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Editorial

Alhamdulillah, we would like to express our gratitude to the Almighty Allah for His blessing and guidance which lead us to complete Volume 26 Number 1 June 2019, Journal of Law Media Hukum (JMh), Faculty of Law, Universitas Muhammadiyah Yogyakarta. In this issue JMh presents 10 articles.

First article with title "The Institutionalization of Community Mediation for Resolving Merarik Marriage Disputes in Sasak Community" written by Hilman Syahrial Haq, Nasri, Khudzaifah Dimiyati and Absori, from Faculty of Law Universitas Muhammadiyah Surakarta and Universitas Muhammadiyah Mataram. This paper discusses the application of community mediation for resolving merarik marriage dispute in Sasak Community, Lombok. It is expected that community mediation can be an alternative mechanism to the court system especially in handling merarik marriage disputes.

Second article written by Putu Samawati Saleh from Faculty of Law, Sriwijaya University, Palembang, Indonesia with title "Restructuring State-Owned Enterprises (SOEs) as a Strategy to Face De-monopolization Policies". This article discusses of the de-monopolization policy on State-Owned Enterprises (SOEs) makes SOEs as an independent corporations by prioritizing profit motives while running a business for public benefits. The main problem to improve the role of SOEs in being able to be independent and competitive would be presented through normative juridical (doctrinal) research by using secondary data as the main data.

Next article with the title "Juridical and Philosophical Aspects of Joint Land (Gandhok/Gamblok) Ownership System: Adat Land Law Perspective" written by Sulastriyono from Universitas Gadjah Mada. This article aims to analyze the philosophical background of joint land ownership and its legal problems. Joint land ownership has been in existence for long time in Indonesia, especially in Java. Such a unique ownership system has inherent problem, namely potential conflict among the factual owners.

Starting on page 34 to 46, the article titled "Breach of Notarial Deed for Peace under Indonesian Civil Law Perspective" written by Hazar Kusmayanti, Yola Maulin and Eidy Sandra from Universitas Padjadjaran Bandung. This paper discusses the application of the principle of 'ne bis in idem' in lawsuit relating to the breach of the notarial deed for peace and the legal force of notarial deed for peace based on the Civil Code and the Civil Procedure (HIR). The legal force of the notarial deed for peace is the same as the authentic deed as outlined in Article 1870 of the Civil Code and Article 165 of the Civil Procedure (HIR).

Article number four discusses the comparison between the Indonesian Penal Code and the Malaysian Penal Code in regulating rape. Penal reform should address this issue to accord with the current global development. This paper is written by Kuswardani from Faculty of Law Universitas Muhammadiyah Surakarta with title "Sexual Violence in Indonesia and Malaysia: A Comparative Study"

Sixth article with the title "Philosophical Basis of Informed Consent, Informed Refusal and Documentation of Medical Information into Medical Record" written by Ismijatie Jenie, Ahdiana Yuni Lestari from Faculty of Law, Universitas Muhammadiyah Yogyakarta, Indonesia. This paper discusses the philosophical basis of the Informed Consent, Informed Refusal and the documentation of medical information into Medical Record. This normative legal research is carried out by library-based study on primary and secondary legal materials. Besides descriptive-

analytical approach, the study also employs comparative approach. The comparison is made between continental legal system, common law system, and the Islamic legal system

The next article discusses about Criminal Act (Qanun Jinayat) in Aceh and Brunei Darussalam. This paper aims at comparing the law relating to khamr in both jurisdictions. It is found that both in Aceh and Brunei Darussalam, drinking khamr is subjected to penalty in the form of whipping not exceeding 40 times. The sentence that was adopted from Shariah to be imposed within a trial held by the Shariah Court. Beside similarity, there are some differences especially in relation to the applicability, enforcement and proceedings. This paper is written by Muhammad Natsir, Cakra Arbas, Meta Suriyani from Faculty of Law, Universitas Samudra, Indonesia and Faculty of Law, Universitas Muhammadiyah Sumatera Utara, Indonesia with the title "Law on Khamr Under Qanun Jinayat in Aceh and Brunei Darussalam: A Comparative Study"

Article number eight is written by Suwirno from Faculty of Law, University of 17 Agustus 1945 Cirebon, Indonesia with the title "Prevention Policy in Controlling Narcotics Circulation in Cirebon Detention Center". This paper aims to explore the policies made to prevent narcotics circulation in Cirebon Detention Center. The lack of control from the authority has opened the opportunity for the prisoners to do transaction of narcotics in the prison. It is found that the legal system needs to be improved in order to address the problems of narcotics circulation in detention center.

The article number nine discusses about the practice of mudharabah saving. There are Islamic banks charge an administrative fee and some do not. The research aims to clarify the fiqh basis of the charge of administrative fees to Shahibul Maal by mudharib in mudharabah saving. It is found that the charge of administrative fee by mudharib to Shahibul Maal on mudharabah saving does not have a clear foundation in fiqh. This paper written by Danang Wahyu Muhammad and Mega Mustika from Faculty of Law, Universitas Muhammadiyah Yogyakarta, Indonesia with the title "The Charging of Administrative Fee for Customers of Mudharabah Saving Depositors"

The end of this issue, the article is written by Tri Mulyadi, Kamsi, Surwandono and Trisno Raharjo from Doctoral Program of Political Islam Universitas Muhammadiyah Yogyakarta Indonesia, Faculty of Sharia and Law Universitas Islam Negeri Sunan Kalijaga Indonesia, Faculty of Social and Political Science Universitas Muhammadiyah Yogyakarta Indonesia, and Faculty of Law Universitas Muhammadiyah Yogyakarta Indonesia with the title "The Legitimacy of Ondoafi in Conflict Settlement of Customary Land Tenure in Sentani, Papua". This paper explores the roles of ondoafi in resolving the conflict over the customary land in Sentani, Jayapura, Papua. The result of the research shows that ondoafi could not resolve the conflict over the customary land in Sentani effectively due to the discrepancy of values between the conflicting parties. Nevertheless, ondoafi should be a mediator to resolve the conflicts between indigenous people and non-indigenous people; including privates or corporates and the central government.

Finally, we would like to express our deepest gratitude to the authors, reviewers, editors and all the editorial staffs who have worked well in publishing the issue. We would also like to thank to the Dean, Faculty of Law, Universitas Muhammadiyah Yogyakarta and Research Centre of the Universitas Muhammadiyah Yogyakarta who have provided their full support in the publication of the journal. We welcome comments and suggestions from readers for the improvement of Journal of Law Media Hukum in the future.

Iwan Satriawan

Editor in Chief