



The Pluralism of Indonesian Criminal Law: Implications and Orientations in the Post-New Criminal Code

Ina Heliany^{1*}, Widowati², Muhenri Sihotang³

^{1,3} Faculty of Law Mpu Tantular University, Jakarta, Indonesia.

² Faculty of Law Tulungagung University, Tulungagung, Indonesia.

 : inaheliany6@gmail.com
Corresponding Author*



Submitted: 2023-03-31

Revised: 2023-04-11

Published: 2023-06-12

Article Info

Keywords:

Customary Criminal Law; New Criminal Code; Legal Pluralism.

Abstract

Introduction: The ratification of the New Criminal Code actually has an orientation towards strengthening legal pluralism in the field of criminal law. This is evidenced by the adoption of customary criminal law as a recognized law in addition to national criminal law.

Purposes of the Research: This study aims to analyze the implications of the formulation of Article 2 of the New Criminal Code concerning the practice of Indonesian criminal law pluralism and the future orientation of the formulation of Article 2 of the New Criminal Code to strengthen the pluralism of Indonesian criminal law.

Methods of the Research: This research is a normative legal research that uses a concept and statutory approach.

Results of the Research: The study results show that the legal implications of formulating guarantees for the enforceability of laws that live in society affirm the existence of customary criminal law as a living law in society, thereby affirming the essence of legal pluralism. The future orientation of Indonesian criminal law pluralism after the enactment of the New Criminal Code is to maintain harmonious relations between the national legal system and the customary law system and to conduct an inventory of existing customary criminal laws. Customary criminal law that still exists is then regulated specifically in regional regulations in each region so that judges can then use it as a reference in deciding a criminal case that has a legal essence that lives in society.

1. INTRODUCTION

Promulgation of Law No. 1 of 2023 concerning the Criminal Code –In Indonesian: (hereinafter referred to as New Criminal Code) in 2023 marks a new chapter in Indonesian criminal law. The ratification of the New Criminal Code is interesting because one of its substances explains the recognition of customary criminal law as a criminal law that applies in addition to national law. It is acknowledged that customary criminal law in the construction of national criminal law is an interesting matter in relation to the orientation of strengthening legal pluralism in the New Criminal Code. That means there is an effort to strengthen the Indonesian context in the substance of criminal law; before the ratification of the New Criminal Code, the Indonesian criminal law code was still a transliteration of the Dutch Criminal Code in the 19th century. The old Criminal Code had various problems both

in terms of substance, which better reflected the character of western law (in this case, the Netherlands), and some of its formulations were not up to date. Because they were formulated in the 19th century while in the 21st century, there was a considerable surge in technological developments in the form of revolution – fourth stage industry.¹

Technological developments and the social reality of society make it necessary to reform the substance of criminal law in the old Criminal Code. The presence of the New Criminal Code is a hope and a new challenge for the Indonesian nation. That moment is “new hope”, because since 1963, the struggle to realize the "original" Indonesian Criminal Code has finally materialized with the promulgation of the New Criminal Code in 2023.² That is important because, in the future, it is hoped that the implementation and practice of the New Criminal Code are expected to be aligned and follow the substance of the Indonesian legal state. It is a new challenge because there are several progressive orientations in the substance of the New Criminal Code, which had not been formulated in the old Criminal Code. The formulation of several progressive matters in the New Criminal Code is a challenge for the Indonesian people to organize the legal politics of criminal law reform so that it can be applied based on the values and ideals of justice of the Indonesian people.³

One of the new formulations in the New Criminal Code, which can be pretty progressive and escapes the provisions of the old Criminal Code, is related to applying the concept of legal pluralism in Indonesian criminal law.⁴ This can be seen in the formulation of Article 2 of the New Criminal Code, which substantively adopts the application of laws that live in society, in this case, customary criminal law, together with the enactment of the national criminal law in the New Criminal Code. The provisions in Article 2 of the New Criminal Code are interesting to study because, for the first time, Indonesian criminal law expressively affirms the practice of legal pluralism in the substance of criminal law. The urgency of this research aims at the enactment of criminal law pluralism as stated in Article 2 of the New Criminal Code.

This study aims to analyze the implications of Article 2 of the New Criminal Code concerning the practice of pluralism of Indonesian criminal law and the future orientation of Article 2 of the New Criminal Code as an effort to strengthen the pluralism of Indonesian criminal law. Research on the pluralism of Indonesian criminal law, especially after the ratification of the New Criminal Code, has never been carried out. This can be seen from the three previous studies where there has been no specific assessment of the pluralism of Indonesian criminal law after the ratification of the New Criminal Code. The three previous studies, namely: first, research conducted by Pradhani (2021), which focuses on the study of aspects of legal pluralism, the position of customary law in the dimensions of national and international law. The prescription offered by this research is that there is a need to bridge

¹ Diah Ratna Sari Hariyanto I Gusti Ngurah Bayu Pradiva, “Perluasan Asas Legalitas Dalam Rkuhp Sebagai Upaya Pembaharuan Hukum Pidana Indonesia,” *Jurnal Kertha Semaya* 10, no. 8 (2022): 1766–78.

² Ajlin Wardah Yuspin, “History of the Implementation and Development of the Criminal Law (KUHP) of the Dutch Colonial Heritage in Indonesia,” *International Journal of Social Science Research and Review* 5, no. 1 (2022): 159–65.

³ Germarié Viljoen, “Construing the Transformed Property Paradigm of South Africa’s Water Law: New Opportunities Presented by Legal Pluralism?,” *Legal Pluralism and Critical Social Analysis* 54, no. 2–3 (2022): 197.

⁴ Suci Flambonita, “The Concept of Legal Pluralism in Indonesia in the New Social Movement,” *Jurnal Analisa Sosiologi* 10, no. 3 (2021): 361–73, <https://doi.org/10.20961/jas.v10i0.45939>.

the enforcement of customary law, national law, and international law to strengthen legal pluralism.⁵

Second, Puspita's (2022) research focuses on studying aspects of legal pluralism associated with globalization.⁶ This research concludes that globalization allows legal pluralism to exist because increasingly complex human interests and needs require different "types" of law to facilitate them. *Third*, Pramana et al. (2022) research discuss the practice of legal pluralism related to efforts to adopt children.⁷ The results of this study confirm that adoption is a private law phenomenon that allows for the application of the conception of legal pluralism, particularly the application of customary law practices in child adoption. From the three previous studies, it can be concluded that this research is original because the discussion on criminal law pluralism after the ratification of the New Criminal Code has not received a comprehensive study, especially in the three previous studies.

2. METHOD

This research focuses on criminal law pluralism as stated in Article 2 of the New Criminal Code and is normative legal research. Normative legal research is based on an analysis of statutory provisions, so it is relevant to this research focusing on legal pluralism in the New Criminal Code. The primary legal materials in this study are the 1945 Constitution of the Republic of Indonesia and the New Criminal Code. Secondary legal materials include journal articles, books, various studies, and research results discussing legal pluralism and the New Criminal Code. Non-legal materials are legal dictionaries.

3. RESULTS AND DISCUSSION

3.1 The Era of Indonesian Criminal Law Pluralism: Implications of Formulation of Article 2 of the New Criminal Code

Criminal law reform is one of the projections of a rule of law state to facilitate the latest developments in criminal law. The development of criminal law is generally influenced by two factors, namely internal factors and external factors.⁸ Internal factors are related to political configuration and the community's legal needs for criminal law reform. Internal factors reflect the real need of society for the need for reform of criminal law. Developing legal ideas and practices in various countries influences external factors. External factors focus more on the globalization orientation of criminal law in which theoretical and practical developments from one country can affect other countries. One of the orientations for criminal law reform in Indonesia is to amend the Criminal Code. The Criminal Code is a compilation of written laws that regulate criminal acts, namely various actions which, if not complied with as stated in the written law, can have implications for criminal sanctions.

⁵ Sartika Intaning Pradhani, "Pendekatan Pluralisme Hukum Dalam Studi Hukum Adat: Interaksi Hukum Adat Dengan Hukum Nasional Dan Internasional," *Undang: Jurnal Hukum* 4, no. 1 (2021): 81-124, <https://doi.org/10.22437/ujh.4.1.81-124>.

⁶ Lona Puspita, Fakultas Hukum, and Universitas Tamansiswa, "Suatu Kajian Pluralisme Hukum (Upaya Mengatasi Keberagaman Hukum Di Era Globalisasi)," *Jurnal Normative* 10, no. 2 (2022): 54-58.

⁷ I Gede Pasek Pramana Ni Made Kintan Oktavianti, "Perihal Batas Usia Dalam Hukum Pengangkatan Anak Di Indonesia," *Kertha Negara: Journal Ilmu Hukum* 10, no. 7 (2022): 676-88.

⁸ R. Rudy et al., "Forest Cover Change and Legal Pluralism in Forest Management: A Review and Evidence from West Sumatra, Indonesia," *Indonesian Journal of Science and Technology* 6, no. 2 (2021): 299-314, <https://doi.org/10.17509/ijost.v6i2.34190>.

The Indonesian Criminal Code (hereinafter referred to as the Old Criminal Code) is the "successor" of the WvS, namely the Dutch Criminal Code, which was ratified in the 19th century.⁹ Due to the need to fill a legal vacuum based on the principle of concordance, the Dutch WvS was then applied to become the Old Criminal Code. As a Dutch product, the Old Criminal Code was synonymous with "typical" Dutch substances, concepts, and views. Therefore, the Old Criminal Code is often called "Dutch law," applied in "Indonesia." The "typical" Dutch characteristics in the Old Criminal Code can generally be seen from four aspects. *First*, the affirmation of unification or mono-facet criminal law. That confirms that the Old Criminal Code was oriented towards denying the enactment of other criminal laws in Indonesia, such as customary criminal laws and religion-based (Islamic) criminal laws that already existed, were in force, and was accepted by most Indonesians. The Old Criminal Code is positioned as "the one and only" as Indonesia's only book of written criminal law. That implies that the Old Criminal Code has killed off criminal laws other than the Old Criminal Code, which still exists in Indonesia.

Second, the Old Criminal Code was based on a strict formal legality principle and entirely on written legal provisions. It is commonly understood that the characteristic of the principle of legality is that it aims to prevent the arbitrariness of law enforcement officials. Therefore, every penal law problem must be returned to written criminal law strictly, and even attempts to explore unwritten criminal law are not permitted. *Third*, the Old Criminal Code was still based on the classical criminal law paradigm, which considered punishment as retaliation for an act that had been committed.¹⁰ That can be seen from the provisions in the Old Criminal Code, especially in terms of principal crimes, which place more emphasis on implementing imprisonment, and there are no other alternative punishments. *Fourth*, the Dutch legal paradigm in the 19th century substantively influenced the Old Criminal Code. It placed the state and its apparatus in a higher position than the people in general, so there were several substances regarding insulting the President as a manifestation of the state and its apparatus. Some unknown substances are also contained in the Old Criminal Code, such as the crime of unpleasant acts, which, if implemented in Indonesia, could become a means of mass criminalization for society.

Of the four characteristics of the Old Criminal Code, which are still influenced by the substance of the Dutch law above, the first point is interesting because the Old Criminal Code provides a limitation as the "only" book of applicable criminal law. Practice in Indonesia shows that criminal law is not single. Various provisions of customary criminal law are still valid and implemented by some of the Customary Law Societies in Indonesia. In addition, the application of criminal law based on religious teachings (especially Islam) is also carried out by Indonesian people, especially in the Aceh region. That shows that criminal law in Indonesia is not uni (one) but multi (various).¹¹ That phenomenon is commonly referred to as legal pluralism. Legal pluralism is understood as the work and

⁹ Jati Nugroho, "Restore Recognition Of Legal Pluralism As A National Law Development Model That Is Justice," *Law & Justice Review Journal* 1, no. 1 (2021): 32-36, <https://doi.org/10.11594/lrjj.01.01.05>.

¹⁰ Boma Wira Gumilar, Gunarto Gunarto, and Akhmad Khisni, "Reconstruction of Life Imprisonment in Prison System in Indonesia," *Jurnal Daulat Hukum* 2, no. 4 (2020): 499, <https://doi.org/10.30659/jdh.v2i4.8348>.

¹¹ Fradhana Putra Disantara, "Konsep Pluralisme Hukum Khas Indonesia Sebagai Strategi Menghadapi Era Modernisasi Hukum," *Al-Adalah: Jurnal Hukum Dan Politik Islam* 6, no. 1 (January 1, 2021): 1-36, <https://doi.org/10.35673/ajmpi.v6i1.1129>.

operation of law in a society that is not single, meaning that several legal systems are recognized and work simultaneously between one legal system and another.

The idea of legal pluralism focuses on three aspects, namely: relations between legal systems that run simultaneously, integration between legal subsystems and social subsystems that make legal diversity possible, and the choice of community law over various legal systems that work where people will choose the legal system that suits them – considered the most effective and able to maintain the values that have been believed.¹² The aspect of relations between legal systems that operate simultaneously shows that even though in legal pluralism, there is more than one legal system that operates and works simultaneously, there are relations and meeting points between these working legal systems. From the aspect of integration between the legal subsystem and the social subsystem, which makes legal diversity possible, it is necessary to see that the domination of the social aspect in the operation of law makes the law must adapt to the conditions and social situation of society. This is understandable because, in the operation of law in society, social aspects significantly influence legal aspects.

From the aspect of people's choice of law over various working legal systems, legal pluralism, in this case, looks at what factors influence the public to choose a dispute resolution system based on a particular legal system even though there are dispute resolution systems based on other legal systems that also apply. Brian Z. Tamanaha even emphasized the inevitability of legal pluralism because legal pluralism applies to social systems anywhere in the world. This means that legal pluralism is not a conception of a particular country that applies to certain countries but becomes a universal phenomenon in law.¹³ One of the things that gets Brian Z. Tamanaha's attention is the potential for the applicable legal system to clash with one another.¹⁴ In this context, a weaker legal system can potentially be "attacked" by a more muscular legal system. Therefore, an asymmetrical relationship is needed in legal pluralism to harmonize the various legal systems in operation. Werner Menski emphasized that legal pluralism is a conception in which three orientations of the legal system work: the positive legal system, social law, and natural law (including religion).¹⁵

In Werner Menski's view, the three orientations of the working legal system also often discriminate between one legal system and another. The positive law system made by the state (state law) is often placed as a higher law system than the other two.¹⁶ That certainly has the potential to cause disharmony, which results in the fragility of one legal system due to the penetration of a more robust legal system. John Griffiths further categorizes strong (robust) legal pluralism and weak (weak) legal pluralism.¹⁷ Solid legal pluralism generally occurs when the legal system outside the state can run concurrently with the state legal

¹² Fradhana Putra Disantara, "Perspektif Keadilan Bermartabat Dalam Paradoks Etika Dan Hukum," *JURNAL LITIGASI (e-Journal)* 22, no. 2 (2021): 205–29.

¹³ Van Sliedregt, "ICL and Legal Pluralism – Straddling Cosmopolitan Aims and Distributed," 2020.

¹⁴ Brian Z. Tamanaha, "Legal Pluralism Across the Global South: Colonial Origins and Contemporary Consequences," in *Washington University in St. Louis Legal Studies Research Paper No. 21-06-01*, 2021, 30–33.

¹⁵ Dicky Eko Prasetyo et al., "Strategi Pluralisme Hukum Peradilan Adat Sendi Dalam Era Modernisasi Hukum," *Rechtsidee* 8, no. 1 (2021): 9.

¹⁶ Yuni Priskila Ginting, "Perspektif Pluralisme Hukum Pasca Pembentukan Undang Undang Cipta Kerja," *Majalah Hukum Nasional* 51, no. 1 (2021): 59–71, <https://doi.org/10.33331/mhn.v51i1.135>.

¹⁷ Shinta Ayu et al., "Reform of the Indonesia Criminal Procedural Code as a Concept of Legal Pluralism in the Framework of Legal Universalism," in *Proceedings of the 2nd International Conference on Law Reform*, vol. 590, 2021, 229–33.

system and has an equally strong position in society. Weak legal pluralism occurs when the state legal system assumes greater dominance than other legal systems.¹⁸ Referring to the views of Brian Z. Tamanaha, Werner Menski, and John Griffiths above, it can be concluded that as a necessity, optimal legal pluralism must be able to accommodate the enactment of non-state law so that it can simultaneously operate and exist with state law.

Concerning the ratification of the New Criminal Code, the concept of legal pluralism has its place with three arguments: first, the projection of the promulgation of the New Criminal Code is the optimization of Indonesia's national legal system. Indonesian people still practice criminal law outside the national criminal law, namely customary criminal law. Therefore, the orientation in ratifying the New Criminal Code affirms the applicability of customary criminal law. Second, substantively the Old Criminal Code, with a substance style from the Netherlands and drafted in the 19th century, is considered a unification of laws and irrelevant for application in Indonesia and the 21st century. Therefore, the New Criminal Code is oriented as a reconstruction of the national criminal law, which accommodates legal pluralism. Third, one of the orientations of formulating the New Criminal Code is to comply with the legal ideals of Pancasila. One of the essences of Pancasila's legal ideals is simultaneously adopting social and legal justice dimensions.¹⁹

That means social justice can be formed if legal pluralism efforts facilitate the social-community legal system to run and implement its legal system. Based on the three arguments above, the enactment of the New Criminal Code, one of the substances of which is Article 2 of the New Criminal Code, which emphasizes the guarantee of the enforceability of the law in society in the form of customary criminal law, actually implies a strengthening of the pluralism orientation of criminal law in the formulation of the New Criminal Code. The legal implication of the formulation of the provisions of Article 2 of the New Criminal Code, which emphasizes the guarantee of the enforceability of laws that live in society, that is, emphasizes the existence of customary criminal law as a living law in society and thus emphasizes the essence of legal pluralism. In addition, even though the formulation of the New Criminal Code does not mention provisions for legal pluralism, the substance of Article 2 of the New Criminal Code has emphasized that the formulation of the New Criminal Code has one of its orientations to strengthen the concept of legal pluralism.

3.2 Future Law: Indonesian Criminal Law Pluralism Orientation Post New Criminal Code

Article 2 of the New Criminal Code, which substantially emphasizes the aspect of legal pluralism, primarily by facilitating the application of customary criminal law, is a progressive step. That is based on the fact that customary law is a law that has existed for a long time, even before the establishment of the Republic of Indonesia. Constitutionally, Article 18B of the 1945 Constitution of the Republic of Indonesia also emphasizes that the state must recognize, respect, and facilitate various aspects related to the Indigenous Peoples. Article 18B of the 1945 Constitution of the Republic of Indonesia also emphasizes that as part of the Customary Law Community, customary law must also be recognized,

¹⁸ Harison Citrawan, "The 'Life' in the Living Law: Law, Emotion and Landscape," *Journal of Contemporary Sociological Issues* 1, no. 2 (2021): 124, <https://doi.org/10.19184/csi.v1i2.25443>.

¹⁹ Vera Dumonda, Prof Hj, and Waty Suwarty, "Legal Harmony With Business Functions and Social Functions in Improving Public Service Justice in Private Hospitals in Indonesia," *Vera Dumonda, Waty Suwarty Haryono, Megawati Barthos* 6, no. 5 (2022): 8473–84.

respected, and strengthened in the national legal system..²⁰ Strengthening customary criminal law as formulated in Article 2 of the New Criminal Code has three positive orientations. *First*, the provisions in Article 2 of the New Criminal Code further strengthen the existence of the Customary Law Society and its customary law. That is a positive step considering that no specific rules regarding Customary Law Communities exist. The Indigenous Law Community Bill also has not found certainty to be ratified, so the position of the Indigenous Law Community and other inherent aspects can also be considered weak.²¹

In this context, Article 2 of the New Criminal Code is a "fresh breeze" because the substance of customary criminal law can be recognized. *Second*, the provisions in Article 2 of the New Criminal Code further strengthen the essence of criminal law pluralism in which two legal systems are identified in the Indonesian criminal law system, namely the national legal system, which originates from the New Criminal Code and the customary law system (customary punishment) which is governed by their respective provisions. Customary Law Community..²² The orientation in Article 2 of the New Criminal Code also emphasizes that there are efforts to create solid legal pluralism between the national legal system and the customary law system. As stated by John Griffiths in principle, strong legal pluralism emphasizes the interplay of the national and traditional legal systems, and the two mutually support one another. Strong legal pluralism, as mandated by Article 2 of the New Criminal Code, is a significant effort to continue to be realized, especially in maintaining harmonious relations between the national legal system and the customary law system, especially in criminal law.²³

Third, Article 2 of the New Criminal Code also actually mandates the active role of each region to empower and conduct an inventory of the provisions of each customary law in their area.²⁴ The functional role of the parts is emphasized in the elucidation of Article 2 of the New Criminal Code, which relates to an inventory of customary laws that are still alive and valid as stipulated through regional regulations. From the three positive orientations in Article 2 of the New Criminal Code above, it can be concluded that Article 2 of the New Criminal Code has a positive direction in realizing strong legal pluralism, especially in the national legal system with the customary law system. Even so, apart from the three positive orientations, two challenges must be found for solutions related to the implementation of the provisions of Article 2 of the New Criminal Code. *First*, because the New Criminal Code is confirmed to come into effect in 2026, before 2026, socialization and understanding of orientation in Article 2 The New Criminal Code must be carried out massively especially for the Customary Law Society and the Regional Government to be

²⁰ Teuku Muttaqin Mansur, Sulaiman Sulaiman, and Hasbi Ali, "Adat Court in Aceh, Indonesia: A Review of Law," *Jurnal Ilmiah Peuradeun* 8, no. 2 (May 30, 2020): 423, <https://doi.org/10.26811/peuradeun.v8i2.443>.

²¹ Ferry Herlius, "Kaidah Hukum Adat Dalam Penuntutan Demi Keadilan Berbasis Kearifan Lokal," *Perspektif* 27, no. 2 (2022): 94-103.

²² Sri Wahyu Kridasakti, Abd. Majid, and Henny Yuningsih, "Restorative Justice Tindak Pidana 'Elopement' Hukum Adat Dalam Konstruksi Hukum Pidana Positif Indonesia," *Jurnal Supremasi* 12 (2022): 94-110, <https://doi.org/10.35457/supremasi.v12i2.1839>.

²³ Muhammad Razi and Khairil Azmin Mokhtar, "The Challenges of Shariah Penal Code and Legal Pluralism in Aceh," *Jurnal Media Hukum* 27, no. 2 (2020): 195-216, <https://doi.org/10.18196/jmh.20200151>.

²⁴ Jasdardi Gunawan, "Studi Rekognisi Masyarakat Adat Di Amerika Dan Indonesia," *JISIP (Jurnal Ilmu Sosial Dan Pendidikan)* 5, no. 2 (2021): 220-31, <https://doi.org/10.36312/jisip.v5i2.1953>.

able to carry out the process of preparing an inventory regarding customary rules which can then be formulated in regional regulations.

Second, it is also necessary to pay attention to customary law, which no longer exists but seems to be "forced" to implement the provisions of Article 2 of the New Criminal Code. Related to this, in Article 2, paragraph (3) of the New Criminal Code, it has been emphasized that a government regulation will be formed to provide guidelines for regions in formulating legal criteria that still exist in society. From these two challenges, it can be concluded that one of the efforts to realize strong legal pluralism is to precisely regulate the laws that live in society to be then formulated in regional regulations in each region. Based on the analysis above, the future orientation of Indonesian criminal law pluralism after the ratification of the New Criminal Code is to maintain a harmonious relationship between the national legal system and the customary law system and conduct an inventory of existing customary criminal laws. Customary criminal law that still exists is then regulated specifically in regional regulations in each region so that judges can use it as a reference in deciding a criminal case with the essence of law that lives in society.

4. CONCLUSION

The legal implication of the formulation of the the New Criminal Code, which emphasizes the guarantee of the enforceability of laws that live in society, that is, emphasizes the existence of customary criminal law as a living law in society and thus emphasizes the essence of legal pluralism. In addition, even though the formulation of the New Criminal Code does not mention provisions for legal pluralism, the substance of New Criminal Code has emphasized that the formulation of the New Criminal Code is one of its orientations to strengthen the conception of legal pluralism. The future orientation of Indonesia's criminal law pluralism after the enactment of the New Criminal Code is to maintain a harmonious relationship between the national legal system and the customary law system and to conduct an inventory of customary criminal laws that still exist. Customary criminal law that still exists is then regulated specifically in regional regulations in each region so that it can then be used as a reference by judges in deciding a criminal case with the essence of law that lives in society.

REFERENCES

Journal Article

Ayu, Shinta, Purnamawati Sidik, Sunaryo Cekli, and Setya Pratiwi. "Reform of the Indonesia Criminal Procedural Code as a Concept of Legal Pluralism in the Framework of Legal Universalism." In *Proceedings of the 2nd International Conference on Law Reform*, 590:229–33, 2021.

Citrawan, Harison. "The 'Life' in the Living Law: Law, Emotion and Landscape." *Journal of Contemporary Sociological Issues* 1, no. 2 (2021): 124. <https://doi.org/10.19184/csi.v1i2.25443>.

Disantara, Fradhana Putra. "Konsep Pluralisme Hukum Khas Indonesia Sebagai Strategi Menghadapi Era Modernisasi Hukum." *Al-Adalah: Jurnal Hukum Dan Politik Islam* 6, no. 1 (January 1, 2021): 1–36. <https://doi.org/10.35673/ajmpi.v6i1.1129>.

— — —. "Perspektif Keadilan Bermartabat Dalam Paradoks Etika Dan Hukum." *JURNAL LITIGASI (e-Journal)* 22, no. 2 (2021): 205–29.

- Dumonda, Vera, Prof Hj, and Waty Suwarty. "Legal Harmony With Business Functions and Social Functions in Improving Public Service Justice in Private Hospitals in Indonesia." *Vera Dumonda, Waty Suwarty Haryono, Megawati Barthos* 6, no. 5 (2022): 8473–84.
- Flambonita, Suci. "The Concept of Legal Pluralism in Indonesia in the New Social Movement." *Jurnal Analisa Sosiologi* 10, no. 3 (2021): 361–73. <https://doi.org/10.20961/jas.v10i0.45939>.
- Gumilar, Boma Wira, Gunarto Gunarto, and Akhmad Khisni. "Reconstruction of Life Imprisonment in Prison System in Indonesia." *Jurnal Daulat Hukum* 2, no. 4 (2020): 499. <https://doi.org/10.30659/jdh.v2i4.8348>.
- Gunawan, Jasardi. "Studi Rekognisi Masyarakat Adat Di Amerika Dan Indonesia." *JISIP (Jurnal Ilmu Sosial Dan Pendidikan)* 5, no. 2 (2021): 220–31. <https://doi.org/10.36312/jisip.v5i2.1953>.
- Herlius, Ferry. "Kaidah Hukum Adat Dalam Penuntutan Demi Keadilan Berbasis Kearifan Lokal." *Perspektif* 27, no. 2 (2022): 94–103.
- I Gusti Ngurah Bayu Pradiva, Diah Ratna Sari Hariyanto. "Perluasan Asas Legalitas Dalam Rkuhp Sebagai Upaya Pembaharuan Hukum Pidana Indonesia." *Jurnal Kertha Semaya* 10, no. 8 (2022): 1766–78.
- Kridasakti, Sri Wahyu, Abd. Majid, and Henny Yuningsih. "Restorative Justice Tindak Pidana 'Elopement' Hukum Adat Dalam Konstruksi Hukum Pidana Positif Indonesia." *Jurnal Supremasi* 12 (2022): 94–110. <https://doi.org/10.35457/supremasi.v12i2.1839>.
- Mansur, Teuku Muttaqin, Sulaiman Sulaiman, and Hasbi Ali. "Adat Court in Aceh, Indonesia: A Review of Law." *Jurnal Ilmiah Peuradeun* 8, no. 2 (May 30, 2020): 423. <https://doi.org/10.26811/peuradeun.v8i2.443>.
- Ni Made Kintan Oktavianti, I Gede Pasek Pramana. "Perihal Batas Usia Dalam Hukum Pengangkatan Anak Di Indonesia." *Kertha Negara: Journal Ilmu Hukum* 10, no. 7 (2022): 676–88.
- Nugroho, Jati. "Restore Recognition Of Legal Pluralism As A National Law Development Model That Is Justice." *Law & Justice Review Journal* 1, no. 1 (2021): 32–36. <https://doi.org/10.11594/lrjj.01.01.05>.
- Pradhani, Sartika Intaning. "Pendekatan Pluralisme Hukum Dalam Studi Hukum Adat: Interaksi Hukum Adat Dengan Hukum Nasional Dan Internasional." *Undang: Jurnal Hukum* 4, no. 1 (2021): 81–124. <https://doi.org/10.22437/ujh.4.1.81-124>.
- Prasetio, Dicky Eko, Fradhana Putra Disantara, Nadia Husna Azzahra, and Dita Perwitasari. "Strategi Pluralisme Hukum Peradilan Adat Sendi Dalam Era Modernisasi Hukum." *Rechtsidee* 8, no. 1 (2021): 9.
- Priskila Ginting, Yuni. "Perspektif Pluralisme Hukum Pasca Pembentukan Undang Undang Cipta Kerja." *Majalah Hukum Nasional* 51, no. 1 (2021): 59–71. <https://doi.org/10.33331/mhn.v51i1.135>.
- Puspita, Lona, Fakultas Hukum, and Universitas Tamansiswa. "Suatu Kajian Pluralisme Hukum (Upaya Mengatasi Keberagaman Hukum Di Era Globalisasi)." *Jurnal Normative* 10, no. 2 (2022): 54–58.

- Razi, Muhammad, and Khairil Azmin Mokhtar. "The Challenges of Shariah Penal Code and Legal Pluralism in Aceh." *Jurnal Media Hukum* 27, no. 2 (2020): 195–216. <https://doi.org/10.18196/jmh.20200151>.
- Rudy, R., Y. Yonariza, Helvi Yanfika, Ali Rahmat, Winih Sekaringtyas Ramadhani, and Dan Abdul Mutolib. "Forest Cover Change and Legal Pluralism in Forest Management: A Review and Evidence from West Sumatra, Indonesia." *Indonesian Journal of Science and Technology* 6, no. 2 (2021): 299–314. <https://doi.org/10.17509/ijost.v6i2.34190>.
- Sahyana, Yana. "Pembangunan Hukum Pidana; Pluralisme Hukum Dalam RKUHP." *Konstituen* 2, no. 1 (2020): 47–61.
- Tamanaha, Brian Z. "Legal Pluralism Across the Global South: Colonial Origins and Contemporary Consequences." In *Washington University in St. Louis Legal Studies Research Paper No. 21-06-01*, 30–33, 2021.
- Viljoen, Germarié. "Construing the Transformed Property Paradigm of South Africa's Water Law: New Opportunities Presented by Legal Pluralism?" *Legal Pluralism and Critical Social Analysis* 54, no. 2–3 (2022): 197.
- Wardah Yuspin, Ajlin. "History of the Implementation and Development of the Criminal Law (KUHP) of the Dutch Colonial Heritage in Indonesia." *International Journal of Social Science Research and Review* 5, no. 1 (2022): 159–65.

Thesis, Web Page, and Others

- Sliedregt, Van. "ICL and Legal Pluralism - Straddling Cosmopolitan Aims and Distributed," 2020.