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"A New World: Embracing Change and Building Resilience"

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A New World: Embracing Change and Building Resilience

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Message from the Vice Chancellor of Universiti Utara Malaysia

Bismillahirrahmanirrahim.

Assalamualaikum Warahmatullahi Wabarakatuh and Greetings.



First and foremost, I would like to welcome you to the 9th International Conference on International Studies (ICIS) 2022.

This biennial event has been a unique platform and opportunity for all of us to gather, form, and exchange ideas through which future collaboration and networking may be forged. It is also a forum through which the UUM's School of International Studies can further enhance and refine its excellent scholarly tradition.

For this 9th ICIS, the chosen theme is *"A New World: Embracing Change and Building Resilience"* an apt reflection which encapsulates the scenario we are facing today, and how we can choose to march forward and onward. In a way, the theme may also be viewed as a rephrase of Darwin's notion of "survival of the fittest," in which adaptation to the environment is the key to survival. Thus survive, nay thrive (and prosper) we must, because life goes on anyway.

The world is still recovering from the past year's pandemic. Nation-states are still struggling in its aftermath, rebuilding their socio-economic fabric which has been greatly disrupted by the movement restrictions in the earlier parts of the pandemic years, and today, the issues of supply and labour shortages. There are also constant and pressing urges for the global community to address the issue of climate change. These, together with other multiple global issues that foresee uncertainties are akin to the sword of Damocles dangling above our heads. An imminent peril awaits us all should the situation go south.

The pandemic years have forced us to learn to adapt to the new working environment. Where remote working was initially dismissed as impractical and unfeasible, it is today an option in certain sectors and industries, a way for the employer to reduce its overhead cost, and for the employee, extra time spared from the commute. Airbnb for example has fully embraced the remote working culture as its CEO (and co-founder) believes that the most talented people are not necessarily in close proximity anymore. For them, this hybrid work plan which was designed alongside the remote-work model has enabled them to hire and retain the best talents within their ranks.

Certainly, this setup may not be applicable in all sectors and industries. Manufacturing which relies on physical human presence will either have to fully automate their production lines with robots and computers at the cost of unemployment. As for us in academia, the pandemic years have resulted in a scenario in which not only do we have to recalibrate our teaching method to be suitable for the remote learning process, but also as scholars we have to reconfigure our data collection methods when travelling is not feasible. Proximity and the human element in teaching and knowledge sharing may still be the most optimal arrangement for the education sector at the moment. But there may be a time when even the education sector will have to rethink and reform its approach.

It is often said that the only certainty in life is death and taxes. Living in this world of uncertainty requires us to always be vigilant and prepared. Critics may argue that there is no need for careful preparation if the harm is minimal or unlikely, but therein lies the paradox. The paradox of preparedness. That whatever harm reduction or limitation maybe it is due to the preparation and foresight made beforehand. And we as scholars are duty-bound to provide our opinions and insights in preparing society for what may be in our ways, and how best to deal with it for our common prosperity.

Therefore, we are here today. To partake in the exchange of ideas, deliberate it among us, learn from each other and share our knowledge with the general public. That's our purpose, our *raison d'être* as learned scholars, and experts in our field. On a final note, let us strive to make our nations stronger than before, and our world a better place for all.

I wish you all well in your deliberations.

Thank you.

Wassalamu'alaikum warahmatullahi wabarakatuh.

PROF. DR. HAIM HILMAN ABDULLAH

Vice-Chancellor

Universiti Utara Malaysia (UUM)

Message from the Dean of School of International Studies (SoIS), Universiti Utara Malaysia

Bismillahirrahmanirrahim

Assalamu'alaikum and Greetings.



The School of International Studies (SoIS), Universiti Utara Malaysia (UUM), would like to welcome everyone to ICIS2022. This is our 9th edition of ICIS and this year we are organizing it with our co-organizers which are Universitas Trisakti (USAKTI) and the Ghazali Shafie Graduate School of Government (GSGSG), UUM.

ICIS has been our flagship international biennial conference since 2004. It has been a platform to gather international scholars, professionals, students, and enthusiasts to share their latest research and views on a broad spectrum of International Studies. This year, due to the aftermath of Covid19 pandemic, we opted to have it fully online and are proud to inform that 76 presenters will be taking part, alongside with the keynote address, a Business Forum and a Workshop. This will provide an avenue for everyone to build up their networking and be abreast of current international issues.

The theme of this year's conference, 'A New World: Embracing Change and Building Resilience', reflects the scenario of the contemporary global political economy that competition between countries in a complex structure has led to changes in the dynamics of certain events. Questions on how to ensure that the global political-economic system can work perfectly to achieve global geopolitical, geostrategic, and geo-economic stability? Could the current global politiceconomic system that tends to be exploitative transform towards a more collaborative and inclusive direction? How can the global community and state actors contribute to creating sustainable perpetual peace? I hope this conference would address those issues, and will at least offer some explanations, discussions, and possible solutions to these issues.

I would like to take this opportunity to thank our co-organizers cum our major sponsors above for their support and assistance in materialising this year's conference.

My sincere appreciation to the main organizing committee from SoIS, led by Dr. Alisha Ismail and her relentless team members to make this 9th edition ICIS takes place this year despite all the challenges and obstacles that they successfully endured. Recognition is also extended to the Corp Comm UUM Unit, the UUMIT and all that have supported this conference.

My special thanks go to the Yang Berusaha Prof. Dr. Haim Hilman Abdullah, our Vice Chancellor for his attention to this conference, and the keynote speaker whose participation will no doubt contribute immensely to the success of this conference.

Last but not least, thank you to all presenters and participants for their new and continuous support for ICIS. I hope everyone will get valuable information and knowledge that will be translated into firm suggestions and actions for the benefit and detriment of all. Have a fruitful conference!

ASSOC. PROF. DR. NAZARIAH OSMAN

Dean

School of International Studies (SoIS)

Universiti Utara Malaysia

Message from the 9th ICIS 2022 Director of Universiti Utara Malaysia



On behalf of the organiser, the School of International Studies (SoIS) and the co-organisers, the Ghazali Shafie Graduate School of Government (GSGSG) and the Fakultas Hukum, Universitas Trisakti would like to greet all the delegates to our 9th International Conference on International Studies (ICIS) 2022.

If you could recall, as of December 2019, the unprecedented crisis of the novel human coronavirus disease COVID-19 has shocked the world and it is something that we never experienced before. COVID-19 has become the 5th documented pandemic since the

1918 flu pandemic. COVID-19 and the imposing of Movement Control Orders (MCOs) or lockdowns of countries have affected

many industries across the globe such as global health, global transportation, global business and many more. Many businesses in many sectors have to come up with a variety of strategies to survive during the unprecedented crisis. Two years of struggling during the pandemic and the endemic phase have shown many results for businesses. Some had to resize the business/ unit, some had to reshape the business, some had to change the business model, and some have become stronger but many of them perished especially Small and Medium-Sized Enterprises (SMEs).

The pandemic has thought us to accept the change, embrace the change and start building business resilience to be more sustainable and successful in the future regardless of the uncertainty of the world. How to accept, embrace and build resilience before, during and post-pandemic is what we are looking forward to discussing with many prominent scholars as well as practitioners from all over the world. Thus, the 9th ICIS with the theme *A New World: Embracing Change and Building Resilience* is the right platform for us to share and exchange knowledge through new findings and experiences in assisting not only businesses but also the other sectors that are severely affected by the crisis.

To make the conference more interactive and attractive, for the very first time we have brought a new slot known as Business Forum. This business forum involved two important panellists from two continents to discuss and provide two different perspectives on their roles in assisting and facilitating the SMEs to sustain and survive through a series of marketing activities and providing different promoting events for the SMEs to penetrate foreign markets as well as roles of innovations that able to help these businesses to sustain and succeed. In addition, two series of

workshops are provided (viz. *Engaging with Your Literature: How is ATLAS.ti able to help?* and *Research Funding and Grants Guide: Where to find and how to secure?*) with the hope that the delegates would benefit from those workshops in many ways.

Finally, we are hoping that this 9th ICIS would bring an enjoyable moment through sharing and exchanging knowledge and experiences with one another. All the best to the delegates and we wish to see you in our next ICIS which is expected to be held in 2024.

DR. ALISHA ISMAIL

9th ICIS 2022 Director
Conference Organizing Committee

Preface – About This Publication

This publication contains selected papers presented during the 9th International Conference on International Studies (ICIS 2020) that was held virtually from 15th to 16th November 2022. The conference was organized by the School of International Studies (SoIS), Universiti Utara Malaysia (UUM), and in partnership with Universitas Trisakti Indonesia and Ghazali Shafie Graduate School of Government (GSGSG). The objective of ICIS 2022 is to provide a timely and safe avenue for a diverse, multi-disciplinary group of academicians, policymakers, business managers, NGOs, and postgraduate students to share and deliberate their ideas, experiences and viewpoints on the topic related to international studies and international business perspective. Appropriately, these proceedings have incorporated those ideas, experiences, and viewpoints.

“A New World: Embracing Change and Building Resilience” was chosen as the main theme of the conference. The theme is timely and coincided with the recent outbreak of COVID-19 that has swept across the world with such ferocity and with profound impacts on global communities. Within a short time, the pandemic has evolved into a disruptive force affecting multiple spheres and sectors across the globe, ranging from health, security, transportation, health, tourism and manufacturing to trading. Indeed, the pandemic had inflicted unprecedented disruptions to many national economies and societies worldwide. Swift decisions and measures – some of which even without a guaranteed desired outcome – had to be taken by the government either to counter and reduce the impacts of the pandemic on the affected sectors or to curb the rapid transmission of the pandemic.

Consistent with the theme of the Conference, the proceedings papers contained in this publication are divided and grouped into nine multidisciplinary sub-themes, each with its unique wealth of information, views and analysis that would be beneficial to the readers. It is envisaged that the publication of these proceedings would serve as a platform for the exchange of ideas on contemporary issues, specifically concerning the main theme of the Conference. It is hoped that the proceedings not only will draw public attention to the critical issues faced by global communities in these challenging times but also advance the discourse and enrich the literature on these issues.

Editorial Team

10 December 2022

THE STUDY ON SAME SEX MARRIAGE BETWEEN RAGIL AND FEDERIC BASED ON MARRIAGE REGULATIONS APPLICABLE IN INDONESIA

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Abstract: Some time ago the Indonesian public was shocked by the news that a YouTuber from Indonesia having married to a Germany man. In the podcast, he explained how they met up till getting married which took place easily and clearly in Germany. It was raised to various negative views and comments from the Indonesian people lead to a pity concern, anger and cursed opinion, in the other side, they were supported of their same-sex marriage due to its personal life. This paper will discuss same-sex marriage from the perspective of Indonesian marriage law. In this paper, a normative writing method with a statutory approach is used. The conclusion, considering that the conception of marriage adopted by Indonesia is religious and civil sphere, then marriages performed by Indonesian citizens must be based on religion and civil law. So that same-sex marriage according to Indonesian marriage law is not allowed. Marriage should be only done between a man and a woman apart from violating religious law and civil requirements.

Keyword: Same Sex Marriage

INTRODUCTION

Indonesia was stunned by Dedy Corbuzier's podcast on May 7, 2022. The podcast featuring the tale of an Indonesian gay married to a German man sparked the frenzy. Ragil Mahardika, an Indonesian, goes into great detail about how he met Federick Vollert, a German, and became his husband. The two men was condemned, but the incident horrified Indonesians and exposed both the advantages and disadvantages of social media pages. Their behavior is not only viewed as aberrant but also as a breach of civility and religious principles.

Indonesia has had a law governing marriage since January 1974 called as Law No. 1 of 1974, also referred to as the Marriage Law. The purpose of marriage, as stated in Article 1 of the Marriage Law, is to create an eternal and happy family based on the One God. Marriage is defined as an inner and outer bond between a man and a woman. This definition makes it clear that a person must meet both civil and religious requirements in order to get married in the Marriage Law. The religious component is not a condition for marriage under the Civil Code (KUHPERDATA), which, in contrast, mandates in Article 26 that marriage must be evaluated from a civil perspective.

The author feels the necessity to perform a study on this topic out of concern that there will be a new phenomenon surrounding the view of same-sex marriage for the younger generation in Indonesia as did Ragil and Federick. Due to this, there are two problematic areas of this study. The first is the Marriage Law 's position on same-sex marriage and the existence of legal penalties for same-sex marriage offenders in Indonesia.

METHODOLOGY

This study uses a normative method to assess how same-sex marriage arrangements in Law Number 1 of 1974 concerning Marriage. Same-sex marriage is an issue that has existed for a long time in the name of human rights. In this context, of course, human rights cannot be separated from the norms that apply and live in Indonesian society. The normative construction of the provisions of Law Number 1 of 1974 concerning Marriage was then enriched by comparison with legal theory. Conclusions are built through normative and legal theory.

RESULT

Etymologically, marriage is mixing, alignment, or bonding of two person, a man, and a woman. Marriage relates two persons through *ijab-kabul* (marriage agreement).³⁹ Marriage is one of the very important dimensions of life in human life. Indonesia regulates marriage through Marriage Law No.1 of 1974 (Marriage Law). Article 1 of the Marriage Law states that marriage is an inner and outer bond between a man and a woman with the aim of forming an eternally happy family based on God Almighty.

This definition of marriage contains four elements, namely:

- a. Marriage is a physical and spiritual bond, meaning that marriage is a mutual agreement between husband and wife. The agreement was carried out voluntarily without coercion.
- b. Marriage is carried out by a man and a woman, not between a man and a man or a woman and a woman. The word *a* means that the Marriage Law adheres to the heterosexual relation with principle of monogamy, that a man can only have one wife at the same time, as well as a wife.
- c. The purpose of marriage is to form an eternal and happy family. Marriage must make husband and wife happy, and the marriage must not be limited by time or period of time.
- d. Marriage must be based on God Almighty, that marriage must be legal according to the religion adopted.

According to the compilation of Islamic law, marriage is a very strong contract or *mitsaqan ghalizhan* to obey Allah's commands.⁴⁰ Once the importance of marriage, it is not surprising that the world's religions regulate marriage issues, even the traditions or customs of the community and also state institutions do not lag behind in regulating marriages that apply among their people.⁴¹ This shows that marriage has a very close relationship with religiosity or spirituality, so marriage has not only an external or physical affair, but an inner or spiritual

³⁹ Abdul Majid Mahmud Mathlub, *Sakinah Family Law Guide*, Intermedia, Solo, 2005. Pg. 1.

⁴⁰ Ibid

⁴¹ HAKEKAT PERKAWINAN MENURUT UNDANG-UNDANG PERKAWINAN, HUKUM ISLAM DAN HUKUM ADAT Santoso, YUDISIA, Vol. 7, No. 2, Desember 2016

aspect also plays an important role.⁴² It is also stated in Article 2 of the marriage law that marriage is valid if it is carried out according to the law of one's religion and belief. ⁴³This means that a marriage that violates religion is an illegitimate marriage.

On the case of Ragil who married a Germany-citizen, Federick Vollert has triggered a controversy. Ragil is a follower of Islam, which acknowledges only heterosexual marriage, in fact Ragil and Frederick as a homosexual couple. According to Marriage Law, a marriage must be legal and conform to the religion of that person.

Homosexuality is a feeling of romantic and/or sexual attraction or behavior between individuals of the same sex or gender. In its term, same-sex relationship is divided into two groups. The first group is man only can has a feeling and sexual desire to fellow men. They are then referred to as gay. The second group is women who only like to fellow women. They are called lesbians. In fact, in subsequent developments, two new variants emerged, namely the transgender group and the bisexual group. All these variants of homosexuality by some groups are included in the terminology of LGBT (Lesbian-Gay-Bisexual-Transgender).

Islam, embraced by the majority of the population in Indonesia, provides a prominent view of refusing on homosexual behavior, including their existence and that same-sex relationship activities. Those are a violation of religious teachings, so that it is a sin. Muhammad Ali as-Sabuni, in his commentary, revealed that the people of Prophet Luth did the sexual deviation such as homosexual acts (sodomy). Homosexual behavior of the people of Prophet Luth were normal at that time compared to heterosexual behavior. Qur'an firmly condemned homosexual behavior. Qur'an and Hadith expressly stated that homosexuality, as a sexual behavior and also as a marital status, is forbidden. The word "al-fahisyah" means that it is a evil, ugly, and inappropriate act. Homosexuality is forbidden in other religions such Catholic, Protestant, Buddha or Hindu.

Regarding sanctions or punishments, all Islamic jurists (fuqaha) agreed that homosexuality was strictly prohibited, so that the punishment is very harsh and firm, namely stoned to death. Homosexuality is punished by sanction (ta'zir). One of the Islamic Jurist, Abdul Qodir 'Audah agreed that homosexual perpretrators should be killed. According to him, this opinion is of the majority of his colleagues, namely Nasir, Qasim Menu. This view was adopted by Imam Shafi'. Despite Indonesian Marriage Law condemn and prohibit homosexual marriage due to its illegality, but there is no sanction to the homosexual perpretrators, as Ragil and Frederick did.

⁴² Hilman Hadi Kusuma, *Hukum Perkawinan Indonesia* (Menurut Perundangan, Hukum Adat, Hukum Agama), Masdar Maju, Bandung, 2007. Hlm. 1.

⁴³ Mohd. Idris Ramulyo, *Hukum Perkawinan Islam (Suatu Analisis dari Undang-Undang Nomor 2 Tahun 1974 dan Kompilasi Hukum Islam)*, Bumi Aksara, Bumi Aksara, 2004. Hlm. 54-55.

DISCUSSION

This paper attempts to show that the Indonesian Marriage Law has both profane and worldly dimensions, so that the normative aspects of its provisions are attached with religious aspects. This paper is not intended to articulate religious prejudices and preferences but shows that the rule of law implies the obedience of its citizens to legal provisions, including the issue of same-sex marriage.

CONCLUSIONS

It is obvious that the Marriage Law forbids same-sex marriage based on number of its articles. First, Article 1 of the Marriage Law clearly specifies that marriage is a relationship between a man and a woman on the inside and the outside. The Marriage Law does not recognize same-sex marriage, as evidenced by the words of a man and a woman, in addition to demonstrating the Marriage Law 's adherence to the monogamy principle.

In accordance with the spouses' respective religions, a marriage must be legal according to Article 2 of the Marriage Law. The perpetrators of same-sex marriages have broken religious laws because no religion permits same-sex unions among its adherents. However, it is regrettable that the Marriage Law contains no clause outlining penalties for same-sex marriage offenders.

REFERENCE

- Abdul Majid Mahmud Mathlub, *Sakinah Family Law Guide*, Intermedia, Solo, 2005.
- Hakekat Perkawinan Menurut Undang-Undang Perkawinan, Hukum Islam Dan Hukum Adat Santoso, Yudisia, Vol. 7, No. 2, Desember 2016
- Hilman Hadi Kusuma, *Hukum Perkawinan Indonesia (Menurut Perundangan, Hukum Adat, Hukum Agama)*, Masdar Maju, Bandung, 2007.
- Mohd. Idris Ramulyo, *Hukum Perkawinan Islam (Suatu Analisis dari Undang-Undang Nomor 2 Tahun 1974 dan Kompilasi Hukum Islam)*, Bumi Aksara, Bumi Aksara, 2004.



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