomy it is expected to open more opportunities for the community to participate in various political activities at the local or regional level
2. To create local accountability, it means that with regional autonomy it is expected to be able to increase government responsibility in the welfare of regional communities.
3. To realize local responsiveness, it means that regional autonomy is expected to facilitate the anticipation of various

problems that arise and at the same time increase the acceleration of regional social and economic development.⁸

This autonomy aims to regulate the government, especially in exploring the sources of original income of the region and in promoting economic growth in the region, including creating a conducive investment climate in the region. Armed with the decentralization policy, each region has full authority in creating a conducive investment climate so as to enable the achievement of development goals. Investment that will enter an area depends on the competitiveness of investment owned by the region concerned. The investment competitiveness of an area does not occur immediately. The formation of investment competitiveness, takes place continuously over time and it is influenced by many factors.

One of the successes of the region to increase competitiveness for investment depends on the ability of regions to formulate policies relating to investment and the business world. Investment objectives are seen from a variety of interests, namely between the interests of investors with the interests of the government, which between the two interests when viewed from the motivation and objectives to be achieved will clearly differ from one another. From the side of the government, hoping for investment will make a significant contribution to development activities, which in turn will be able to realize the people's welfare. On the other hand, investors make more investments based on economic considerations and orientations.⁹

2.2. Regional Investment and Finance

In the context of regional government, the implementation of regional government functions will be carried out optimally if the implementation of government affairs is followed by providing

⁸ Suryo Pratolo, "Peran Otonomi Daerah Untuk Meningkatkan Fungsi Pengelolaan Keuangan Daerah Sebagai Instrumen Manajemen Dalam Kebijakan Alokasi Belanja Pelayanan Publik," *Jurnal Akuntansi Dan Investasi* 12, No. 1 (2011): 36–59.

⁹ Sumantoro, *Pengantar Tentang Pasar Modal Di Indonesia*, Jakarta (Jakarta: Ghalia Indonesia, 2004), 15.

sufficient revenue sources to the regions, with reference to Law Number 33 of 2004 concerning Financial Balance between the Central Government and Regional Governments. The amount is adjusted to the division of authority between the central government and regional governments. This means that all financial resources that are attached to every government affair, which are submitted to the regions, become sources of regional finance.¹⁰ In the context of regional autonomy as well, regional governments have more authority in managing their regional budgets (APBD).

Investment arrangements at the regional level refer to investment regulations at the national level. This is done considering that although the direction of the Indonesian economy after Regional Autonomy refers to the economy in the region, it must be remembered that the authority of regional autonomy towards regional independence remains within the framework of a unitary state, so it cannot be interpreted as absolute full freedom from a region to exercise rights and the function of autonomy according to regional willingness without considering national interests. Investment Policy Direction and increasing business activities through investment policies are expected to create opportunities for the growth and development of the business world for every large, medium, small scale economic actor. Besides, it is very relevant in realizing the distribution of economic access and resources. Simplification of Investment Service (deregulation) Simplification of economic activity services helps the smooth operation of economic actors, because deregulation is seen as one way to increase efficiency for economic actors.¹¹

Regarding investment activities, both domestic and foreign, the government has taken steps to deregulate investment services through a number of policy packages that are aimed at attracting investors to invest. In line with the implementation of regional autonomy, the government is continuously making improvements related to the

¹⁰ Nurlan Darise, *Pengelolaan Keuangan Daerah*, Kedua (Jakarta: PT. Indeks Jakarta, 2006), 21.

¹¹ Rudini, *Otonomi Daerah Peluang Dan Tantangan* (Jakarta: Pustaka Sinar Harapan, 2001), 45.

simplification of investment services, which aims to provide facilities for prospective investors in carrying out their investment activities. In attracting investment among others: abundant natural resources, large population, relatively cheap labor. Various policy steps that have been taken by the government in an effort to attract the interest of investors, both in this country and abroad so they want to invest in Indonesia, namely the Omnibus Law program.

Investment Policy Strategy as in short-term and related to investment policy, several steps and strategies need to be considered as a priority scale in national investment. In this case, the government must activate production assets that have not been utilized which still have the prospect of being healthy to increase production. In addition, it is necessary to encourage investment in business sectors that prioritize export-oriented domestic resources with links to the procurement of nine basic needs, have labor-intensive nature, and quickly produce and give effect to the restructuring of foreign payments. In the short term, the steps that must be taken are the development of labor-intensive industries, such as the production of textiles, electronics, handicraft industries and others. Efforts to develop this industry need to be done considering that this industry absorbs a lot of labor and at the same time can reduce the unemployment rate and so far it has developed quite well and made a small contribution to foreign exchange earnings. In addition, improvements in investment policy intensive need to be made including providing administrative services and efficient business services.

Then the procurement of human resource development programs is mainly focused on improving the quality of human resources and improving cross-sectoral coordination and facilitators for investors in investment activities. The Medium-Term Strategy is a number of steps and strategies that can be carried out through the phasing of investment priorities based on the development sector of investment priorities based on regional conditions, development of investment priorities based on institutions, and increasing international cooperation in the investment sector in order to attract investors selectively and with direction. In the medium term, the steps and strategies that need to be

taken are the development of industries that are based on natural resources, especially the agricultural industry. This effort needs to be done to reduce dependence on imported raw materials, so that foreign exchange earnings from exports can be utilized optimally and at the same time can save foreign exchange.

As for the Long-Term Strategy, the steps that need to be taken in relation to investment policy in Indonesia are the development of a technology-based and knowledge-based industry in stages. This effort needs to be done to obtain high added value through a gradual technological process by considering the level of existing technology. In addition, steps that need to be taken are deregulation and bureaucratization in investment and trade activities.

Regarding to this, the regional readiness is an important factor that is sufficient to determine the success of the region in implementing this regional autonomy policy. One indicator that can be used is regional financial capacity. Regional financial capacity in the era of regional autonomy is often measured using PAD performance. And the success of the region in undergoing regional autonomy. Regional taxes and levies (which are the largest contributor to PAD) should be able to finance local government spending.¹²

3. Conclusion

From the description above, it can be drawn a conclusion that the region can be said to be independent and feasible to be a pro-investment region, namely: 1) There is certainty in the administration process and legal certainty that can guarantee the security and political stability of the Region; 2) The existence of a synchronization of regulations between the local government and the central government related to investment, so that it is faster in licensing and the realization of a certainty; 3) The regional government must open up and facilitate the licensing of the investment sector, especially those related to the recruitment of large workers; 4) Measuring the ability of regional

¹² Priyo Hari Adi, "Kemampuan Keuangan Daerah Dalam Era Otonomi Dan Relevansinya Dengan Pertumbuhan Ekonomi (Studi Pada Kabupaten Dan Kota Se Jawa – Bali)."

finance, in the era of regional autonomy by using the PAD performance so that it can achieve the regional success in undergoing regional autonomy.

References

- Asropi, *Strategi Perbaikan Iklim Investasi Di Daerah, Dalam Bunga Rampai Administrasi Publik: Dimensi Pelayanan Publik Dan Tantangannya Dalam Administrasi Negara (Publik) Di Indonesia*. Jakarta: Lembaga Administrasi Negara, 2007.
- Febrianto, Surizki. “Iklim Investasi Penanaman Modal Dalam Dunia Pertambangan Di Indonesia Investment Climate Of Mining Business In Indonesia.” *Jurnal IUS Kajian Hukum Dan Keadilan* 6, no. 3 (2018): 444–55.
- Fery Dona. “Peran Penanaman Modal Asing (PMA) Dalam Pembangunan Ekonomi Di Era Otonomi Daerah.” *Al- Ahkam Jurnal Ilmu Syari,Ah Dan Hukum* 2, no. 1 (2017): 80–90.
- Negara Republik Indonesia. Undang-Undang Dasar Republik Indonesia 1945 (1945). <https://www.hukumonline.com/pusatdata/detail/lt4ca2eb6dd2834/node/lt49c8ba3665987/uud-undang-undang-dasar-1945>.
- . Undang-Undang Republik Indonesia Nomor 25 Tahun 2007 Tentang Penanaman Modal (2007).
- Nurlan Darise. *Pengelolaan Keuangan Daerah*. Kedua. Jakarta: PT. Indeks Jakarta, 2006.
- Priyo Hari Adi. “Kemampuan Keuangan Daerah Dalam Era Otonomi Dan Relevansinya Dengan Pertumbuhan Ekonomi (Studi Pada Kabupaten Dan Kota Se Jawa – Bali).” *Artikel Yang Dipresentasikan Dalam The Accounting Conference Yang Diselenggarakan Departemen Akuntansi Fakultas Ekonomi*, 2007, 2.
- Rudini. *Otonomi Daerah Peluang Dan Tantangan*. Jakarta: Pustaka Sinar Harapan, 2001.
- Santoso Sembiring. *Hukum Investasi*. Kedua. Bandung: Nusa Aulia, 2010.
- Sumantoro. *Pengantar Tentang Pasar Modal Di Indonesia, Jakarta*. Jakarta: Ghalia Indonesia, 2004.
- Suryo Pratolo. “Peran Otonomi Daerah Untuk Meningkatkan Fungsi Pengelolaan Keuangan Daerah Sebagai Instrumen Manajemen Dalam Kebijakan Alokasi Belanja Pelayanan Publik.” *Jurnal Akuntansi Dan Investasi* 12, no. 1 (2011): 36–59.



Assoc. Prof. Dr. Febrian, S.H., M.S. is an Associate Professor in Constitutional Law. Currently, He is the Dean at the Faculty of Law, Sriwijaya University. He teaches various courses within the field of Constitutional Law, Legal Philosophy, Legal Reasoning, Administrative Law, and Environmental Law. He is also a Legal Drafter in both national and local regulations. In addition, he is also a researcher, speakers in various legal events and peer-review for both national and international journal of law. He obtained his LLB at Faculty of Law Sriwijaya University, Master of Science (MS) and doctoral program (Dr) at the Faculty of Law, Airlangga University.



Assoc. Prof. Dr. Annalisa Y., S.H., M.Hum is an Associate Professor of Private Law. She is currently the Head of Master of Notarial Law, Faculty of Law, Sriwijaya University. In addition, she is also the Editor in Chief of Sriwijaya Law Review, the international law journal at the Faculty of Law Sriwijaya University. She teaches various courses within the field of Private Law, namely Intellectual Property Rights, Commercial Law, Private Law, Law of Obligations, Corporate and Bankruptcy Law, Legal Research Methods, and Economic Law. She completed her doctoral studies at the Faculty of Law, the National University of Malaysia with a research focused on Intellectual Property Rights and Law. She attained her LLB (S.H) at Faculty of Law, Sriwijaya University and obtained her master from the Faculty of Law, University of North Sumatra. She also has published several works related to her field of expertise both in Indonesia (SINTA Indexed Journals) and abroad (Scopus Indexed Journals).



Assoc. Prof. Dr. Haniff Ahamat, who is from Malaysia, has been with UKM since June 2016. Prior to that, he had been an academic staff member at the Faculty of Law, the International Islamic University Malaysia (IIUM) for 15 years. He holds an LLB (Hons) from IIUM, an LLM from UKM and a PhD from University of Essex, United Kingdom. He wrote his PhD thesis on the consumer perspectives of Malaysian and EC anti-dumping regimes. Haniff is a non-practising member of the Malaysian Bar. Haniff teaches public international law, competition law and law for SME exports at the undergraduate level. He also teaches Competition Law and International Economic Law at the masters level. Haniff has researched and published on public international law, law of WTO, competition law, SME law and law of economic regulation. Haniff is widely consulted by the public and private sectors on the practical application of Malaysian and international laws within his areas of expertise.



Assoc. Prof. Dr. Mada Apriandi, S.H., MCL. is an Associate Professor of International Law. He is currently Vice Dean of Academic Affairs at the Faculty of Law of Sriwijaya University, South Sumatra, Indonesia. Previously, he was the Coordinator of the Master's Program in Law Studies. He teaches various courses within the field of International Law. He is also an Editor and Peer Reviewer for Jurnal Bina Hukum Lingkungan (JBHL), published by Perkumpulan Pembina Environmental Law Indonesia, Jurnal Bina Mulia Hukum (JBMH), published by the Faculty of Law, Universitas Padjadjaran, Sriwijaya Law Review (SLRev), published by the Faculty of Law of Sriwijaya University, and Dinamika Hukum (JDH), published by the Faculty of Law, Jenderal Soedirman University. He completed his doctoral studies at the Faculty of Law of Universitas Padjadjaran with a research focused on international law and global climate change, attained his LLB (S.H) at the Faculty of Law of Universitas Sriwijaya and obtained his MCL from Law and Business School Deakin University in Melbourne, Australia.



Drs. H. Murzal, S.H., M.Hum. was born in Tanjung Enim, South Sumatra, in 1960. He completed his Bachelor's program at the Faculty of Letters, University of Indonesia in 1987 and the Faculty of Law, University of IBA Palembang in 1998. He obtained his master's education from the Postgraduate Program at the University of North Sumatra in 1998. 2003 and was a candidate for Doctor of Law at Diponegoro University in 2012. He has also attended several additional educations in several fields, including: Demographics at Florida State University in 1992; Educational Activities at Flinders University, Australia in 2008 and Socio-Legal Studies at the University of Leiden, The Netherlands in 2010. Since 1989 he has been active as a lecturer at the Faculty of Law, Sriwijaya University teaching courses in Foreign Legal Terminology, Civil Law, Unlawful Act (onrechtmatige daad), Guarantee Law, and Investment Law.



Nurhidayatulloh, S.HI, S.Pd., S.H., LL.M., M.H., M.HI. is an Assistant Professor of Human Rights and International Criminal Law at Faculty of Law Sriwijaya University. Since 2019, he is a member of Indonesian Association of Scientific Journal Editors (HEBII) and the Council of Asian Science Editor (CASE). Nurhidayatulloh's research has a focus on International Human Rights Law, International Criminal Law, and Islamic Law. This has led to publications on a wide variety of subjects, ranging from principles in human rights law, international criminal law cases in Indonesia and human rights in Islam. He has supervised numerous undergraduate students and taught many courses at Sriwijaya Law School such as Human Rights Law, International Criminal Law, International Organization, International Law of Treaty, and Diplomatic Law and Consular Relation. Besides, he also has conducted summer school at various universities in the Netherland such as Leiden University and Vrije University. Since 2017, he has been appointed as the Managing Editor of Sriwijaya Law Review, Scopus indexed international law journal published by Faculty of Law Sriwijaya University. In addition, his career in legal scientific journals is evidenced by his role as editor and reviewer in several international legal journals, such as Hasanuddin Law Review, Padjadjaran Journal of Law, Jurnal HAM, Yustisia Journal and other legal journals in Indonesia.

ISBN 978-623-399-074-5

