



in
cooperation
with

INDONESIA



Universiteit Utrecht

NETHERLANDS



الجامعة الإسلامية العالمية ماليزيا
INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIA
يؤنسوسقو اناكرا اناكرا اناكرا اناكرا اناكرا

MALAYSIA



THAILAND



PAKISTAN

3rd ImCoSS

THE THIRD INTERNATIONAL MULTIDISCIPLINARY
CONFERENCE ON SOCIAL SCIENCES

5 - 7 JUNE 2015

BANDAR LAMPUNG UNIVERSITY
INDONESIA

PROCEEDINGS

Hosted by :

- Faculty of Teacher Training and Education
- Faculty of Economics and Business
- Faculty of Law
- Faculty of Social and Political Sciences



universitas
bandar lampung

SOLUTION FOR PRESENT AND FUTURE



3rd IMCoSS 2015

**THE THIRD INTERNATIONAL MULTIDISCIPLINARY
CONFERENCE ON SOCIAL SCIENCES**

5, 6 June 2015
Bandar Lampung University (UBL)
Lampung, Indonesia

PROCEEDINGS

Organized by:



Bandar Lampung University (UBL)
Jl. Zainal Abidin Pagar Alam No.89 Labuhan Ratu, Bandar Lampung, Indonesia
Phone: +62 721 36 666 25, Fax: +62 721 701 467
website : www.ubl.ac.id

PREFACE

The Activities of the International Conference are in line and very appropriate with the vision and mission of Bandar Lampung University (UBL) to promote training and education as well as research in these areas.

On behalf of the **The Third International Multidisciplinary Conference on Social Sciences (The 3rd IMCoSS) 2015** organizing committee, we are very pleased with the very good response especially from the keynote speaker and from the participants. It is noteworthy to point out that about 112 technical papers were received for this conference.

I would like to express my deepest gratitude to the International Advisory Board members, sponsor and also to all keynote speakers and all participants. I am also grateful to all organizing committee and all of the reviewers who contribute to the high standard of the conference. Also I would like to express my deepest gratitude to the Rector of Bandar Lampung University (UBL) who give us endless support to these activities, so that the conference can be administrated on time

Bandar Lampung, 6 June 2015

Mustofa Usman, Ph.D
Chairman of 3rd IMCoSS 2015

PROCEEDINGS

3rd IMCoSS 2015

The Third International Multidisciplinary Conference
on Social Sciences
5, 6 June 2015

INTERNATIONAL ADVISORY BOARD

M. Yusuf S. Barusman, Indonesia

Andala R.P. Barusman, Indonesia

Mustofa Usman, Indonesia

Khaliq Ahmad, Malaysia

Muhammad Azam, Pakistan

John Walsh, Thailand

Agus Wahyudi, Indonesia

Harpain, Indonesia

Susanto, Indonesia

Hayyan Ul Haq, Netherlands

Ida Madhieha A Ghani Azmi, Malaysia

Andrik Purwasito

Antonius PS. Wibowo, Indonesia

Torla Bin Hj.Hassan, Malaysia

Lintje Anna Marpaung Indonesia

Bambang Hartono, Indonesia

Erlina B, Indonesia

Zulfi Diane Zaini, Indonesia

Agus Wahyudi, Indonesia

Harpain, Indonesia

Khomsahrial Romli, Indonesia

Ida Farida, Indonesia

I Gusti Ayu Ketut Rahmi, Indonesia

Zainab Ompu Jainah, Indonesia

Iskandar AA, Indonesia

Habiburahman, Indonesia

M. Achmad Subing, Indonesia

Angrita Denziana, Indonesia

PROCEEDINGS

3rd IMCoSS 2015

The Third International Multidisciplinary Conference
on Social Sciences
5, 6 June 2015

GENERAL COMMITTEE

Executive Advisory

Dr. Ir. M Yusuf S. Barusman, MBA
Dr. Andala Rama Putra, SE, M.A, Ec.
Dr. Lintje Anna Marpaun, SH., MH.
Drs. Thontowie, MS

Chairman

Dr. Hery Riyanto, MT

Secretary

Bery Salatar, S.Pd.

STREERING COMMITTEE

Chairman

Mustofa Usman, Ph.D

Secretary

Susanto, SS, M.Hum, MA, Ph.D

Technical Committee of Law Division

Dr. I Gusti Ayu Ketut Rachmi Handayani, SH., MH
Dr. Erina Pane, SH., MH
Dr. Bambang Hartono, SH., M.Hum.
Dr. Zulfi Diane Zaini, SH.,MH
Dr. Zainab Ompu Jainah, SH., MH
Dr. Tami Rusli, SH.,M.Hum
Dr. Erlina B, SH.,M.Hum

*Technical Committee of Economics, Business,
and Management Division*

Prof. Dr. Sudarsono
Dr. Andala Rama Putra, M.A, Ec.
Dr.Lindrianasari, S.E., M.Si.,Akt. CA
Dr. Angrita Denziana, SE.,MM., Ak, CA
Dr. Iskandar Ali Alam, MM
Tina Miniawati, SE., MBA.
Dra. Rosmiati Tarmizi, MM, Ak.
Afrizal Nilwan, SE,,M.Ec., Akt.

Technical Committee of Social Sciences Division

Dr. Yadi Lustiadi, M.Si.
Dr. Supriyanto, M.Si.
Dr. Ahmad Suharyo, M.Si.
Dr. Wawan Hernawan, M.Pd.
Dr. Dra. Ida Farida, M.Si.

Technical Committee of language, Teaching and Education

Susanto, SS, M.Hum, MA, Ph.D
Deri Sis Nanda, SS., MA., Ph.D
Hery Yufrizal, Ph.D
Harpain, MA
Helta Anggia, MA
Yanuaris Yanu Dharmawan, M.Hum
Dameria Magdalena S., M.Pd

PROCEEDINGS

3rd IMCoSS 2015

The Third International Multidisciplinary Conference
on Social Sciences
5, 6 June 2015

ORGANIZING COMMITTEE

Chairman

Drs. Harpain, MAT, MM

Secretary

Tissa Zadya, SE, MM

Treasure

Samsul Bahri, SE

Administration

Proceedings and Certificate Distribution

Dina Ika Wahyuningsih, S.Kom

Tri Nuryati, S.Kom

Ida Nahdaleni

Vida Cancer

Agung Saputra

Desi Anggraini

Indah Satria, SH

Nurdiawansyah, SE

Receptionist and Registration

Rifandy Ritonga, SH, MH

Dra. Agustuti Handayani

Haninun SE, MS. Ak

Hepiana Patmarina, SE., MM

Kartini Adam, SE

Cyntia Jonathan

Sponsorship & Public Relation

Ir. Indriati A. Gultom, MM

Yulia Hesti, SH.,MH

Indah Satria, SH

Special Event

Deri Sis Nanda, SS., MA., Ph.D
Helta Anggia, S.Pd., MA
Dameria Magdalena S, M.Hum
Khairudin, SE., M.S.Ak
Aminah, SE. M.S.Ak
Tia Erisna, SE. M.Si., Ak
Olivia Tjoener, SE. MM.
Drs. Suwandi, MM
Dra. Azima D., MM
Risti Dwi Ramasari, SH.,MH
Siti Rahmawati, SE
Arnes Yuli V., S.Kom., .M.Kom
Recca Ayu Hapsari, SH., MH
Benny Karya, SH., MH
Mellisa Safitri, SH., MH

Transportation & Accommodation

Irawati, SE
Zainal Abidin, SE
Desi Puspitasari, SH

Consumption

Dra. Yulfriwini, MT
Susilowati, ST., MT

Documentation

Noning Verawati, S.Sos, MA
UBL Production

Table Of Content

Preface.....	ii
International Advisory Board	iii
Steering Committee.....	iv
Organizing Committee	vi
Table of Content	viii
Keynote Speaker :	
1. Cultural Tourism and Trade in Indigenous People's Art and Craft: A Gap Analysis of International Legal Treatise and National Legislation – Ida Madieha bt. Abdul Ghani Azmi	I-1
2. Contrasting Islamic Leadership Styles (An Empirical Study Of Muslim Majority And Minority Countries) - Khaliq Ahmad	I-10
Paper Presenter :	
ECONOMICS :	
1. An Analysis of The Influence of Aggregate Expenditure Regional Gross Domestic Product Growth In The Lampung Province – H.M.A. Subing	II-1
2. Effect on The Quality of Passenger Satisfaction (Study in Radin Inten II Airport South Lampung) – Ardansyah and Stefanny Ellena Rushlan	II-7
3. Factors That Affect Longevity Of Business Relationships – Margaretha Pink Berlianto and Innocentius Bernarto.....	II-12
4. Millennials Green Culture: The Opportunity And Challenge (A Case Study Of Higher Education Student) - Ika Suhartanti Darmo	II-21
5. Preferences Prospective Students In Choosing The Study Program (University X In Bandar Lampung) - Indriati Agustina Gultom and Wahyu Pamungkas	II-29
6. The Effect Of Growth, Profitability And Liquidity To Bond Rating Of The Banking Firms Listed On The Indonesian Stock Exchange (Period 2009- 2013) - Syamsu Rizal and Winda Sutanti	II-34
7. The Influences Of Investment On Regional Gross Domestic Product (RGDP) In Lampung - Habiburrahman	II-42
8. The Influences Of Bank Product Socialization And Electronic Payment System Quality On Intention To Use E-Money In Indonesia - Cynthia Jonathan, Rina Erlanda and Zainal Arifin Hidayat	II-46
9. The Influence Of Inflation, GDP Growth, Size, Leverage, And Profitability Towards Stock Price On Property And Real Estate Companies Listed In	

Indonesia Stock Exchange Period 2005-2013 - Herry Gunawan Soedarsa and Prita Rizky Arika	II-50
10. The Influence Of Investment Opportunity Set (IOS) And Profitability Towards Stock Return On Property And Real Estate Firms In Indonesia Stock Exchange - Grace Ruth Benedicta, Herlina Lusmeida	II-57
11. The Influence Of Prosperity And Finacial Performance With Respect To Equalization Funds Of The Government District/City In All Southern Sumatra Regions - Rosmiati Tarmizi, Khairudin and Felisya Fransisca	II-66
26. The Influence of The Financial Performance and Macroeconomic Factors To Stock Return - Angrita Denziana, Haninun, and Hepiana Patmarina.....	II-73
27. The Economical Analysis Of Mechanization In Land Preparation For Plantation - M.C. Tri Atmodjo	II-81
28. The Performance of Undiversified Portfolio In Indonesia Stock Exchange - Budi Frensidy	II-84
29. An Analysis of Fast Improvement Program of Human Resources for Employee Satisfaction of PT. PLN (Persero), Bandar Lampung Power Sector - Sapmaya Wulan and Kiki Keshia	II-89
30. Engineering Model of Economic Institution Insugarcane Agribusiness Partnership (Case Study on Sugar Cane Agribusiness Partnership between Farmers Cooperative and Sugar Factory in Way Kanan Regency of Lampung Province-Indonesia) – Syahril Daud and Adrina Yustitia	II-97

LAW :

1. Analysis Of Convict's Rights In Judicial Review Of Narcotics Criminal Case - Yulianto	III-1
2. Comparison Of Authority Of The Conditional Court In India And Thailand In Judicial Review – Indah Satria	III-4
3. Criminal Law Policy As An Effort Of Overcoming Crime Towards Protected Animals - Benny Karya Limantara and Bambang Hartono	III-9
4. Decentralization Evaluation in Indonesia : The Dynamics of Relation Central Government and Local Government - Dewi Nurhalimah	III-15
5. Denial Of Labor Rights By Liberal Legal Regime In The Outsourcing System - Cornelius C.G, Desi Rohayati and Ricco Andreas	III-20
6. Design Of The Special / Special For Inclusion In The System Of The Republic Of Indonesia By Constitution Of The Republic Of Indonesia 1945 - Baharudin.....	III-22
7. Dilemma of State Sovereignty Protecting the Homeland Indonesia (Studies Agrarian Constitution) - FX. Sumarja	III-27
8. From State Sovereignty To People Sovereignty: The Development of State Control Doctrine in Indonesia Constitutional Court Decision - Utia Meylina	III-32

9. Law Function As Instrument To Build a Stability of Moral Economy in
Globalization Era - Hieronymus Soerjatisnanta and M Farid Al-Rianto III-36
10. The Analysis Of Criminal Liability For Crimes Perpetrators Of The Crime
Of Human Trafficking – Dharma Saputra III-45
11. The Death Penalty: Pancasila, With Efforts To Eradicated Drugs -
Anggun Ariena R. and Ade Oktariatas Ky III-48
12. The Existence of Government Regulation in Liew of Law or Peraturan
Pemerintah Pengganti Undang-Undang (Perppu) in Legal Systems of the
Republic of Indonesia - Rifandy Ritonga III-53
13. The Fulfilment Of The Right To Health Services Through Control Of
Ombudsman Functions In The Region - Agus Triono III-57
14. The Tort Of Multimodal TransportatioAgreement -
Dio Adewastia Fajaranu III-64
15. Uprising Of Village Democracy: Challenge And Opportunities For Village -
James Reinaldo Rumpia III-70
16. Comparative Law of Cartels between Indonesia and Japan (Review of Act
No. 5 of 1999 concerning Prohibition of Monopolistic Practices and Unfair
Business Competition and the Act Concerning Prohibition of Private
Monopoly and Maintenance of Fair Trade" (Act No. 54 of 14 April 1947))
- Recca Ayu Hapsari III-77
17. The Role Of Adat Community As The Part Of Normative Systems In Paser
- Melisa Safitri III-83

SOCIAL SCIENCE :

1. An Using E-CRM To Improve Market Value Companies (Research Study at
EF Bandar Lampung) - Ruri Koesliandana, Arnes Y. Vandika, and Dina Ika
Wahyuningsih IV-1
2. Analysis Of The Quality Of Public Health Field – Siti Masitoh IV-4
3. Charges Of Indonesia Labor / Workers Against Proper Living Needs That
Can Meet The Minimum Wage – Agustuti HandayaniIV-13
4. Community Response On Changes Regional Head Election System (Study
On Environmental Public Housing Way Kandis Bandar Lampung) -
Wawan Hernawan and Mutia Ravenska.....IV-16
5. Compensation Policy Implementation Of Fuel Oil, In The District Konawe,
Southeast Sulawesi Province (Study on Implementation of Direct Cash
Assistance) – Malik and Noning VerawatiIV-21
6. Crowd Funding, Social Entrepreneurship and Sustainable Development -
Hery Wibowo.....IV-29
7. Euphoria and Social Media Related to Organizational Effectiveness, Based
on Gangnam Style Case - Astadi Pangarso and Cut Irna SetiawatiIV-32

8. Financial Management In Public And Private Junior High Schools -
Suwandi and SoewitoIV-40
9. Gender Mainstreaming In Glasses of Public Administration at Banten
Province - Ipah Ema JumiatiIV-47
10. Impact From Social Media To Social Life -
Eka Imama N, Ade Kurniawan, Yoga Dwi Goesty D.S, and Arnes Y. VandikaIV-56
11. Implementation of Public Private Partnership in The Management Market
RAU (Rau Trade Center) In Serang City - RahmawatiIV-59
12. The Values Of Democracy In The Implementation Local Political Agenda
In Kendari - Jamal BakeIV-67
13. Evaluation Of Health Services Regional Public Hospital Besemah in Pagar
Alam City of South Sumatra -
Yuslainiwati, Budiman Rusli, Josy Adiwisastro, and Sinta NingrumIV-77
14. The Impact Of It Social Network Path In The Students Of Community -
Arnes Yuli VandikaIV-82
15. The Development of Women's Participation in Political Life -
Azima DimiyatiIV-86

EDUCATION :

1. An Analysis of Students' Gramatical Error in Using Passive Voice at Grade
Ten of SMA Persada Bandar Lampung 2014 - Ildhias Pratiwi Putri..... V-1
2. An Error Analysis of Speaking Present Tense on English Conversation on
Program of PRO 2 Radio Bandar Lampung – Maryana Pandawa V-5
3. Developing Students' Writing Skill by Diary Writing Habit -
Fatima A. Putri, Bery Salatar, and Susanto..... V-8
4. Discourse Analysis Of Gettysburg Address -Yanuaris Yanu Darmawan V-11
5. Error Analysis of SMA Pangudi Luhur Bandar Lampung Students'
Translation in Using Meaning-Based Translation. – Kefas Ajie Bhekti V-18
6. Improving Students Affective Domain Through Asian Parliamentary
Debate Technique – Purwanto V-24
7. Online Authentic Materials For Learning English - AgniaMuti, Ezra
Setiawan, and Ida Oktaviani V-36
8. Politeness Strategies As Persuasive Tool In Magazine Advertisements
Circulated In Lombok Tourism Spots – Lalu Abdul Khalik and Diah
Supatmiwat V-39
9. Simple Past Tense Of The First Grade Students Of SMP Negeri 1 Seputih
Banyak In Academic Year Of 2014/2015 - Qory Fahrnis Firdaus V-47
10. Supporting Learners' Autonomy Through Distance Language Learning -
Dameria Magdalena S V-51

11. Teaching Poetry in ELT Classrooms: Some Challenges and Solutions - Bastian Sugandi and Husnaini	V-54
12. Teaching Vocabulary By Using Hypnoteaching To Second Semester Students Of Bandar Lampung University - Fransiska Anggun Arumsari	V-58
13. The Application Of Brainstorming To Improve Student's Writing Skill - Ita Brasilia Nurhasanah, Ria Martin, and Rizky Amalia	V-65
14. The Application Of Using Letter Land Technique Towards Students Vocabulary Mastery - Budianto, Elis Munawaroh, Fitri Anggraini, and Yuni Arifah	V-68
15. The Application of Quiz Team Technique to Improve Students' Understanding on Simple Present Tense at Grade Seven at SMPN 26 Bandar Lampung – Rosdawati	V-71
16. The Art Of Seduction Of Giacomo Casanova An Analysis Of “The Story Of My Life” - Helta Anggia	V-75
17. The Effect Of The Application Of The News Presentation Towards Students' Speaking Ability Of Grade Eleven At SMK Negeri 1 Seputih Agung - Risdiana Yusuf	V-78
18. The Effect Of The Teacher's Feedback Approach Towards Students' Descrptive Writing Skill At Grade Tenth Of SMK Bhakti Utama Bandar Lampung - Nila Kurnijanti	V-83
19. The Improvement Of Students' Vocabulary Achievement By Using Direct Method Of SMP Wiyatama Bandar Lampung - Putri Nurhayani	V-85
20. The Influence Of Lampungnese Ethnicity Accent On Dialect A To Lampungnese Students' Pronunciation Ability At English Education Study Program - Anggi Okta Dinata	V-88
21. The Influence of Using Scrambled Pictures to Improve Students' Ability in Writing Narrative Text of Eleventh Grade Students of SMK Bhakti Utama Bandar Lampung - Novita Uswatun Khasanah	V-91
22. The Use of Letterland Method in Teaching Reading at Early Year Level to Pre-School Students in an Informal Education in Bandar Lampung - Alfiana Rochmah	V-94
23. TheInfluence of Using Short Video Towards the Students' Speaking Skill at Grade VII of SMPN 22 Bandar Lampung - Dita Oktapiana	V-101

DESIGN OF THE SPECIAL AREA FOR INCLUSION IN THE SYSTEM OF THE REPUBLIC OF INDONESIA BASED ON 1945 CONSTITUTION OF THE REPUBLIC OF INDONESIA

Baharudin

Law Faculty Of Bandar Lampung University, Indonesia
Corresponding author e-mail: Baharudin128@gmail.com

ABSTRACT - The results showed that (1) the design of specific areas / privilege is granted to provincial-level regions and municipal level area / city. (2) Design of granting the status of specificity / privileges in the State of Indonesia is based on a variety of reasons, namely (a) the granting of special autonomy is more emphasis on the conditions and the real needs of the area so that the necessary implementation of the authority of a special nature, such as its position as the capital of the province of the Republic of Indonesia and as an autonomous region, (b) their resilience and perseverance are sourced from the view of life which is based on Islamic Shariah; (c) the administration and development has not fully satisfied the justice and social welfare, and has not fully supported legal enforcement, and has not yet shown respect for human rights; (d) the history and origins of things, for example Yogyakarta Sultanate and the Duchy of Pakualaman which already have their territory, government, and the population before the birth of the Republic of Indonesia on August 17, 1945 have proved to be instrumental in maintaining, filling, and keeping the integrity of Unitary Republic of Indonesia. (3) theoretically the establishment of special autonomy is one way or a choice made by a country to hold its togetherness (State unity).

keywords: Special Areas, Special District, Law Design of Unitary State

1. INTRODUCTION

Regional autonomy is not just a dispersal of governance to achieve efficiency and effectiveness of government or just to accommodate the fact of a vast nation with many residents and many islands. Autonomy is basically a constitutional order (*staatsrechtelijk*) relating to the basics of state and organizational structures of the state, not just a state administrative order¹. Regional autonomy is the basis for expanding the implementation of democracy and the instrument to realize the general welfare. Local autonomy is a way of maintaining a unitary state. Autonomous regions which freely and independently organize and manage his own household are given a proper place in the life of the nation, so there is no reason to get out of the Homeland².

Republic of Indonesia unitary state is a cornerstone of design in achieving equitable regional autonomy. The 1945 Constitution sets the regional administration of the post-reform that shows clarity of direction with the declaration of decentralization with broad autonomy; the area has broad authority to regulate and manage the household of their own region with its own initiative. For the sake of justice for the region, in addition to the presence of the authority of broad autonomy as well as the recognition and respect for the state of the government unit which is special and privileged. Section 18B of the Act of 1945 provides that "The State recognizes and respects the local government units that are special or specific regulated by law".

Recognition of specific and privilege regions gives an implication that any areas that are special and privileged in certain respects compared with other regions. Specificity and privilege of certain areas are based on the history and origins of rights under the Constitution of the Republic of Indonesia Year 1945

to set up and take care of special authority and privilege, for example Papua, Aceh, YOGYAKARTA.

Special areas in the design of Unitary system is not causing no problem, there are some problems: First, the 1945 constitution does not describe in detail of the design of specific areas, in this case whether or not it is only for provincial-level regions that are obtaining special status, given in the constitutional practice only a few areas are given special status of provincial level only. This raises the level of turbulence for the District and City area which may have specificity properties and privileges, such as Surakarta. This problem will further raise the question, whether or not the special areas and special designs are also given to the district level and the City area.

Second, there is no explanation of the criteria of provincial region, district and city that can be used to determine a special area. This problem remains a political choice of the government, for example due to the failure of the new order in the welfare of the people of Papua whose land has abundant natural resources, the government requires political choices in the reforms era to make Papua as a special area. Moreover, Yogyakarta is given a privilege status in the field of filling the position of Regional Head and Deputy Head of the Provincial level is also a political choice because previously the central government had an intention to delete privileges in the field of filling the post of head of the region. Meanwhile Aceh province was given the privilege relating to the application of Islamic law and the implementation of Islamic justice (e.g. Sharia Court).

Third, in the perspective of a unitary state, the vagueness of rules and criteria for granting the status of a special area to a particular area can cause jealousy for other areas that feel to have special properties and

privileges. This of course will lead to endangerment of a unitary state which has been designed since independence. Therefore there must be a clear position for specific regions in the design of the unitary state. Surely what should be considered further to address the problem is to make the design of an ideal existence in managing specific regions in the framework to strengthen the design of a unitary state that has been agreed.

2. PROBLEM FORMULATION

Based on the above background, the problem formulations of this study are:

1. How does the setting / legality of a particular area within the Unitary State of the Republic of Indonesia under the Act of 1945?
2. How does the ideal design of special areas / privileged in order to strengthen the system of the Republic of Indonesia according to 1945 Constitution?

3. RESULTS AND ANALYSIS

1. The Setting of Special Region in Indonesia

Based on the study of various laws and regulations in force, there are some areas that until now still having the status of a privilege or specificity. Status of privileges and specificity is only owned by the provincial level regions including counties while the regions that have the status of a special area or specific areas, including:

a. Special Province of Jakarta Capital

Provincial Government of Jakarta is the operation of government affairs by the local government and the House of Representatives of Special Province of Jakarta according to the principles of autonomy and assistance with the principle of broad autonomy within the system and the principles of the Republic of Indonesia. Special Province of Jakarta is the province that has the specificity in local governance due to its position as the capital of the Republic of Indonesia. Rationales behind granting the status of specificity for DKI Jakarta are:

- 1) Jakarta as a unit of government that is specific to its position as the capital of the Republic of Indonesia and the autonomous region that has an important function and role of government in support of the Republic of Indonesia based on the Constitution of the Republic of Indonesia Year 1945. Therefore, it is necessary to give the specificity of tasks, rights, obligations, and responsibilities within the regional administration.
- 2) Jakarta province as the capital of the Republic of Indonesia, as the center of government, and as the autonomous region is dealing with a very complex characteristics problem and different from the other provinces. DKI Jakarta is always faced with the problems of urbanization, security, transportation, environment, special area management, and other social problems that require solutions synergistically through various instruments.

The few things related to the specificity of Jakarta, include:

- 1) The authority of the Government of Jakarta as the capital of the Republic of Indonesia which includes the establishment and implementation of policies in the areas of: (a) spatial, natural resources, and the environment; (b) the control the population and settlements; (c) transportation; (d) industry and trade; and (e) tourism.
- 2) Jakarta Provincial Government is led by one Governor assisted by a Vice Governor directly elected by universal suffrage of Regional Head and Deputy Head that gains of more than 50% (fifty percent).
- 3) The Governor in his capacity as representative of the Government and Regional Head of Jakarta is given the specificity of tasks, rights, obligations, and responsibilities in the position of Jakarta as the capital of the Republic of Indonesia.
- 4) The Governor shall have the protocol rights including assisting the President in the event of state in accordance with the provisions of the legislation.
- 5) The mayor/regent is appointed by the Governor upon consideration of Jakarta Provincial Council of Civil Servants who meets the requirements. Mayor/regent is dismissed by the Governor in accordance with the provisions of the legislation. Besides mayor/regent is responsible to the Governor.
- 6) In the capacity as the capital of the Republic of Indonesia, Jakarta Government may propose to the Government related to the increasing number of agencies, technical agencies and provincial departments, and/or technical institute of new areas according to the needs and abilities of local financial budget.
- 7) Funding of Jakarta Provincial Government in conducting the affairs of government that are special in its position as the capital of the Republic of Indonesia is put in the state budget.
- 8) Jakarta Provincial Government may propose the establishment of a special area in its territory to the Government; a special area is set up to hold certain government functions that are special and for the national interest/national scale.

b. Special Province of Yogyakarta

Special Region of Yogyakarta is the province that has the privilege in the administration of government affairs within the framework of Unitary State of Republic of Indonesia. The specialty is the privilege of the legal position held by Yogyakarta by history and origins of rights under the Constitution of the Republic of Indonesia Year 1945 to set up and take care of special authority. Rationales behind granting privilege status of Yogyakarta Province are:

- 1) Special status attached to Yogyakarta is an integral part in the history of the Indonesian nation-state.
- 2) Homogeneous Community of Yogyakarta at the beginning of independence merged into Indonesia's diverse society; ethnicity, religion, and customs.

- 3) After the proclamation of August 17, 1945, Sultan Hamengkubuwono IX and Duke Paku Alam VIII decided to become part of Indonesia.
- 4) The role of Yogyakarta continues in the era of revolution realized through the efforts of the Sultanate and the Duchy and the people of Yogyakarta in maintaining, filling, and keeping the integrity of the Unitary State of Republic of Indonesia.
- 5) Sultanate and the Duchy are remained positioned as a symbol of people's lives and stay protector as distinctive feature of YOGYAKARTA.
- 6) Privileges setting of Yogyakarta aims to achieve good governance and democracy, peace and welfare of the community, to ensure all-diversity in single country, and to institutionalize the role and responsibilities of the Sultanate and the Duchy in maintaining and developing the culture of Yogyakarta as the nation's cultural heritage.

Authority in matters of Privileges must be based on the values of local wisdom and favor to the people. The authorities of the Specialty associated with authority procedures for filling positions, duties, and authority of the Governor and Deputy Governor are:

- 1) Authority Procedures of Position Charging
Article 25 (1) states that the position of Sultan Hamengku Buwono who is enthroned as the Governor and the Duke of Paku Alam who sits as a Deputy Governor for 5 (five) years since the inauguration. Article 18 (1) letter c) of Act No. 13 of 2012 states that the Candidates for Governor and Deputy Governor Candidates are citizens of the Republic of Indonesia who must meet the following requirements: enthroned as Sultan Hamengku Buwono for a candidate of Governor and enthroned as Duke of Paku Alam for a candidate of Vice Governor.
- 2) Local Government Institutional of YOGYAKARTA
Local Government institutional authority of YOGYAKARTA is organized to achieve effectiveness and efficiency of governance and public services based on the principles of responsibility, accountability, transparency, and participation by taking into account the shape and arrangement of the original rule
- 3) Culture
Cultural authority is organized to maintain and develop the results of idea, feeling, intention, and the work in the form of values, knowledge, norms, customs, objects, art, and the noble traditions rooted in the YOGYAKARTA community
- 4) Land
In the authority of the land, the Sultanate and the Duchy with this Act are declared as a legal entity. Sultanate and the land of the Duchy are intended for the maximum development of the cultural, social interests, and welfare of the community. Sultanate land and the Duchy land are registered at the land agency conducted in accordance with the provisions of the legislation.
- 5) Spatial

Authority of the Sultanate and the Duchy in the limited spatial is in the management of land use of Sultanate and the Duchy. In the exercise of authority, the Sultanate and the Duchy establish the general framework of spatial land policy of the Sultanate and the Duchy according to the specialty of YOGYAKARTA. The general framework of spatial land policy of the Sultanate and the Duchy is determined by taking into account of national spatial and spatial of Yogyakarta Region.

c. Province of Nangroe Aceh Darussalam

Aceh is the provincial area which is the unity of law society that is privileged and given special authority to regulate and manage its own affairs and interests of local communities in accordance with the legislation in the system and the principles of the Republic of Indonesia based on the 1945 Constitution. Government of Aceh is the provincial government in the system of Unitary State of Republic of Indonesia based on the Constitution of the Republic of Indonesia Year 1945 which held government affairs conducted by the Regional Government of Aceh and Aceh Provincial Parliament in accordance with the functions and authority of each. Rationales behind granting privilege status for Aceh Province as stated in the explanation of the Law on Governing Aceh are:

- 1) The journey of constitutional of Republic of Indonesia puts Aceh as a unit of local government that is privileged and special, associated with distinctive character of the history of the struggle of Acehnese people who have endurance and perseverance.
- 2) Resilience and perseverance are sourced from the view of life which is based on Shari'a which bore a strong Islamic culture, so that it is one of the capital region in the struggle to seize and maintain the independence of the Republic of Indonesia
- 3) Dynamic aspirations of Acehnese society not only in the lives of indigenous, cultural, social, and political adopting Aceh specialty, but also in the providing of legal certainty in all matters as basic religious life of the people of Aceh who have shaped attitudes, high fighting spirit, and a strong Islamic culture.

d. Papua Special Autonomy

Rationale behind the provision of special autonomy for Papua Province, namely:

- 1) Integration of the nation in the Republic of Indonesia container must be maintained with respect of equality and diversity of social and cultural life of Papuan people.
- 2) In reality the various policies in the governance and development of the centralized yet fully satisfy the justice, has not yet achieved the welfare of the people, not yet fully supported legal enforcement, and has not yet shown respect for Human Rights in Papua.
- 3) Management and utilization of the natural wealth of Papua Province has not been used optimally to improve the lives of indigenous peoples, so that it has resulted the gap between the Papua Province

and other areas as well as the neglect of the basic rights of indigenous Papuans.

- 4) In order to reduce the gap between the Provinces of Papua and others, and improve living standards for people in Papua province as well as provide the opportunity for indigenous people.
- 5) The momentum of reform in Indonesia to provide opportunities for the emergence of new thinking and awareness to solve Indonesia's various major problems in managing better national and state life.

Special Autonomy for Papua Province is basically giving greater authority to the province and the people of Papua to organize and take care of themselves in the framework of the Unitary State of Republic of Indonesia. This authority also means authority to empower the potential socio-cultural and economic of Papuan society, including providing adequate role for the indigenous Papuan people through the representatives of the customs, religion, and women.

1. Ideal Design and Implications of Special Region in Indonesia

Act of 1945 sets up a special area. This is based on the provisions of Article 18A paragraph (1) and article 18B paragraph (1) and paragraph (2). Article 18A paragraph (1) of the 1945 Constitution provides that: "The relationship of authority between the central government and the provincial, district, and city or between provinces and districts and cities is governed by the Act having regard to specificity and diversity of the area. Article 18B Paragraph (1) Constitution of 1945: The State recognizes and respects the local government units that are special or specific regulated by law.

For an ideal design granting status or privileges for regional specificity in Indonesia, the researchers found that the ideal design for the area is the provincial level as well as county and city level, in the sense of a special area will be set up under their real reasons related to the state of the area, while privilege status emphasizes more on aspects of history (the origins of an area). In the constitutional practice of Indonesia, Indonesia has ever given special status and privilege to provincial and district, provincial level, which is still valid; the Province of Jakarta, Yogyakarta Special Region, the Province of Nanggroe Aceh Darussalam and Papua (points of specificity and/or privileges have been explained in the discussion above).

The establishment of a special area in Indonesia, in the sense of granting the status of specificity / privileges for the province in Indonesia also has two implications, namely: (1) the desire of another area to demand of special areas and the desire of other areas to establish a new area which has special authority or privileges; (2) the implications for strengthening the unity of the country. Reclaim areas and new areas that propose the establishment of a specialized area namely:

a. Special Region of Surakarta

Special Region of Surakarta is a special region that is recognized by Indonesia, but this time the privilege of the Special Region of Surakarta has been removed (as

explained above). With the abolition of its privilege efforts are made to restore the status of privilege made by Kraton Surakarta to file a judicial review of Law No.10 of 1950 on the Establishment of Central Java province.

b. Establishment of Special Autonomy in Bali

Phenomenon to apply special autonomy including in Bali is a special note. The demands of special autonomy in Bali that have already been sticking out have been responded also by the House of Representatives by incorporating the Bill of Bali Special Autonomy in the list of Prolegnas year 2009-2014. Some of the things for the draft proposal for special autonomy are the authorities related to administrative matters include: tourism affairs; spatial affairs; and cultural affairs. The reason demanding special autonomy in Bali is the concept of one island one management in that tiny island.

4. CONCLUSION

1. Conclusion

Based on the above results, we can conclude a few things as the subjects of assessment, namely: (1) design of a special area not only given to the provincial-level regions, but local-level district / city. Province-level regions which still have the status of specificity / privileges include: Jakarta, Nanggroe Aceh Darussalam (NAD), Papua Province, and the Special Province of Yogyakarta. While the district that still has the status of specificity is the county / city that became part of Aceh administration. (2) Design of granting the status of specificity / privilege in Indonesia is based on a variety of reasons, namely: Jakarta provincial government as a unit which is special in its position as the capital of the Republic of Indonesia, their resilience and perseverance are sourced from the view of life which is based on Islamic shariah which bore a strong Islamic culture, origins rights, and others. (3) Theoretically the establishment of special autonomy is one way or the option undertaken by a state to hold its togetherness. In some cases in Indonesia selection of special autonomy is made as a middle way that an area does not escape from the Homeland, as occurred in the Province of Nanggroe Aceh Darussalam (NAD) and Papua, while also restoring the rights of an area that has origins that are special, such as the Special Region of Yogyakarta.

2. Suggestions

Brainstorming in this study includes:

1. The government should make a special area design set forth clearly in the law. It is as a legal basis in providing specificity status / privilege of an area. This is done to minimize the political compromise.
2. The Government shall grant an area that qualifies as a special area / specialty areas as mentioned in the reasons above.

REFERENCES

- [1] Bagir Manan, 1994, Hubungan Antara Pemerintah Pusat dan Daerah Menurut UUD 1945, Pustaka Sinar Harapan, Jakarta

- [2] -----, 2005, Menyongsong Fajar Otonomi Daerah, Pusat Studi Hukum Fakultas Hukum Universitas Islam Indonesia, Yogyakarta
- [3] Jimly Asshiddiqie, 2002, Konsolidasi Naskah UUD 1945 Setelah Perubahan Keempat, Pusat Studi HTN FH UI, Jakarta.
- [4] Johnny Ibrahim, 2005, Teori & Metodologi Penelitian Hukum Normatif, Bayumedia Publisng, Surabaya
- [5] Moh.Kusnardi dan Harmaily Ibrahim, 1981, Hukum Tata Negara Indonesia, Pusat Studi Hukum Tata Negara Fakultas Hukum Universitas Indonesia, Jakarta
- [6] Mukti Fajar dan Yulianto Achmad, 2006, Dualisme Penelitian Hukum Normatif dan Empiris, Pustaka Pelajar, Yogyakarta
- [7] Peter Mahmud Marzuki, 2009, Metodologi Penelitian Hukum, Raja Grafindo, Jakarta.
- [8] Soerjono Soekanto dan Sri Mamudji, 2008, Penelitian Hukum Normatif, Rajawali Pers, Jakarta

Internet:

Ni'matul Huda, "Berkayuh Diantara Bentuk Negara Kesatuan Dan Federal", diakses dari http://pshk.law.uui.ac.id/index.php?option=com_content&task=view&id=39&Itemid=126, pada tanggal 17 Oktober 2013, Pukul 20.00

Acts:

Undang-Undang Dasar 1945
 Undang-Undang No.32 Tahun 2004 tentang Pemerintahan Daerah
 Undang-Undang No.21 Tahun 2001 tentang Otonomi Khusus Bagi Provinsi Papua
 Undang-undang No.11 Tahun 2011 tentang Pemerintahan Aceh
 Undang-Undang No.29 Tahun 2007 tentang Pemerintahan Provinsi Daerah Khusus Ibukota Jakarta Sebagai Ibukota Negara Kesatuan Republik Indonesia
 Undang-Undang No.13 Tahun 2012 tentang Keistimewaan Daerah Istimewa Yogyakarta



Bandar Lampung, Indonesia

3rd IMCoSS
THE THIRD INTERNATIONAL MULTIDISCIPLINARY
CONFERENCE ON SOCIAL SCIENCES

www.imcoss.ubl.ac.id

