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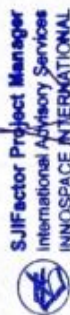
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Volume 3, Issue 10 – Oktober 2018

Effect of Large Class on Teachers' Lesson Delivery and Students' Classroom Participation in Junior Secondary Schools

Author Name: ODEYALE, Oloruntobi Dolapo, GOKUM, Ishaku Lumpye & ODEYALE, Adebayo Enoch | Volume 3, Issue 10, October- 2018

Wireless Communication

Author Name: SahayaSakila V, Momin Nawaf Khalil, Prateek Kulkarni | Volume 3, Issue 10, October- 2018

World Mental Health Day –October 10, 2018 Come let us Work for the Promotion of Youth Mental Health

Author Name: Dr. Rajesh G Konnur, Ms. Soumya Kuriakose | Volume 3, Issue 10, October- 2018

Smart Editor (A Tool for Fetching and Editing Information)

Author Name: Aadit Prabhu, Anjali Dwivedi, Abhishek Shah, Vikas More | Volume 3, Issue 10, October- 2018

The Effectiveness of Guide Books to Improve Teachers' Competency in Teaching Gorontalo Local Language Learning for Early Childhood

Author Name: Wenny Hulukati, Maryam Rahim | Volume 3, Issue 10, October- 2018

Bio-Degradable Versus Titanium Fixation in Oral and Maxillofacial Surgeries-A Review Article

Author Name: Dr. Harish Kumar.A, Dr. Simran Kaur, Dr. Ruchika Raj | Volume 3, Issue 10, October- 2018

A Study on the Paradigm of Women Status in Indonesia Customary Law

Author Name: R. Lina Sinaulan, Nur Mohamad Kasim | Volume 3, Issue 10, October- 2018

Head Room Supervision to Completeness of Note Nursing Care Documentation

Author Name: Muhamad Andika Sasmita Saputra, Yulastri Arif, Vetty Priscilla | Volume 3, Issue 10, October- 2018

Utilization of Telehealth among Primary Health Worker in Kano, Kano State of Nigeria

Author Name: Usman Mallam Hussaini, Abubakar I. Hassan | Volume 3, Issue 10, October- 2018

The Influence of Service Excellence Training on the Motivation of Hospital Staff in Implementing Service Excellence

Author Name: Mitra Vemilda, Dr. Ns. Meri Neherta, S.Kep, M.Biomed, Ns. Zifriyanthi Minanda Putri, S.Kep, M.Kep. | Volume 3, Issue 10, October- 2018

Education Problems in the Largest Region in Indonesia

Author Name: Usman Samatowa | Volume 3, Issue 10, October- 2018

Japan Imperial Institution: Discourse and Reality of Political and Social Ideology

Author Name: Reihani Suci Budi Utami, I Ketut Surajaya | Volume 3, Issue 10, October-2018

Stakeholder Analysis Management of Agro Zone Pioneering Science Techno Park Province Gorontalo

Author Name: Wawan K. Tolinggi, Mahludin Baruwadi, Amelia Murtisari, Hayatiningsih Gubali. | Volume 3, Issue 10, October- 2018

Swot Analysis in Establishment of Nursing Service Quality in RS. TK. III Dr Reksodiwiryo Padang

Author Name: Widya Wati, Rizanda Mahmud, Pretty Pricilla. | Volume 3, Issue 10, October- 2018

Potential of Liquid Smoke from Palm Kernel Shell as Biopreservative to Tuna(Thunnus)Fish Protein

Author Name: Musrowati Lasindrang, Rully Tuiyo. | Volume 3, Issue 10, October- 2018

The Effect of Job Satisfaction with Organizational Citizenship Behavior to Implementing Nurses at Hospital Rsudpariaman Indonesia in 2017

Author Name: Siska Sakti Anggraini, Rahmi Fahmy, Dewi Murni, Rika Fatmadona. | Volume 3, Issue 10, October- 2018

Smart Card for E-Rto System

Author Name: Aarti Patel, Karan Solanki, Himali Patil, Vikas More | Volume 3, Issue 10, October- 2018

Accident Detection and Alert System for Medical Assistance

Author Name: V Arun, Momin Nawaf khalil, Prateek Kulkarni, Rohan Yadav | Volume 3, Issue 10, October- 2018

Forum for Reflection and Debate: Sustainable Companies, Tackling Climate change

Author Name: Carmen Echazarreta Soler, Albert Costa Marcé | Volume 3, Issue 10, October- 2018

Essential of Mathematics in Business World

Author Name: Amay R Jaiswal | Volume 3, Issue 10, October- 2018

Analysis of the Assessment of Functional Office Credit Number of Nurses in Hospitals

Author Name: Sulardi, Yulastri Arif, Nurariati. | Volume 3, Issue 10, October- 2018

The Quality of Nursing Services in Islamic Hospital in South Sumatera, Indonesia

Author Name: Dina Mariana, Hema Malini, Vetty Priscilla | Volume 3, Issue 10, October- 2018

Mechanisms Put in Place to Curb Al-Shabaab Activities in Garissa County

Author Name: Alinur Hassan Haji, Kennedy Onkware | Volume 3, Issue 10, October-2018

Expediting Mass Rural Housing and Development through Algorithmic and Generative Space Planning of Housing Unit

Author Name: Vishal Vaidhyanathan, Parthasarathy Rajagopalan | Volume 3, Issue 10, October- 2018

Business Development Strategy: A Case Study at the Largest Commercial Printing Company in Malaysia

Author Name: Shalida Mohd Rosnan | Volume 3, Issue 10, October- 2018

Language Management and the Science of Governance among the Bafut People of Cameroon

Author Name: Sirri Elsie Chebe | Volume 3, Issue 10, October- 2018

The Change of Rice Bran Nutritional Composition using Microwave Heating and Vacuum Packaging during Storage

Author Name: I W. S. Yasa, A. Prarudiyanto and E. Basuki | Volume 3, Issue 10, October- 2018

The Effect of Acupressure Therapy on Elders' Sleep Quality at Panti Sosial Tresna Werdha Sabai Nan Aluih Sicincin

Author Name: Amrino, Rizanda Machmud, Zifriyanti Minanda Putri | Volume 3, Issue 10, October- 2018

Implementation and Simulation of Energy Efficient Power Drive System for AC Induction Motor (Squirrel Cage Type)

Author Name: Ovbiagele Umahon, Ikienu Muhammed | Volume 3, Issue 10, October- 2018

An Analysis of the Relationship between Function Implementation Briefing Room and Chief Nurse Executive Job Satisfaction in Patient Wards Level III of Dr. Reksodiwiryo Hospital Padang

Author Name: Shanti Dafris, Fatma Sri Wahyuni, Supiyah | Volume 3, Issue 10, October- 2018

Micro-Structural Study on Hydration Process of SelfCompacting Concrete

Author Name: Abhinaya Shri K R, Thamilselvi P | Volume 3, Issue 10, October- 2018

The Relationship of Knowledge and the Duration of Work with the Role of Nursing Advocacy in the Hospital Dr. Sobirin

Author Name: Yulinda Ariyani, Dr. Ns. Meri Neherta, S.Kep, M.Biomed, Ns. Leni Merdawati, S.Kep, M. Kep. | Volume 3, Issue 10, October- 2018

License Enquiry System for Traffic Police using Mobile Application

Author Name: S.Manikandan, Dr. A.Valarmathi. | Volume 3, Issue 10, October- 2018

Effect of Photon Inside a Light Ray on a Magnetic Field

Author Name: Riddik Adhikari, Amrit Raj, Koustov Mondol | Volume 3, Issue 10, October- 2018

Making Mars as Habitable Planet by Engineering way

Author Name: Riddik Adhikari, Koustov Mondol | Volume 3, Issue 10, October- 2018

Basic Details About Auxin

Author Name: Vimal raj .K, Siddharth.G, Azhagu Lakshmi.R, Sivasankaranaryani.Dr. | Volume 3, Issue 10, October- 2018

Analysis of Factor Determinants Connected With the Implementation of Information System of Puskesmas Management in District Padang Pariaman in 2018

Author Name: Eliza, Hema Malini, Dwi Novrianda | Volume 3, Issue 10, October- 2018

Performance Evaluation of Air Conditioner Using Earth Air Tunnel Heat Exchanger

Author Name: Sameer B. Nadaf, Dr. B. K. Sonage, D. D. Bhoge, S. S. Kale | Volume 3, Issue 10, October- 2018

Autonomous Floor Cleaning Robot with Infrared and Ultrasonic

Author Name: Kyu Kyu Win, Arrkar Kyaw | Volume 3, Issue 10, October- 2018

Some Facts About Prime Numbers

Author Name: Pronoy Chakraborty | Volume 3, Issue 10, October- 2018

Application of Operations Research in Cab Aggregator Route Assignments

Author Name: Vedant Jalan, Vinay Jain, Vishvas Kohli, Vraj Mehta, Wasiaq Agha | Volume 3, Issue 10, October- 2018

How Blockchain can be used for Digitization of Human Consciousness

Author Name: Alastair Smith | Volume 3, Issue 10, October- 2018

How to Overcome Hurdles of Marital Adjustment and Enrich Happiness

Author Name: Rita Jha | Volume 3, Issue 10, October- 2018

Study of Aspect of Reproductive Biology of Manggabai Fish (Glossogobius Giuris) in Lake Limboto

Author Name: Juliana, Yuniarti Koniyo | Volume 3, Issue 10, October- 2018

Training Need Assessment Online for Fisherman in the Coastal Area in East Nusa Tenggara, Indonesia

Author Name: Cecep Kustandi, Daddy Darmawan, Aan Wasan, Karta Sasmita | Volume 3, Issue 10, October- 2018

Intelligent Controlling of Three Phase Induction Motor for Dynamic Performance Improvement

Author Name: Mohsin Ansari, N.K. Singh | Volume 3, Issue 10, October- 2018

Impact of Bap and Iaa in Various Media Concentrations and Growth Analysis of Eucalyptus Camaldulensis

Author Name: Anisha Parveen.K, Senthamarai Selvi.V | Volume 3, Issue 10, October- 2018

Fuzzy Logic Control of Three Phase Induction Motor: A Review

Author Name: Mohsin Ansari, N.K. Singh | Volume 3, Issue 10, October- 2018

**Enhanced Efficiency Of Natural Dye-Sensitized Solar Cell: Cobalt Chelated
Lonchocarpus Cyanescensextrac**

Author Name: M.O. John, A.I. Babatunde, C. Isanbor, M.A. Olopade, A.G.O Logunleko
| Volume 3, Issue 10, October- 2018

**Synergistic Assessment of Lactobacillus Plantarum, Aspergillus Fumigatus and Some
Yeasts Isolated from “Omidun” Against Diarrheagenic Bacteria**

Author Name: Falana M. B., Umar A., Omemu A. M., Bankole M. O. | Volume 3, Issue
10, October- 2018

Automated Smart Pillow for all Age Group

Author Name: Sahaya Sakila V, Nimisha Yadav, Ashwin Vatsa, Rohan Yadav | Volume
3, Issue 10, October- 2018

**Computational Study of Gas Phase Aromatic Nucleophilic Substitution of Phenoxyl
in 2, 4-Dinitrodiphenylether with Dimethylamin.**

Author Name: Akintemi, E. O., Adejoro, I. A., Ezekwe, C., Adewole, F. S. | Volume 3,
Issue 10, October- 2018

Application of Operations Research in Election Voting System

Author Name: Milind Rathod, Mohammad Omair, Radhika Sahani, Raghav Agarwal,
Rashank Kuckreja | Volume 3, Issue 10, October- 2018

**Speculative Approach of Analyzing Complexity of a Software Using Different
Programming Languages**

Author Name: Aniket Paul, Srishti Vashisht | Volume 3, Issue 10, October- 2018

Application of Operations Research in Human Resource Management

Author Name: Ashu A, Bhavna, Bhavya S, Chetana M | Volume 3, Issue 10, October-
2018

Nanocalcium Characterization of Cakalang Fish Bone Flour (Katsuwonus Pelamis L)

Author Name: Rita Marsuci Harmain, Faiza A.Dali, Rahim Husain | Volume 3, Issue 10,
October- 2018

Frontal Sinus Fracture: Pathophysiology, Management and Controversies- A Review

Author Name: Dr. Abhinandan Patel, Dr. Ruchika Raj, Dr. Simran Kaur | Volume 3,
Issue 10, October- 2018

**Pre-Engineering Building Design Study as an Conventional Design Replacement
Alternative to get the Efficiency Value**

Author Name: Agus Suroso, Tedy Cahyadi Trenggono, Erry Rimawan | Volume 3, Issue
10, October- 2018

Boundary Layer Interaction in Hypersonic Air Intake

Author Name: Dr. Manoj Veetil, Giri Pallavi | Volume 3, Issue 10, October- 2018

**Reduce Reject Painting Process Using Six Sigma Method with Dmaic Approach and
Experiments on Brake Disc Products (1 Rc Hub) (Case Study in Pt. Xyz)**

Author Name: Damsiar, Yudi Prastyo, Erry Rimawan | Volume 3, Issue 10, October-
2018

Take on Markov Cluster Detection Algorithm (MCL) over Interactomics Based Protein-Protein Interaction (PPI) Network

Author Name: Munazza Ahsan Shaikh, Murtaza Hussain Shaikh, Mahreen Jurial Khan | Volume 3, Issue 10, October- 2018

Nursing Experience of Implementing Communication Sbar (Situation Background Assessment Recommendation) at South Sumatera

Author Name: Sutrisari Sabrina Nainggolan, Meri Neherta, Vetty Priscilla | Volume 3, Issue 10, October- 2018

QR Code Use in Smart Rooms Cleaning Management System

Author Name: M. S. Bennet Praba, A.P., SRMIST | Volume 3, Issue 10, October- 2018

Mlc Protocols and its Awareness among Dental Professionals – A Review

Author Name: Dr. Abhinandan Patel, Dr. Ruchika Raj, Dr. Simran Kaur | Volume 3, Issue 10, October- 2018

Study of Textile Wastewater Characteristics for Raymond Textile and Design of Uasb Reactor

Author Name: Sonali.B.Patil, Vaishali.R.Shinkar | Volume 3, Issue 10, October- 2018

Performance and Commitment to Nurse Organization in Giving Nursing Care

Author Name: Miming Oxandy, Hema Malini, Ismar Agustin | Volume 3, Issue 10, October- 2018

The Importance of Tangible, Empathy and Reliability on User's Service Satisfaction of Primary Services (Empirical Study at 22 Public Health Padang City)

Author Name: Hayu Yolanda Utami, Rizky Natassia, Susi | Volume 3, Issue 10, October- 2018

Impact Analysis of QMS ISO 9001 Implementation on Service Organizations in Indonesia

Author Name: Doto, Humiras Hardi Purba, Erry Rimawan | Volume 3, Issue 10, October- 2018

Pepper Cilikulai Seed Germination in Soilusing Cells and Supernatants of Beneficial Microorganisms as Energy Sources and Inhibitory Activity again Stfusarium Species

Author Name: Akaram Husain, Zaiton Hassan, Mohd Nizam Lani | Volume 3, Issue 10, October- 2018

Learning and Teaching of Mental Computation: Using a Schematization of Mental Multiplication and Analysis of Learners' Productions using IRM

Author Name: S. Rodin Randriantsaralaza, André Totohasina | Volume 3, Issue 10, October- 2018

Effect of Yeast as Biopromotor for Soil Amendment on the Growth of Sorghum Bicolor and Arachis Hypogea

Author Name: Bency Arokyaraj, Dhanalakshmi Jaganathan | Volume 3, Issue 10, October- 2018

Verification and Validation of Dandelion (*Taraxacum officinal*) Seeds- Gamma Irradiated under Elicitation with Nano- and Micro- Zinc for Potential Optimization Biomass and enhancing Phenolics, Flavonoids and Antioxidant Activity

Author Name: Tarek Elsayed S Ahamed and El- Sayed, S.A | Volume 3, Issue 10, October- 2018

Mathematical Modeling with Sem – PLS in Elimination of Six Big Losses to Reduce Production Cost of Steel Factories

Author Name: Erry Rimawan, Untung Mardono, Humiras Purba | Volume 3, Issue 10, October- 2018

Involuntary Childlessness and its Socio-Cultural Impact on Married Couples: Implications for Pastoral Counseling

Author Name: Evans N Nwaomah, Sikhumbuzo Dube | Volume 3, Issue 10, October- 2018

Correlation of Different Weather Parameters using R Statistical Analysis Software for Swat River

Author Name: Muhammad Irfan, Usama Habib Bangash, Dr. M. Mehboob Alam, Fawad Khan | Volume 3, Issue 10, October- 2018

The Effect of Emotional Intelligence, Conflict Management Style – Integrating Style and Collectivism Culture on Performance (A Study of Public Service Employee of Technical Implementation Unit Ministry of Marine Affairs and Fisheries at Padang City)

Author Name: Susan Farhia Yuaini, Hendra Lukito | Volume 3, Issue 10, October- 2018

A Descriptive Study to Assess the Health Impacts of Prolonged Mobile Social Media use, among Staff Nurses in Selected Hospitals, Patna, Bihar

Author Name: Dr. Rajesh G Konnur, Soumya Kuriakose | Volume 3, Issue 10, October- 2018

A Mini Review on Risk Factors of Low Birth Weight

Author Name: Neeharika Ramisetty, Sam David K, P Srujana, M. Nagaraju | Volume 3, Issue 10, October- 2018

Misconception in Mathematics

Author Name: Edmund Egwu Ubi, Asuque Udonwu Odiong | Volume 3, Issue 10, October- 2018

Morphometry of upper Sarada River Basin Through Remote Sensing and Geographical Information System, Visakhapatnam, Andhra Pradesh, India

Author Name: Dr. Gangaraju. M, Prof.T.V.Krishna., Anitha .P, A.Shravan kumar | Volume 3, Issue 10, October- 2018

Lean Manufacturing Implementation from the Perspective of Small and Medium Enterprises

Author Name: Shahrizan Yusoff, Sazali Said | Volume 3, Issue 10, October- 2018

International Trade Pattern and Economic Growth: Evidence from Nigerian Economy 1980 -2017

Author Name: Cookey, Boma Clement, Uwoikor, Ekenerono Mordecai | Volume 3, Issue 10, October- 2018

Android Application for Smart Ration Public Distribution System

Author Name: K.Umamaheswari, Dr.A.Valarmathi | Volume 3, Issue 10, October- 2018

Dynamic Domotics and Voice Control using Raspberry Pi

Author Name: Athul Pramod, Athul Naveen | Volume 3, Issue 10, October- 2018

The Future in Cryogenics

Author Name: Abhinav Chavali | Volume 3, Issue 10, October- 2018

Analysis of the Source of the Corn Farmer Household Income in the Province of Gorontalo

Author Name: Fitri Hadi Yulia Akib, Mahludin H. Baruwadi, Yanti Saleh | Volume 3, Issue 10, October- 2018

Fuzzy based Location Aided Routing Protocol to Minimize the Energy Consumption in MANETS

Author Name: D.V.Divakara Rao, S.Pallam Setty | Volume 3, Issue 10, October- 2018

Isomorphic Coersive As Part Of Institutional Theory And Affect On Hospital Service Quality

Author Name: Ratna Sari, Gagaring Pagalung, Syarifuddin, Kartini | Volume 3, Issue 10, October- 2018

A Schematic Data Mining Approach for Web Page Recommendation Systems

Author Name: Manikandan .R, Ramesh R | Volume 3, Issue 10, October- 2018

Factors that Deals between Competence Agricultural Extension Workers and Skill Farmers Shallot

Author Name: Mohamad Ikbal Bahua | Volume 3, Issue 10, October- 2018

A Survey on Biometrics as a Security Provider

Author Name: Vidya More, Sakshi Gavali, Pooja Kale | Volume 3, Issue 10, October- 2018

Relation Analysis between Working Climate, Emotional Intelligence, Spiritual Intelligence with Nurse Performance at Inpatient Instalation Hospital

Author Name: Asmeriyani, Yuliharsi, Efitra | Volume 3, Issue 10, October- 2018

The Role of the Dumai City Government in the Use of Reducing Poverty

Author Name: Muhamad Syukri Harto | Volume 3, Issue 10, October- 2018

An Analysis of Effective Learner Feedback Mechanism in Higher Education

Author Name: Takura Bhila | Volume 3, Issue 10, October- 2018

Efficient Mechanism for Development of Competitive European Entrepreneurship

Author Name: Matej Požarnik, Lea Robič Mohar | Volume 3, Issue 10, October- 2018

Multimedia Builds up the Erudition of English Syntax

Author Name: E .Mageswari @ Ramalakshmi, Dr.S.R.Sundaravall | Volume 3, Issue 10, October- 2018

Nepal-India-Relation: The Border Encroachments

Author Name: Saroj Kumar Timalina | Volume 3, Issue 10, October- 2018

Enhancing Fall Detection System for Elderly and Dementia Patients

Author Name: Ilakkyia. S, Dr. Sundararajan TVP | Volume 3, Issue 10, October- 2018

Enhancement of Dielectric and Tensile Strengths for Tree Retardant Cross-Linked Polyethylene (Tr-Xlpe)

Author Name: Loai Nasrat, Abd Allah Ibrahim, Esraa Sayed | Volume 3, Issue 10, October- 2018

Analysis of the Effect of Work Shift and Time of Holidays on Employee Weak Levels

Author Name: Erry Rimawan, Oky Bisma Thama Putra, Syufrianto Asmit | Volume 3, Issue 10, October- 2018

The Influence of the Family Empowerment Management of Family Ability to be Drugs Swallowing Controller (PMO) and Risk of Occurrence of Lost to Follow-up in the Area Gelumbang Health Care Muara Enim South Sumatera

Author Name: Refi Saputra, Yulastri Arif, Sri Yulia | Volume 3, Issue 10, October- 2018

Warm Pad Reduces Anxiety, Somatic Pain, Strain Pain, Perineal Rupture and Post Partum Blood Volume in Normal Delivery (with Normal Baby Weight Range)

Author Name: Dr. Jenny J. S. Sondakh, Dr. Budi Santoso, Dr. Hari Basuki Notobroto | Volume 3, Issue 10, October- 2018

The Effectiveness of the Role of Universities in Building the Entrepreneurial Community in Indonesia

Author Name: Prof. Dr. Hj Mariana Tenreng SE, M.Si, Sitti Mujahida Baharuddin SE, MM. | Volume 3, Issue 10, October- 2018

Business Analysis

Author Name: John Kenny, M. Shaheer A. Khan, Simran Ratanbabu Sunkad, Sundar Das | Volume 3, Issue 10, October- 2018

Geo-Technical Characterization of Pond Ash as a Highway Fill Material

Author Name: Subhadip Chakraborty | Volume 3, Issue 10, October- 2018

Security Scheme for MANET Based on Echoing and Path Changing

Author Name: J. Nithyapriya, R. Anandha Jothi, V. Palanisamy | Volume 3, Issue 10, October- 2018

Kinetic Energy Recovery System

Author Name: Abhijit T. Somnathe, Chirag Dave, Prathamesh Kulkarni, Chinmay Pandya, Yohan Mistry | Volume 3, Issue 10, October- 2018

Discipline Improvement through Reward's Board at Budi Mulia Dua Kindergarten Bintaro City of South Tangerang

Author Name: Eva Santy, Phil Zarina Akbar, ElindraYetti | Volume 3, Issue 10, October-2018

Nanorobotics: A Step into New Medical Era

Author Name: K R N Aswini | Volume 3, Issue 10, October- 2018

Artificial Solar Oxygen Tree

Author Name: Aditya Ajay Bandiwadekar, Vihangi Bhavesh Kothari, Kishor Umesh Aparadh, Pooja Rakesh Mistry, Manjiri Gogate | Volume 3, Issue 10, October- 2018

Assessment of the Impact of Modernization on the Traditional Igala House Form

Author Name: Emusa H, Nduka O | Volume 3, Issue 10, October- 2018

Efficient Energy and Data Collection in Wireless Sensor Networks Using Leach Based Clustering Technique

Author Name: D.Dhanasekar, Dr. Arulmozhi. V. | Volume 3, Issue 10, October- 2018

Productivity in Manufacturing Industries

Author Name: M D Sreekumar, Dr. Meghna Chhabra, Dr. Ruchika Yadav | Volume 3, Issue 10, October- 2018

Energy Efficient Power Allocation in Cognitive Radio Network: A Case of Imperfect Spectrum Sensing- A Study

Author Name: Desai Vishwa, Dr Niteen Patel | Volume 3, Issue 10, October- 2018

Factors Affecting the Reduced Audit Quality Behavior

Author Name: Wila Sandi Refita, Rahmat Febrianto, Rayna Kartika | Volume 3, Issue 10, October- 2018

Conflict Management Strategies Employed in Dealing with Cooperative Land Conflicts in Kiambu County Kenya

Author Name: Leornard N. Mbiti, Kennedy Onkware | Volume 3, Issue 10, October-2018

Hyperglycemia, Ankle-Brachial Index and HDL Ratio to Total Cholesterol as Predictor of Stroke Severity using NIHSS

Author Name: Sulastyawati, Hurun Ain, Nurul Hidayah | Volume 3, Issue 10, October-2018

Effectiveness of Structured Teaching Programme on Knowledge on Selected Post Dialysis Complications and its Prevention among Clients Undergoing Haemodialysis

Author Name: Varesh G. Chilapur1, Shriharsha C2, Deelip S. Natekar3, Namadev K. Malagi4, Mr. Varesh G. Chilapur | Volume 3, Issue 10, October- 2018

Enhanced Energy Harvesting Method In Healthcare Monitoring using IOT

Author Name: Madhu Mitha.M, Dr Sundararajan TVP | Volume 3, Issue 10, October-2018

Growth and Yield Characteristics of *Abelmoschus Esculentus L.* (Okra) Influenced by Application of Poultry Manure and Npk Fertilizers on the Jos Plateau

Author Name: Ibrahim, Iro, I., Yaroson, A. Y1., Lawal, I. H., Idris, J. A., Goma, A. A | Volume 3, Issue 10, October- 2018

Design and Manufacturing of Carbon Fiber composite drive shaft as an alternative to Conventional Steel drive shaft

Author Name: Vardhaman Chougule, Akash Gupta, Shantanu Chavan | Volume 3, Issue 10, October- 2018v

An Ultra Low Power 5 – Phase Ring Oscillator using Lector Technique

Author Name: Suraj Singh Bhadouria, Nikhil Saxena | Volume 3, Issue 10, October- 2018

Effects of Vitamin C on Carbohydrate Profile of Silk Worm, *Bombyx mori* LXCSR2 and Pure Mysore

Author Name: Sundara Raj J, W. Kerenhap Evangelin, S Akhil Kumar | Volume 3, Issue 10, October- 2018

Implementing Banking and Payment System using Face Detection and Recognition Method

Author Name: Vishakha Mehta, Mayank Patel | Volume 3, Issue 10, October- 2018

Heaviside Condition Applied to Lossy Transmission Lines Terminated by RLC-Circuits

Author Name: Vasil G. Angelov | Volume 3, Issue 10, October- 2018

Yoga as a Remedy for Anxiety and Depression

Author Name: Dr Sapna Sah | Volume 3, Issue 10, October- 2018

Physicochemical and Sensory of *Manihot Esculenta* Crantz Characteristics and *Manihot Glaziovii* Fermentee (Ntoba Mbodi) to the Congo, Brazzaville

Author Name: Irène Itoua, Franchelle Constance Bakeni Moukani, Jocelyne Laurence Renée Dhellot, Daniel Massamba, Zacharie Mbougou | Volume 3, Issue 10, October- 2018

IoT Based Patient Health Monitoring System

Author Name: Aman Mehta, Bhavya Mehta, Manthan Joshi, Sharad Gohil, Sheetal Mahadik | Volume 3, Issue 10, October- 2018

IOT Based Disease Prediction and Diagnosis System for Healthcare Using Data Mining Techniques

Author Name: Saranya.E, Maheswaran.T | Volume 3, Issue 10, October- 2018

The Emerging Trend of Cognitive Ergonomics for the Digital Environment

Author Name: Nupur Shah, Dr Ravijeet | Volume 3, Issue 10, October- 2018

Allelopathic Effect of *Datura stramonium* on Germination and Some Growth Parameters of Swiss Chard (*Beta vulgaris* var. *cicla*)

Author Name: Seham E. Yaseen, Elnasri M. Mutwali | Volume 3, Issue 10, October- 2018

Underwriting Capacity and Income of Insurance Companies: (A Case of Nigeria)

Author Name: Soye, Yinka Augustine, Adeyemo, Damola Lukmon | Volume 3, Issue 10, October- 2018

Experimental Study on Interface Behaviour between Soil and FRP Composite

Author Name : S. Sidhardhan, M. Mohamed Younus, I. Suma .

A Review of Binary to Gray and Gray to Binary Code Conversion

Author Name : Pratibha Soni, Vimal Kumar Agarwal.

The Relationship between Reward System with Productivity work Nurse Executor Ininpatient Room RSUP Dr. M. Djamil Padang 2018

Author Name : Yulastri Arif, Fatima Nuraini Sasmita.

Polycyclic Aromatic Hydrocarbons, PAHs Contamination Levels in Nigerian Staple Grains

Author Name : Ifeoma Odika, Chuma Okoye.

A Study on the Paradigm of Women Status in Indonesia Customary Law

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Understanding the status of each individual certainly cannot be separated from socio-cultural life. It is highly impossible that any of them can limit themselves from group life. Human is naturally pleased to socialize with other people leading to a paradigm that every human lives in a custom of a community group. Custom has become the meaning of life and is an identity of the society.

Human status with the concept of gender in customise perceived differently. There are a lot of inequalities of custom in the society which state that men and women have a different status. It is widely acknowledged that there is a complexity of understanding about the rights and obligations of women in Indonesian custom.

The existence of a customary law does not necessarily provide a solution to be able to regulate this inequality. It is because the normative rules made by the government apparently will contradict the conventional beliefs of the communities that have been undertaking their custom ever since the customary law has not been formed.

For people in Gorontalo, patriarchal cultural hegemony is still applied in this area. The predominantly Muslim people of Gorontalo make Qur'an and As-Sunnah as the guidelines of everyday life. Islamic teachings that place men status higher than do women are not only practically occurring in a family, yet it is obviously visible in the public life of Gorontalo people, especially in the matter of custom.

A. The Concept of Women and Gender

Understanding the concept of women is inseparable from the issue of gender. A woman in a gender context is defined as the inherent traits of a person to be feminine. People's understanding of women experiences a stereotype regarding her social role.

In the encyclopedia of Islam, woman is derived from the Arabic al-Mar'ah with the plural form al-Nisa as women, adult women or adult daughter as the opposite sex from man. The equivalent in English is woman (women as the plural form) as the opposite word from man, whereas, in the general dictionary of Indonesian language, woman is defined as female (more polite).

The term of gender is introduced by social scientists to explain the differences between women and men who are innate as God's creation as well as a cultural formation that was learned and socialized since childhood.

The word 'gender' can be interpreted as the differences in roles, functions, status, and responsibilities of men and women as a result of socio-cultural construction embedded through the process of socialization from one generation to

the next. Thus, gender is the result of an agreement among human beings who are not natural.

Gender differences will not be a problem as long as it does not create gender inequality, yet in reality; gender differences have presented an injustice for men, but especially for women. Gender inequality is a system and structure in which men and women become the victim of the system. There are several issues developed from gender differences, including.

B. Gender and Marginalization

The marginalization process of women is a process of impoverishment and marginalization caused by gender differences. For example, the process of social relations results in the breaking of women's access to vital resources, ranging from household to country level. This can be from policy, religion, tradition/culture, and others.

C. Gender and Subordination

The socio-cultural approach finds out that women's subordination issues are rooted in socio-cultural constructions that place women under men. There is a presumption in a society that women are emotional, irrational, and unable to lead and make a decision. Therefore, they are placed in a position that is not important. For instance, the education in a family is more prioritized to boys than girls.

D. Gender and Stereotype

A stereotype is the labeling of certain parties that always harm to others and cause injustice. For example, women are not the main source of income in the family, so that they are merely positioned as "helping husband". Another example is the problem of "WTS localization" ("prostitutes") that has "social judgment" towards women and is rarely questioned by the visitors who are mostly men.

E. Gender and Violence

Violence is an attack physically, mentally, psychologically and morally against someone resulted from various sources, including gender differences. This is due to the inequalities of power and authority in society. Gender-based violence is ranging from domestic violence to country violence. For example female rape, beatings, and physical attacks that occur in the household - husband to wife, torture of sex organs such as female circumcision to control women, prostitution, and violence in the form of pornography.

Equality in gender issues turns out to be a natural concept in the civilization of human life applied in every human culture. The concept of nature and nurture theories bring human to the reality that cannot be denied. It is to see

the reality that occurs as a result of patriarchal power system due to the interest of majority groups, rulers, and patriarchal thinking system that is legalized.

Marxists have argued that this system can last long not because it is a natural thing, but because men are still in authority in every part of life. An actual step of equality brings a social impact in which the emergence of movements oriented towards feminism and emancipation as a step of struggle over women. Feminism and the emancipation of women are the political steps taken to open the door that has long been covered by the imposition of a system #power system.

Close discrimination requires women to build a sense of solidarity with the struggle to lift their dignity towards equality, togetherness, and equal partnership among women and men. A relevant example to be accepted and to be proud of is the struggle of Swedish women in parliament who vigorously raise their interests and rights as citizens with their rights and status in government. Similarly, Indian, Philippines, and Vietnam governments have formulated the law on women's interest that is believed as the country's issue regarding equality. These exclusive rights should be accepted, maintained and manifested in every international community's life.

In Indonesia, the discourse on women had been lifted ever since the Dutch colonialism. Some Indonesian women leaders in every generation consistently and continuously have the same mission and vision of the freedom struggle from the colonists and equality among men and women, despite their different ways and methods. The history of the struggle for gender equality has become an international issue in the form of human rights execution. The realization of women's struggle requires full awareness to realize the nature, function, and character as a woman versus a man. This awareness demands human self-concept of the raw image and the woman self-concept. This description will refer to the woman who must see herself, have a priority in choosing something, make a decision and be able to be mature both in family life and as a member of the society. The case examples of the women's section and population issues as raised above are one aspect of women's existence in society. Not to mention that the women's role is limited to the local cultural system with patriarchal spirit as well as limited education and lack of familiarity with the outside world so that they feel that their world is only in this particular scope. When women want to get out of their limits, they will be exposed to cultural barriers due to their low self-esteem, irritability, lack of self-confidence, dependence, an excessive shyness that all lead to the emotional point of women who outwardly and naturally are always in their limitations. For that reason, in opening women's insights and thoughts, it is necessary to see various dominant factors that can raise their confidence.

- Education and health; these sectors are the most essential means of women to support their integrity through education, and in a healthy soul, and then they will be physically and spiritually able to show the quality and confidence.

- An understanding of history and culture; Women are required to understand and then play a role in the history of the struggle for emancipation and equality over men. Although there will be many obstacles and challenges, when they see the dominant system of cultural application prevailing in Indonesia, their awareness of equality can be enforced.
- Code of conduct; this orientation refers to the women's identity and self-concept as a value of their essence and existence as the subject of equality.
- Self-image; Women's self-image is appropriately enforced through their experience and learning process in the globalized society. By this, women must be able to show who they are and how they play a role in every step of life locally, nationally, regionally and internationally.
- Willpower and capability to make an effort; As independent women, they need to be self-conscious with the willpower and capability to always strive continuously for their rights and interests because that is where the quality and credibility as a woman can be firmly embedded in the relationships in every level of life.

Therefore, it is precisely what Maxwell says that every culture of women and men is given different roles and behavioral patterns to complement each other's physical differences. The division of this role serves to complement the deficiencies of these people in order that the problems faced by the society can be solved in a better way. This recognition cannot be separated from how women are able to realize their willingness in the society and family where they live. Recognition is possible when communication is the key to a harmonious relationship within the family and the society.

F. Women Status in Customary Law

Status is a set of rights and obligations that are inseparable from each individual's life. People develop two kinds of status, firstly, *Ascribed Status*, the status of a person acquired ever since he was born. Secondly, *Achieved Status* is the status by which one reaches his status by a deliberate effort.

In indigenous or patriarchal cultures, the status of women is always below men. No matter what level of education women get, it cannot occupy a higher status than men.

Status and roles cannot be separated and are interdependent. Everyone has a variety of roles that come from the pattern of their social life. This means that a person's role can determine what is done for the society and what opportunities the society gives to him. On that ground, role is how a person performs his rights and obligations by his status in the society. This results in the status of women always subordinated in a patriarchal society.

The influence of a patriarchal culture that dominates society's life involves women to be subordinated from competition obtaining status and honor in custom and socially significant role, whereas status and role are the standard elements in the social system. It can be concluded

that the gender bias taking place in the society is the result of the domination of the patriarchal cultural discourse carried on by the society itself.

Realizing this reality, Berger¹ argues that human's activity is a subjective consciousness of human and in collectivity, so that the participation carried out by every individual in every culture relies on the social process and the continuation of cultural existence which depends on the maintenance of social rules that are formed collectively.

What Berger explains is that the status and role of men and women are the phenomena created by the society through cultural processes and then become an integral part of social life.

G. Gorontalo Women's Paradigm: Between Globalization and the Custom Existence

It is widely acknowledged that the patriarchal culture in Gorontalo Customary Law embedded in women's life has eradicated along with the development of technology and globalization. Gorontalo customary law that adopts Islamic Law with the guidance of the people is "Adat bersendikansyara', syara' bersendikan Kitabullah" is highly respected by the society in everyday life. Gorontalo is the region with the majority of Muslim different from neighboring areas such as Manado and Makassar whose cultural hedonism has been greatly developed.

Gorontalo women have always been supported by customary law. In the procession of marriage custom, for example, Gorontalo customary law puts women as the supporter of marriage custom and men as the leader in performing the procession of marriage custom. Another example of family inheritance rights is that daughters in accordance with Islamic law have fewer inheritance rights than sons. Furthermore, in the daily life, public works are dominated by men rather than women. Likewise, the heads of government in Gorontalo are always led by men rather than women. This illustrates that the patriarchal culture in Gorontalo customary law is still clearly supported.

In contrast, most of Gorontalo women, especially those who live in the city, experience a patriarchal crisis due to the factors of globalization that brings the capitalist feminist culture influencing their life. In the end, Gorontalo women choose to live in a capitalist way rather than following the culture that in fact limits their space. This becomes overlapping because no human can disown the influence of capitalist development in their life. Therefore, the role of Gorontalo women is not dominant in public life.

In addition to the factor of globalization, the status of women in Gorontalo Customary Law is regulated by gender bias. Referring to Islamic law that explains the status of men is higher than women, Gorontalo women finally experience the diffusion of culture that is to undergo two cultural elements at the same time in social life. The invasion of capitalist feminist culture influenced by globalization as well as patriarchal culture in Gorontalo Custom law make

the status of Gorontalo women has a paradigm. The capitalist feminist culture will dominate Gorontalo women patriarchal culture as they carry out social life within their circles because once they are in public area, their role is tied to the customary law that prevails during this time.

H. Cultural Clash and the Solutions

Cultural vulnerability due to the influence of globalization does not necessarily make Gorontalo women be a natural woman according to Islam. There have been many successful women in Gorontalo due to the cultural clash of the capitalist feminists. A free and independent soul without any traditional barriers creates discipline and a sense of responsibility beyond men.

There is no legal sanction in customary law, yet moral sanction as the firm sanction that will be accepted by women when their status goes beyond the community custom. For example, a wife who has been busier than her husband outside home, her life will be disturbed by people's opinion since Gorontalo is still dominated by indigenous people so that something that is contrary to the culture of custom (patriarchy) will become a moral burden to other people.

In this case, Gorontalo women who undergo the diffusion of culture only need to choose the concrete steps by becoming an influential woman for development or becoming a woman who undergoes her nature by the custom and law of Islam that are believed. This is an option because globalization cannot be dammed and local customary law cannot be eliminated and must be lived with.

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