

Legal Pluralism in the Colonial Era: The Influence of Economic Globalization on the Elimination of Poenale Sanctie and Customary Law

Tengku Keizerina Devi Azwar^{1*}, Bazarova Dildora Baxadirovna²

¹ Faculty of Law, Universitas Sumatera Utara, Medan, Indonesia.

² Department of Criminal Procedure of Law and Criminalistics, Tashkent State University of Law, Tashkent, Uzbekistan

 : keizerina.devi@usu.ac.id
Corresponding Author*



Abstract

Introduction: From the late nineteenth to the early twentieth century, the expansion of large-scale plantations driven by global capital created a dual legal order in which colonial law was positioned as the dominant system, while customary law became subordinated. The central issues explored are how economic globalization shaped the configuration of legal pluralism and what factors contributed to the abolition of the poenale sanctie within the colonial legal system.

Purposes of the Research: The purpose of this research is to analyze the dynamics between colonial and customary law in the context of global economic change and to investigate the underlying causes of the abolition of the poenale sanctie.

Methods of the Research: This is normative legal research employing a conceptual approach. Data were drawn from primary legal sources, including colonial regulations and official archives; secondary legal sources, such as academic literature; and tertiary supporting materials. The data were then analyzed using a qualitative-descriptive method.

Results of the Research: The findings reveal that the abolition of the poenale sanctie was influenced by both international and internal factors. External pressures included global public opinion and the rise of ethical politics, while internal drivers involved labor resistance, humanitarian advocacy, economic efficiency considerations, and the evolution of modern criminal law. The novelty of this research lies in its analysis of the implications of the abolition of the poenale sanctie for the status of customary law in East Sumatra. The study demonstrates that despite reforms within the colonial legal system, customary law did not gain significant recognition but remained marginalized. Hence, this research contributes to the discourse on colonial legal pluralism by highlighting the tension between economic globalization, colonial governance, and the persistence of customary law.

Keywords: Legal Pluralism; Colonialism; Poenale Sanctie; Customary Law.

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INTRODUCTION

The history of law in Indonesia is closely linked to colonialism, as the legal system in effect today is inseparable from the legacy of the colonial era. Legal pluralism, as a phenomenon of the existence of more than one legal system in society, arises from the interaction between colonial law, customary law (hukum adat), and Islamic law.¹ During the Dutch East Indies era, the colonial government implemented a dual legal system with

¹ Nasrullah, Jalaluddin, and Ilham Akbar, "Teori Hukum Sejarah (Historical Legal Theory) Di Indonesia: Kajian Sistematis Melalui Metode Systematic Literature Review | Journal Of Law And Nation," *Journal Of Law And Nation* 4, no. 1 (2025): 120-33, <https://jolin.my.id/index.php/jolin/article/view/195>.

population classifications based on race, namely Europeans, Foreign Orientals, and natives (pribumi).² This division not only reflected a policy of segregation but also a strategy to maintain power through the control of legal norms. Customary law (hukum adat) was placed in a subordinate position because it was regulated, restricted, and even modified according to colonial interests.³

The wave of economic globalization since the 19th century had a significant impact on the construction of law in the Dutch East Indies. The expansion of capitalism demanded control over land, labor, and natural resources of the archipelago.⁴ To support investment certainty, the colonial government sought to establish stable and uniform regulations. Customary law (hukum adat), which tended to be flexible and community-based, was considered unsuitable for the production needs of export-oriented plantations. Therefore, the colonial legal system was designed to subordinate customary norms in order to support resource exploitation. This step caused social tensions because customary law, which had previously been the primary instrument for regulating community life, was gradually marginalized by the logic of global capitalism.

Legal pluralism in East Sumatra reflects the transformation of this region into a center for tobacco, rubber, and palm oil plantations.⁵ The plantation economy was highly dependent on contract laborers, so the colonial government enacted *poenale sanctie*, which were penal sanctions for laborers who violated their employment contracts.⁶ This policy demonstrates that the function of law was not merely a regulatory tool, but an instrument of economic control. *Poenale sanctie* restricted the freedom of laborers, while customary law (hukum adat) was disregarded in industrial relations.⁷ The contradiction became increasingly apparent where customary law (hukum adat) upheld social balance, while colonial law was directed towards capital accumulation. This situation illustrates the dimension of legal pluralism as an arena for the struggle of economic interests and power.

The impact of economic globalization in East Sumatra was not only felt in the aspect of production, but also in the social and cultural structure of society. The flow of foreign capital, labor migration from various regions, and the penetration of plantation technology triggered drastic changes in lifestyles. In such a context, customary law faced great pressure to adapt to colonial norms. Communal land rights (hak ulayat) that were previously recognized in the customary system were often ignored in favor of plantation concessions.⁸ Consequently, customary law (hukum adat) no longer functioned as the primary source of social legitimacy, but only applied as long as it did not conflict with colonial regulations. This reduction in function affirms how economic globalization accelerated the marginalization of customary law. The abolition of *poenale sanctie* became an important

² Carwan and Sari Indah Lestari, "Perkembangan Aneka Warna Hukum (Rechtbedeling) Di Indonesia: Pluralisme Hukum Waris Di Indonesia," *Journal Syntax Idea* 5, no. 12 (2023): 2381-94.

³ Tody S.J. Utama et al., "New Ways of Teaching Adat (Customary) Law at Indonesian Law Schools," *The Indonesian Journal of Socio-Legal Studies* 4, no. 1 (2024): 1-30, <https://doi.org/10.54828/ijls.2024v4n1.2>.

⁴ Moh Nauval Fadhlillah, "Kapitalisme Dan Terjadinya Penjarahan Tanah Di Indonesia," *COURT REVIEW: Jurnal Penelitian Hukum* 2, no. 05 (2022): 16-23, <https://doi.org/10.69957/CR.V2I5.661>.

⁵ Edy Ikhsan, *Konflik Tanah Ulayat Dan Pluralisme Hukum*, Cetakan ke (Jakarta: Yayasan Pustaka Obor Indonesia, 2021).

⁶ Yolanda Simbolon, "Analisis Hubungan Kemitraan Antara Kurir Dan Perusahaan Pada Masa Pandemi Covid-19 Ditinjau Dari Doktrin Undue Influence," *SAPIENTIA ET VIRTUS* 7, no. 2 (2022): 126-47, <https://doi.org/10.37477/SEV.V7I2.373>.

⁷ Putri Dian Sari Panggabean, "Perlawanan Pers Terhadap Poenale Sanctie (Sanksi Pidana) Di Deli, Sumatera Timur (1916-1930)" (Fakultas Adab dan Humaniora UIN Syarif Hidayatullah Jakarta, 2024), <https://repository.uinjkt.ac.id/dspace/handle/123456789/84249>.

⁸ Fifink Praiseda Alviolita, "Perlindungan Hak Masyarakat Hukum Adat Terhadap Perbuatan Kriminalisasi Dalam Mempertahankan Tanah Ulayat," *Juris Humanity: Jurnal Riset Dan Kajian Hukum Hak Asasi Manusia* 1, no. 1 (2022): 69-77, <https://doi.org/10.37631/JRKH.M.V1I1.2>.

moment in the dynamics of colonial law in East Sumatra.⁹ This change was not merely technical but the result of a confluence of factors, including international pressure on humanitarian standards, political impetus in the Netherlands, and resistance from contract laborers on plantations. Nevertheless, this abolition did not immediately restore the role of customary law (*hukum adat*). The legal relations after the absence of *poenale sanctie* remained dominated by colonial regulations, while customary law remained in a subordinate position.¹⁰ This shows that legal shifts during the colonial period were greatly influenced by the configuration of global power and economic interests, not solely local interests.

Legal pluralism in the colonial era demonstrates that law is not neutral, but an instrument of power. In the case of East Sumatra, economic globalization made law a means to enforce exploitation mechanisms while reducing the function of custom. These dynamics show that colonialism not only took place in the political and economic spheres, but also at the legal level. The identity of local law lost its autonomy because it was reduced by the logic of global capitalism applied through the colonial system.¹¹ Thus, customary law (*hukum adat*) as a representation of the identity of the local community underwent a structural deconstruction that influenced its legal position until the following period.

The urgency of studying colonial legal pluralism, particularly in East Sumatra, lies in the need to understand the close relationship between law, economics, and power. A study of the influence of economic globalization on the abolition of *poenale sanctie* and the position of customary law provides an overview of how the colonial system shaped the modern Indonesian legal structure. Its relevance is still felt today, when customary law faces national law and international regulations. This historical analysis is not only of academic value but is also important for contemporary debates regarding the position of customary law in a modern state of law that continues to interact with globalization.

The research of Mutiara Zulyanti, et al., in *Fajar Historia: Jurnal Ilmu Sejarah dan Pendidikan* examines how colonial agrarian policies had implications for changes in the socio-economic structure of Javanese society. The article affirms that the implementation of the 1870 Agrarian Law encouraged the birth of a large plantation system that massively utilized indigenous land and labor. A direct consequence of this policy was the weakening of the position of farmers, the loss of access to land, and the increased dependence on the colonial economic structure. This research is relevant because it demonstrates the close link between colonial legal policies and socio-economic changes in society.¹² Meanwhile, research by Andika Satria Yoga Suharno, et al., in *Candi: Jurnal Pendidikan dan Penelitian Sejarah* discusses the role of transmigration as a colonial policy that was not only demographic in nature but also had an impact on social, economic, and cultural transformations. This article describes how the movement of Javanese people to Lampung was directed to meet the labor needs of plantations and strengthen colonial control over new territories. The research results show that the transmigration policy brought changes

⁹ Panggabean, "Perlawanan Pers Terhadap Poenale Sanctie (Sanksi Pidana) Di Deli, Sumatera Timur (1916-1930)."

¹⁰ Triana Aprianita and Johan Wahyudi, "Menolak Tunduk Hak Tawan Karang Dalam Diskursus Hukum Pelayaran Internasional Di Hindia Belanda Di Akhir Abad XIX," *The International Journal of Pegon: Islam Nusantara Civilization* 13, no. 02 (2024): 107-30, <https://doi.org/10.51925/INC.V13I02.121>.

¹¹ Moh. Maulana et al., "Kedudukan Self-Determination Dalam Konteks Otonomi Dan Pengakuan Identitas Kultural Masyarakat Adat Di Indonesia," *Jurnal Hukum Bisnis (J-KUMBIS)* 3, no. 1 (2025): 53-70, <https://doi.org/10.37606/J-KUMBIS.V3I1.286>.

¹² Mutiara Zulyanti et al., "Dampak Kebijakan Agraria Pemerintah Kolonial Belanda Terhadap Kondisi Sosial Ekonomi Petani Di Pulau Jawa, 1870-1940," *Fajar Historia: Jurnal Ilmu Sejarah Dan Pendidikan* 9, no. 2 (2025): 336-49, <https://doi.org/10.29408/FHS.V9I2.31774>.

in the socio-cultural identities of transmigrant communities and created new stratifications in the rural life of Lampung. Both show a similar pattern, namely colonial law and policy as instruments of domination that have a broad impact on local communities.¹³

The novelty of this research lies in its focus on the study of legal pluralism in East Sumatra, which is linked to the influence of economic globalization, particularly in the context of the abolition of *poenale sanctie* and the position of customary law (hukum adat). In contrast to previous research that highlighted agrarian and transmigration policies as colonial instruments in regulating land and population mobility, this research places law as an arena of interaction as well as a struggle between colonial interests, the global economy, and local customary norms. Thus, this research provides a new perspective on how legal pluralism is not only a normative construction but also a reflection of the dynamics of economic globalization in the colonial era.

This research aims to analyze the influence of economic globalization on the configuration of legal pluralism in East Sumatra during the colonial period, emphasizing the relationship between colonial law, the abolition of *poenale sanctie*, and the marginalization of customary law. In addition, this research is intended to reveal the factors behind the policy of abolishing *poenale sanctie* and its implications for the social structure of local communities. Through this study, it is hoped that a comprehensive understanding will be realized regarding how the colonial legal system shaped power and legal relations that still leave traces in the contemporary Indonesian legal system.

METHODS OF THE RESEARCH

This research is a normative legal study with a conceptual approach. Normative legal research focuses on the study of written legal norms, legal principles, and developing doctrines. The conceptual approach is used to examine ideas, principles, and legal concepts relevant to legal pluralism in the colonial era, particularly related to *poenale sanctie* and the position of customary law (hukum adat) in East Sumatra. Through this approach, the research seeks to interpret the interaction between colonial law and the local legal system in the context of economic globalization in the 19th and early 20th centuries. Data collection was carried out through a literature study of primary, secondary, and tertiary legal materials. Primary legal materials include colonial regulations, official archives of the Dutch East Indies government, and legal texts governing *poenale sanctie* and customary law. Secondary legal materials were obtained from academic literature, books, and journal articles discussing legal pluralism, colonialism, and the history of Indonesian law. Meanwhile, tertiary legal materials include legal dictionaries, encyclopedias, and bibliographic indexes that serve to clarify the meaning and terminology of law. All of these legal materials are classified according to their relevance to the research topic. The data analysis technique was carried out qualitatively using a descriptive-analytical method. The collected data is not only presented but also analyzed in depth to reveal the relationship between the concept of colonial law, *poenale sanctie*, and the influence of economic globalization on the marginalization of customary law. The analysis was carried out by examining the principles and concepts of colonial law, then comparing them with the principles of customary law in the context of legal pluralism. With this method, the research

¹³ Andika Satria Yoga Suharno, Sutiya Sutiya, and Dadan Adi Kurniawan, "Dinamika Sosial-Ekonomi Dan Budaya Dalam Transmigrasi Penduduk Jawa Tengah Ke Lampung Masa Kolonial Belanda (1905 – 1941)," *Candi: Jurnal Pendidikan Dan Penelitian Sejarah* 24, no. 1 (2024): 12–26, <https://jurnal.uns.ac.id/candi/article/view/91862>.

is expected to provide a comprehensive conceptual overview of the dynamics of colonial law and its implications for the development of law in Indonesia.

RESULTS AND DISCUSSION

A. The Influence of Economic Globalization in the 19th Century on the Configuration of Legal Pluralism in East Sumatra

In the 19th century, economic globalization had a major impact on East Sumatra, especially with the development of the Deli tobacco plantations which, since the 1860s, had attracted foreign investment and labor from various regions. This expansion of colonial capitalism directly connected the East Sumatra region with the world market, especially Europe, which needed a supply of tropical commodities.¹⁴ These large plantations not only changed the economic structure but also created a new legal framework that regulated land and labor. The presence of foreign capital led to the emergence of colonial legal regulations that were more dominant than customary law (*hukum adat*).¹⁵ This shows how economic globalization became the gateway for the penetration of colonial law in East Sumatra.

Colonial law enforced the concept of *domein verklaring* which stated that land for which ownership could not be proven belonged to the state.¹⁶ This rule provided an opportunity for the colonial government to take over customary land and hand it over to plantation companies. However, in the daily lives of the people, customary law (*hukum adat*) was still maintained to regulate internal affairs such as marriage, inheritance, and social structure. Thus, colonial law and customary law coexisted, albeit in an unbalanced relationship. Customary law was allowed to function, but its position was subordinate to the interests of colonial capitalism. In addition to colonial and customary law, Islamic law also played an important role in the configuration of legal pluralism in East Sumatra. Islamic law was mainly used in family and inheritance matters, and served as a kind of bridge between customary law and colonial law.¹⁷ However, the role of Islamic law was often limited or even co-opted by colonial regulations. The Dutch colonial authorities did not completely eliminate Islamic law, but rather adjusted its application to their administrative needs.¹⁸ In this way, Islamic law functioned selectively and was under colonial supervision.

The Malay Sultanates in East Sumatra, such as Deli, Serdang, and Langkat, became important actors in this legal dynamic. They maintained political legitimacy through the continuity of custom, but economically and politically were highly dependent on the colonial government.¹⁹ The Sultanate became a mediator between Dutch power and local communities, as well as a party that benefited from the plantation system.²⁰ However, their position was not entirely free, because they were fundamentally subject to colonial legal regulations. This situation illustrates the existence of a hybridity of power that shaped the

¹⁴ Devi Itawan, "Ekspansi Perkebunan Dan Pertumbuhan Penduduk Di Sumatra Timur, 1863-1942," *Handep Jurnal Sejarah Dan Budaya* 6, no. 2 (2023): 109–30.

¹⁵ Ramdani Husein Renngur, "Analisis Ideologi Dibalik Kebijakan Reforma Agraria Pada Masa Orde Lama (1945-1965) dan Orde Baru (1965-1968)," *Jurnal Hukum Dan HAM Wara Sains* 2, no. 5 (2023): 378–88.

¹⁶ Syaiful Bahari et al., "Rekonstruksi Pemaknaan Hak Menguasai Negara Menurut Pasal 33 Ayat (3) UUD 1945," *JUSTLAW: Journal Science and Theory of Law* 2, no. 01 (2025): 46–55, <https://ojs.sains.ac.id/index.php/Justlaw/article/view/102>.

¹⁷ Uswatun Hasanah, Faisar Ananda Arfa, and Ibnu Radwan Siddiq Turnip, "Hukum Keluarga Islam Pada Masa Penjajahan Belanda," *Jurnal Kajian Islam Dan Sosial Keagamaan* 2, no. 4 (2025): 920–27, <https://jurnal.itc.web.id/index.php/jkis/article/view/2842>.

¹⁸ Hasanah, Arfa, and Turnip.

¹⁹ Usman Pelly and Ratna M. S, *Sejarah Pertumbuhan Pemerintahan Kesultanan Langkat, Deli, dan Serdang*, ed. Ratih Baiduri, (Medan: Perdana Publishing, 2022).

²⁰ Sabda Firmansyah Rambe, Laila Rohani, and Abdul Karim Batubara, "Sejarah Kesultanan Bilah Pada Masa Kolonial Belanda, 1865-1942," *Journal of History and Cultural Heritage* 3, no. 1 (2022): 25–32.

face of legal pluralism in East Sumatra. Contract labor became one of the important aspects that demonstrated the dominance of colonial law. Thousands of coolies from Java, China, and India were brought in to work on tobacco, rubber, and palm oil plantations.²¹ Their working relationship was entirely governed by colonial law through a strict contract system. In this case, customary law (*hukum adat*) had absolutely no space, because labor was placed under a repressive plantation legal regime. The contract labor system is a clear example of how colonial law dominated the economic sphere in East Sumatra.

One of the main instruments in regulating this labor was the enactment of *poenale sanctie*. This rule stipulated criminal sanctions for workers who violated their contracts, for example, by running away, refusing to work, or resisting.²² The sanctions varied, ranging from wage cuts, additional forced labor, to imprisonment. With *poenale sanctie*, the colonial authorities ensured that the workforce remained obedient and plantation production was not disrupted.²³ Colonial law became a very effective and brutal disciplinary tool in maintaining the interests of global capitalism.

The implementation of *poenale sanctie* received sharp criticism, both domestically and internationally. Dutch activists, European humanists, and international labor organizations criticized this system as a form of modern slavery. Reports of torture of contract coolies in Deli reinforced the view that the labor system on East Sumatran plantations was inhumane. This criticism grew stronger in the early 20th century, along with increasing global awareness of workers' rights. Political and moral pressure made it impossible for the colonial government to continue to maintain the system without facing widespread condemnation.²⁴

In the period 1931 to 1934, *poenale sanctie* was officially abolished by the Dutch colonial government.²⁵ Nevertheless, the practice of labor exploitation did not simply disappear. A new system called the "free labor system" was introduced, but in reality, the workers were still trapped in harsh and stressful working conditions. New forms of control, such as economic penalties and intimidation, replaced the formal criminal sanctions that had previously been in place. In other words, the abolition of *poenale sanctie* was more cosmetic than substantial.

Poenale sanctie demonstrates how dominant colonial law was in the economic and labor sphere. Customary law (*hukum adat*) and Islamic law had no space in this area, because everything was regulated through colonial legal instruments aimed at protecting the interests of foreign capital. Meanwhile, custom and Islam were only allowed to exist in the domestic, social, and cultural spheres. Thus, legal pluralism in East Sumatra was hierarchical and asymmetrical. This shows that colonial legal pluralism was more of a control strategy than a genuine recognition of legal diversity.

East Sumatra from the 19th to the early 20th century shows how economic globalization shaped the face of colonial law. The plantation economy, integrated with the world market, required legal instruments that guaranteed investment security and labor availability. In the

²¹ Bayu Wicaksono, "Migrasi Orang Jawa Ke Asahan Pada Masa Kolonial," *MUKADIMAH: Jurnal Pendidikan, Sejarah, Dan Ilmu-Ilmu Sosial* 5, no. 1 (2021): 54–62, <https://doi.org/10.30743/mkd.v5i1.3439>.

²² Zuhriati Khalid and Sugih Ayu Pratitis, "Aspek Hukum Perlindungan Tenaga Kerja Wanita Sektor Umkm Di Kota Medan," *Law Jurnal* 1, no. 2 (2021): 13–30, <https://doi.org/10.46576/LJ.V1I2.1127>.

²³ Panggabean, "Perlawanan Pers Terhadap Poenale Sanctie (Sanksi Pidana) Di Deli, Sumatera Timur (1916-1930)."

²⁴ Panggabean.

²⁵ Erond Litno Damanik, "Perdagangan Dan Pemertahanan Kuli Di Perkebunan: Opium Di Deli, 1870-1942," *JASMERAH: Journal of Education and Historical Studies* 2, no. 1 (2020): 1–19.

process, customary law and Islamic law were only maintained to the extent that they did not interfere with colonial interests. The legal relations in East Sumatra were born as a result of negotiation, co-optation, and resistance between colonial powers, local elites, and society. This configuration of legal pluralism reflects the way global capitalism works through colonial legal instruments.

Thus, the economic globalization of the 19th century in East Sumatra not only changed the economic landscape but also shaped a complex legal pluralism. Colonial law dominated the economic and labor sphere through instruments such as *domein verklaring* and *poenale sanctie*. Customary law and Islamic law remained in existence, but in limited spaces that had been adapted to colonial interests. The Malay Sultanates became intermediaries that strengthened this structure, as well as part of a system that subjected society to the power of global capitalists. Therefore, legal pluralism in East Sumatra was ultimately a product of the interaction between economic globalization, colonialism, and local traditions that were forced to live in subordination.

B. Factors Driving the Abolition of Poenale Sanctie in the Colonial Legal System in East Sumatra

The abolition of *poenale sanctie* in the colonial legal system of East Sumatra cannot be separated from international dynamics in the early 20th century. Public opinion increasingly opposed colonial practices that were considered oppressive, especially after many reports from missionaries, activists, and international institutions highlighted the inhumanity of these criminal sanctions for contract laborers.²⁶ This moral and political pressure put the Netherlands in a difficult position to maintain a policy that contradicted the principles of humanity. In the context of legal globalization, the continuation of *poenale sanctie* was seen as a political burden that damaged the image of the Dutch colonial authorities in the eyes of the international community.²⁷ Therefore, the abolition of *poenale sanctie* became a political choice that was not only pragmatic but also strategic.

In addition to external pressure, political changes in the Netherlands also played an important role. The Ethical Policy, proclaimed at the beginning of the 20th century, brought a new paradigm of more lenient colonialism with a mission of "repayment" to the colonized people.²⁸ This spirit emphasized the importance of education, welfare, and social protection, albeit still within the framework of colonial exploitation. Within the framework of the ethical policy, the existence of the repressive *poenale sanctie* was considered contrary to the spirit of colonial reform. Therefore, the abolition of this regulation was seen as a step consistent with the direction of the ethical policy that wanted to show a more humane face of colonialism. The resistance of contract laborers in East Sumatra also became a catalyst that accelerated the abolition of *poenale sanctie*.²⁹ Workers often run away from plantations, commit sabotage, or refuse working conditions they deem unfair.³⁰ This wave of resistance caused instability in the plantation production system and harmed entrepreneurs. The

²⁶ Panggabean, "Perlawanan Pers Terhadap Poenale Sanctie (Sanksi Pidana) Di Deli, Sumatera Timur (1916-1930)."

²⁷ Roby Satya Nugraha et al., "The Transformation of Indonesia's Criminal Law System: Comprehensive Comparison between the Old and New Penal Codes," *Reformasi Hukum* 29, no. 1 (2025): 1-21, <https://doi.org/10.46257/JRH.V29I1.1169>.

²⁸ Suci Karlina Aziz et al., "Pengaruh Kebijakan Politik Etis Pemerintah Kolonial Belanda Terhadap Keberadaan Lembaga Pendidikan Islam Di Nusantara," *Jurnal Budi Pekerti Agama Islam* 2, no. 5 (2024): 244-52, <https://doi.org/10.61132/JBPAI.V2I5.556>.

²⁹ Panggabean, "Perlawanan Pers Terhadap Poenale Sanctie (Sanksi Pidana) Di Deli, Sumatera Timur (1916-1930)."

³⁰ Dipo Piswatama, Parlaungan Gabriel Siahaan, and Sri Hadiningrum, "Mengekspos Luka Tersembunyi Kritik Terhadap Perjanjian Kerja Dan Dampak Psikologinya Pada Tenaga Kerja Buruh Di Desa Perkebunan Pernantian," *Journal of Education Research* 5, no. 3 (2024): 2643-48, <https://doi.org/10.37985/JER.V5I3.1227>.

existence of *poenale sanctie* actually worsened industrial relations because it fostered hatred and distrust. In this situation, the colonial government realized that maintaining a repressive system did not guarantee economic sustainability but rather increased the risk of social conflict.

The impetus for the abolition of *poenale sanctie* also came from humanists, academics, and the press in the Netherlands and the Dutch East Indies. Articles in newspapers, law journals, and intellectual works described *poenale sanctie* as a form of modern slavery that was not in accordance with European legal values. These criticisms voiced the view that colonial law must adapt to the principles of universal justice. Academic discourse strengthened the moral legitimacy to abolish practices that were considered inhumane. This pressure from the intellectual community added weight to the political arguments that called for colonial legal reform.³¹

Economic considerations were also an important factor. Although *poenale sanctie* was initially effective in maintaining the availability of labor, in the long term this instrument caused large social and political costs. Labor dissatisfaction implied lower productivity and increased losses for companies. Some large entrepreneurs even considered an incentive-based work system more profitable than forced labor, which risked conflict. Thus, the abolition of *poenale sanctie* also reflected a shift in the economic strategy of plantations from a repressive model to a more efficient model.

In addition to economic and political factors, changes in the legal paradigm in the Dutch East Indies also contributed to the abolition of *poenale sanctie*. At the beginning of the 20th century, modern criminal law in Europe increasingly rejected the concept of physical punishment as the main instrument of social control.³² The colony was encouraged to follow these developments so as not to appear backward in legal practice. Therefore, *poenale sanctie* was seen as a remnant of the past that was no longer relevant to the principles of modern law. Colonial legal reform was aimed at showing harmony with the universal values of contemporary criminal law. However, the abolition of *poenale sanctie* did not automatically strengthen the position of customary law in East Sumatra. Customary law remained treated as a subordinate legal system that only applied as long as it did not conflict with colonial law. The power relations remained in favor of colonial law, which was oriented towards global economic interests. Although laborers were no longer bound by criminal sanctions for contracts, they remained in a colonial legal system that ignored customary norms. Thus, the abolition of *poenale sanctie* functioned more as a reform of colonial law, not a rehabilitation of the position of customary law.

The implication of the abolition of *poenale sanctie* actually shows that the marginalization of customary law became more permanent. Customary law lost its role in regulating labor relations because the entire mechanism of labor contracts remained based on colonial law. Communal land rights (*hak ulayat*) also did not regain full recognition, because plantation land remained controlled through colonial concessions.³³ Customary law was only maintained as a symbol of the validity of local law, but without substantial autonomy. This proves that legal pluralism in East Sumatra did not operate within a framework of equality, but rather within a framework of colonial domination. The abolition of *poenale sanctie* reflects

³¹ Panggabean, "Perlawanan Pers Terhadap Poenale Sanctie (Sanksi Pidana) Di Deli, Sumatera Timur (1916-1930)."

³² Theresia N.A Narwadan, Arief Fahmi Lubis, and H. Abd Hakim, *Perkembangannya, Teori Hukum Positif Teori Komprehensif Dan*, ed. Sepriano and Efitra, Cetakan Pe (Jambi: Sonpedia Publishing Indonesia, 2025).

³³ Ikhsan, *Konflik Tanah Ulayat Dan Pluralisme Hukum*.

how economic globalization influenced the direction of colonial legal reform. Globalization encouraged the Dutch colonial authorities to adapt to humanitarian standards and modern law, but at the same time, it maintained the structure of domination over local society. Customary law did not gain strength but was increasingly marginalized by colonial regulations that adapted to the needs of global capitalism. This legal reform shows more of a colonial response to external pressure than attention to local interests. Thus, the abolition of *poenale sanctie* is evidence of the ambivalence of colonial law in the face of globalization.

The abolition of *poenale sanctie* was influenced by a combination of international factors, ethical politics, labor resistance, humanist pressure, economic efficiency, and the development of modern law. However, its implications for customary law in East Sumatra were very limited because colonial law retained its position as the dominant system. Customary law did not regain authority in regulating social, economic, or labor relations. On the contrary, colonial law strengthened its position by adapting to global standards, while customary law remained sidelined. This situation shows that legal pluralism in the colonial era was more pseudo, because it did not present a parallel coexistence, but rather the domination of the colonial system over local law.

CONCLUSION

Economic globalization in the 19th century transformed the configuration of legal pluralism in East Sumatra by placing colonial law as the dominant system and reducing the function of customary law. Colonial law, through regulatory instruments that favored the interests of global capitalism, regulated land, labor, and plantation production mechanisms repressively. The abolition of *poenale sanctie* was influenced by a combination of external and internal factors, including international pressure, ethical politics, labor resistance, the urging of humanists, economic efficiency, and the development of modern criminal law. However, this abolition did not automatically restore the authority of customary law, because colonial law continued to control the socio-economic structure of East Sumatran society. The study of colonial legal pluralism needs to be used as a reflection for the development of Indonesian law, especially in recognizing and strengthening the position of customary law within the national legal system. The state should not repeat the colonial pattern of placing customary law only as a complement, but rather making it a substantive part of legal pluralism that is equal to national and international law. In this way, customary law can play a more active role in providing protection to local communities, especially in facing the challenges of modern economic globalization that have the potential to create new forms of legal and social subordination.

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