Historical Evolution of Indonesia's Legal System (Transformations Across Different Eras)

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Abstract
This study analyses the impact of Dutch colonial law on the evolution of the Indonesian legal system following independence, as well as the integration of local and global principles in the establishment of National Legal Policy across several historical periods. The primary issue encountered was the legal duality between Dutch law and customary law, alongside the difficulty of establishing an autonomous national legal system. This study employs normative legal methodologies and a literature-based methodology to examine the progression of legal systems from the colonial era to the reform period. The findings indicated that, although Indonesia's independence, the remnants of colonial law continue to prevail within the legal framework, particularly in civil and criminal domains. Legal reforms initiated in the late 1990s aimed to eliminate colonial influences and include local values with global standards. The difficulty in achieving equilibrium between these two elements remains a significant topic of discussion in Indonesia's legal reform

1. Introduction

The term "State" possesses dual interpretations. The state is a distinct form of social organisation, characterised by unique attributes that differentiate it from other types of social organisation, including both primary and secondary voluntarism. Indonesia has a protracted history of evolving its legal system. The transformation of the legal system commenced during the Dutch colonial period, when Dutch colonial law was implemented in Indonesia. Following independence, the Indonesian legal system had substantial transformations, commencing with the inaugural constitution, the 1945 Constitution, which

subsequently underwent multiple modifications. Subsequent advancements encompass legislation regulating diverse legal domains, including criminal, civil, and administrative law.[1]

On August 18, 1945, the PPKI (Preparatory Committee for Indonesian Independence) promulgated the Jakarta Charter, which delineated the foundational principles of the Indonesian state. This chapter subsequently served as the foundation for the establishment of the nation's Basic Law. On that day, PPKI enacted a fundamental legal document referred to as the 1945 Constitution. The 1945 Constitution emerged as the supreme legal framework in Indonesia, delineating the fundamental concepts of the state and human rights.[2]

Post-Independence, Indonesia commenced a new chapter in the evolution of a legal system that was increasingly autonomous and free from colonial influence. The Constitution of 1945, enacted on August 18, 1945, serves as the principal cornerstone of the Indonesian legal system. This Constitution delineates the fundamental principles of the state, encompassing the separation of powers, human rights, and the governmental system, which comprises the executive, legislative, and judicial departments.[3] Despite multiple amendments to the 1945 Constitution, it continues to serve as a robust legal foundation for upholding state sovereignty and safeguarding individuals' rights.

During the initial phase of independence, Indonesia's primary objective was to establish a national legal system that could supplant the Dutch colonial legal framework. This process entailed an effort to modify the laws inherited from the colonial era to align with the ideals and requirements of the populace of independent Indonesia.[4] The modifications encompassed both the revision of regulations and the establishment of official organisations tasked with upholding law and justice.

The evolution of Indonesia's legal system is continually shaped by different influences, including political, social, and economic changes. Under the Old Order, President Sukarno's government prioritised nationalism and independence in the establishment of a legal system aligned with the principles of the Indonesian Revolution. Significant transformations transpired during the New Order under President Suharto's leadership, characterised by a focus on political and economic

[1] Mohamad Hidayat Muhtar et al., 'Konsep Hukum Indonesia', *Global Eksekutif Teknologi* 35 (2023), https://www.researchgate.net/profile/Mohamad-Hidayat-Muhtar/publication/370583612_SEJARAH_TATA_HUKUM_INDONESIA/links/64573db95762c95ac378e471/SEJARAH-TATA-HUKUM-INDONESIA.pdf.

[2] Tuti Khairani Harahap et al., 'PENGANTAR ILMU HUKUM', *Penerbit Tahta Media*, 30 May 2023, https://tahtamedia.co.id/index.php/issj/article/view/255.

[3] H. Aspan, 'The Role of Legal History in the Creation of Aspirational Legislation in Indonesia', *International Journal of Research* 7, no. 6 (2020): 40–47.

[4] Arskal Salim, *Challenging the Secular State: The Islamization of Law in Modern Indonesia* (Honolulu, Hawaii: University of Hawaii Press, 2008).

stability that led to the enactment of increasingly centralised legislation.[5]

Following the collapse of the New Order and the onset of the reform era in 1998, Indonesia implemented substantial modifications to its legal system. The most significant alteration was the amendment of the 1945 Constitution, executed in multiple phases.[6] These modifications seek to enhance the governmental system, fortify democracy, and safeguard human rights. Legal reform encompasses the decentralisation of power via the establishment of regional autonomy, which grants local governments greater authority in administering legal and governmental matters.[7] Indonesia must adjust its legal system to align with worldwide changes, particularly concerning international trade, human rights, and environmental challenges.

The evolution of Indonesia's legal system from the colonial era to the reform period underwent multiple periods shaped by political, social, and economic factors. Throughout the Dutch colonial era, the legal framework was predominantly shaped by colonial law, with European statutes governing the colonisers and only a little portion incorporated for the indigenous populace via customary law.[8] This colonial legislation established legal duality in Indonesia, which subsequently posed a significant difficulty post-independence. Following the cessation of colonialism, Indonesia endeavoured to eliminate the impact of colonial law and substitute it with a national legal framework that aligns more closely with the identity of an independent nation.[9] Factors affecting this transformation in the legal system encompass the pursuit of nationalism, the necessity to demonstrate adherence to the rule of law to the international world, and internal pressures to establish a just and democratic legal framework.

The New Order Era under Suharto implemented a more centralised legislative framework to ensure political and economic stability. This, however, presents several issues, including a feeble rule of law and pervasive corruption within law enforcement. The 1998 revisions represented a significant inflection point in Indonesia's legal history, characterised by earnest initiatives to rectify

[5] M.H. Muhtar et al., *Teori & hukum konstitusi: Dasar pengetahuan dan pemahaman serta wawasan pemberlakuan hukum konstitusi di Indonesia* (PT. Sonpedia Publishing Indonesia, 2023).

[6] E. Agustina et al., 'Finding a New Direction for Indonesian Democracy: Analysis of Limitations of the President's Powers in the Amendments to the Constitution', *LEGAL BRIEF* 13, no. 1 (2024): 109–25.

[7] M. Jamaluddin, 'The Role of the People in the Amendment of the 1945 Constitution Based on Democratic Constitution Making: Future Prospects', *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law* 07, no. 01 (2020): 19–42, https://doi.org/10.22304/pjih.v7n1.a2.

[8] Askari Razak et al., 'Balancing Civil and Political Rights: Constitutional Court Powers in Indonesia and Austria', *JILS* 8 (2023): 1311.

[9] Mexsasai Indra, Geofani Milthree Saragih, and Mohamad Hidayat Muhtar, 'Strength of Constitutional Court Decisions in Judicial Review of the 1945 Constitution in Indonesia: Kekuatan Putusan Mahkamah Konstitusi Dalam Pengujian Undang-Undang Terhadap Undang-Undang Dasar 1945 Di Indonesia', *Jurnal Konstitusi* 20, no. 2 (2023): 279–99.

deficiencies within the legal framework.[10] Significant alterations subsequent to the reforms encompassed modifications to the 1945 Constitution, intended to fortify the democratic framework, enhance transparency, and uphold the safeguarding of human rights. Political and social influences, including popular calls for equitable legal reform, significantly impacted legal policy throughout this period.

The integration of local and global principles has significantly impacted the development of National Legal Policy within the historical context of the Indonesian legal system. During the colonial era, local values, including customary law, were acknowledged by the colonial legal system to a certain extent, however they were not seen as equivalent to European law. Post-independence, local values were increasingly integrated, particularly in the implementation of customary law and principles of local knowledge throughout multiple legal domains, including agrarian and family law.[11] Simultaneously, the impact of global ideals is intensifying alongside Indonesia's participation in international forums and its endorsement of different international accords. Indonesia commenced the adoption of international norms pertaining to commerce, human rights, environmental concerns, and effective government. The rising problem is to reconcile unique local values with the continuously changing global expectations, particularly in the context of globalization and technological advancements.

Local values establish a robust foundation for national legal identity, yet global influences urge Indonesia to perpetually adapt and innovate within its legal framework. Each era of Indonesian legal history demonstrates attempts to amalgamate these two components to establish a legal system capable of addressing societal demands and global concerns. Notwithstanding these problems, Indonesia persists in formulating legal laws that are increasingly attuned to evolving circumstances, while upholding fundamental local values. The problem of this research:

1. What was the evolution of the Indonesian legal system from the colonial period to the reform era, and what factors shaped this development?
2. How do local and global values influence the development of National Legal Policy across the various periods of Indonesian legal history?

2. Research Method

This study employs the normative legal research technique, utilizing a literature-based approach to examine the normative dimensions of the Indonesian legal system. This study will analyze main legal sources, including

[10] A. Maksum and R. Bustami, 'The 1965 Coup and Reformasi 1998: Two Critical Moments in Indonesia-Malaysia Relations during and after the Cold War', *SpringerPlus* 3, no. 1 (2014), https://doi.org/10.1186/2193-1801-3-45.

[11] Mohamad Hidayat Muhtar and Nur Mohamad Kasim, *Peraturan Daerah Syariah Dalam Sistem Hukum Indonesia* (Purbalingga, Jawa Tengah: Eureka Media Aksara, 2023).

the 1945 Constitution, pertinent statutes and regulations, and other legal documents significant to the evolution of the Indonesian legal system. Furthermore, secondary legal materials, including books, scholarly papers, journals, and other academic works, will serve as primary references in addressing the two formulations of the issues presented.

The analysis will examine the evolution of the Indonesian legal system from the colonial period to the reform era. This study will examine the impact of the legal system inherited from Dutch colonial rule on the development of the Indonesian legal system during the early post-independence period and the subsequent adaption of national law thereafter. This analysis will employ normative descriptive approaches to delineate key legal transformations in each time, encompassing the social, political, and economic aspects that influenced those changes. This study will analyze the legal documents from each period and investigate the contributions and influences of values that arose from certain historical contexts.

This study will analyze the impact of local and global values on the development of National Legal Policy throughout various historical periods of the Indonesian legal system. Juridical-analytical tools will be employed to examine the integration of local values, including customary law and cultural traditions, with the impact of global values, particularly from the international legal framework and the progression of globalization. This analysis will examine the efforts to sustain a balance between the preservation of traditional values and adaptation to global demands, alongside the influence of growing societal changes on national legal laws. This study will examine how these dynamics affect the trajectory of legal policy in Indonesia and whether there are effective techniques for integrating these two elements into the national legal system.

3. Results and Discussion

The influence of Dutch colonial law on the post-Independence Indonesian Legal System

The impact of Dutch colonial law on the Indonesian legal system following independence is a crucial element in comprehending the legal growth in Indonesia. The extensive history of Dutch colonisation, spanning over three centuries, established the foundational legal system inherited by Indonesia upon its independence.[12]

[12] R. Cribb, 'Legal Pluralism and Criminal Law in the Dutch Colonial Order', *Indonesia*, 2010, https://digitalcollections.anu.edu.au/handle/1885/52693.

In the colonial era, the legal framework in the Dutch East Indies was founded on European law tailored to colonial objectives, but also considering the customary law practiced by the indigenous population. This dualism established a legal chasm between European and indigenous populations, wherein European law was applied to colonial citizens, but customary law was acknowledged to a certain degree for the indigenous populace. This emerged as one of the many legacies for Indonesia following its independence in 1945.

Post-Independence, Indonesia encountered significant obstacles in establishing a national legal framework to supplant the colonial legal system. As a newly sovereign nation, Indonesia was unable to entirely eliminate the effect of colonial law that had been deeply entrenched in its legal practices and administration. Mahfud MD, a prominent authority in Indonesian legal studies, asserts that Indonesian law at the onset of independence was not entirely severed from the Dutch colonial legacy, as numerous legal provisions are utilised and integrated within the national legal framework.[13] This occurred because, although gaining Independence, Indonesia still lacked adequate resources and legal expertise to establish a legal system entirely free from colonial control.

Furthermore, lawyer Mochtar Kusumaatmadja asserts that the enduring legacy of colonial law utilised after independence can be interpreted through the lenses of political pragmatism and the necessity for legal stability. Mochtar Kusumaatmadja emphasised that the formation of a contemporary Indonesian legal system necessitated an extended transitional period, wherein colonial law acted as the preliminary groundwork to build legal stability and certainty for the nascent state. He contended that this process was inextricably linked to the necessity for legal continuity amidst the developmental and administrative obstacles of the nascent state.[14]

This occurred because, although achieving independence, Indonesia still lacked adequate legal resources and skill to create a legal system entirely devoid of colonial influence.

Moreover, attorney Mochtar Kusumaatmadja contended that the enduring impact of colonial law employed post-independence might be analysed through the perspective of political pragmatism and the necessity for legal stability. Mochtar Kusumaatmadja emphasised that the formation of the

[13] L.W. Manurung, 'CRITICISM STRATEGY BY MAHFUD MD IN INDONESIA LAWYERS CLUB', *TELAGA BAHASA* 8, no. 2 (2020): 213–28, https://doi.org/10.36843/tb.v8i2.230.
[14] N. Fadillah, 'Tinjauan Teori Hukum Pembangunan Mochtar Kusumaatmadja dalam Undang-Undang Ibu Kota Negara (IKN', *Supremasi Hukum Jurnal Kajian Ilmu Hukum* 11, no. 1 (2022): 45, https://doi.org/10.14421/sh.v11i1.2559.

modern Indonesian legal system necessitated a protracted transitional phase, during which colonial law functioned as the preliminary basis for ensuring stability and legal certainty for the emerging state. He contended that this process is fundamentally connected to the necessity for legal continuity in the face of challenges to the development and governance of the emerging state. The primary issue regarding the impact of Dutch colonial law on the post-independence Indonesian legal system is Indonesia's ability to navigate the legacy of pervasive colonial law while striving to establish a legal framework that authentically embodies local values and aspirations for independence.[15]

The Dutch colonial legal system in Indonesia affected the legal framework and laws while introducing European culture and legal procedures that frequently misaligned with local customs and requirements. This presents the issue of establishing a national legal system that accurately embodies the identity of an independent nation.[16]

One of the problems faced is the legal dualism inherited from the colonial period. On the one hand, colonial law relied on Western legal principles, especially European law, which was more formal and structured. On the other hand, customary law applicable to indigenous peoples remains recognized within certain limits. This dualism creates legal uncertainty, especially since more flexible and consensus-based customary law is often not considered equivalent to more formal Western law.[17] In a system governed by colonial law, the endeavour to amalgamate customary law and establish a unified national legal framework emerged as a significant problem for Indonesia post-independence.

Moreover, the persistence of colonial legislation that remains effective after independence poses challenges. The Civil Code and the Criminal Code from the colonial era continue to be utilised today with some modifications. This indicates that despite Indonesia's independence, the nation remains significantly dependent on the legal framework established during colonial control. The inability to fully replace or upgrade this legal system indicated deficiencies in Indonesia's legislative and administrative legal capabilities at that time. This resulted in Indonesia functioning within a legislative framework that did not quite align with the national principles envisioned post-independence.

[15] Ibnu Sam Widodo et al., *Hukum Tata Negara* (Sada Kurnia Pustaka, 2023).
[16] Muhammad Ardhi Razaq Abqa et al., *HUKUM TATA NEGARA : Sebuah Konsep Dasar dalam Menata Bangsa* (PT. Sonpedia Publishing Indonesia, 2023).
[17] F. Yudhanegara et al., *Pengantar filsafat hukum: Sebuah ontologi, epistemologi, dan aksiologi ilmu hukum* (PT. Sonpedia Publishing Indonesia, 2024).

Moreover, the establishment of an autonomous national legal system encounters considerable internal obstacles. Soetandyo Wignjosoebroto identifies a significant challenge for Indonesia as the integration of local norms, particularly customary law, into a national legal framework heavily influenced by colonial legacies. This issue pertains not only to the discord between Western legal principles and indigenous beliefs but also to the ability of governments and communities to develop new legal frameworks that operate efficiently and equitably.[18]

The dependence on colonial legacies and the absence of definitive legal alternatives hinder the establishment of a legal system that genuinely embodies Indonesia's sovereignty. The global influence is a significant factor that shaped the evolution of the Indonesian legal system after independence. As a member of the international community, Indonesia is obligated to adhere to international legal standards, including conventions and treaties related to human rights, trade, and environmental matters. Indonesia confronts a challenge between preserving national legal sovereignty and embracing global norms that may not be totally suitable for the local situation. These problems complicate the legislative process, particularly as Indonesia must balance global demands with a legal identity grounded on local values.

Examining the impact of Dutch colonial law on Indonesia's post-independence legal system necessitates a thorough approach, considering the intricacy and profundity of the colonial heritage ingrained in the national legal framework. Numerous measures have been implemented, both incrementally and through extensive reforms, to establish a legal system that better aligns with the nation's needs and identity. Overcoming the effects of colonial law entails not only substituting outdated legislation with new statutes but also guaranteeing that the new legal framework operates efficiently, equitably, and aligns with the goals of the Indonesian populace. This is an analysis of several tactics undertaken and the necessary actions remaining to resolve this issue.

Initially, endeavours to amend the legislation in Indonesia commenced with the reorganisation of the nation's constitutional underpinnings. Revisions to the 1945 Constitution during the late 1990s reform era were a significant advancement in establishing a more democratic and inclusive legal framework. Indonesia successfully implemented contemporary governance

[18] Fakhry Amin et al., *Ilmu Perundang-Undangan* (Sada Kurnia Pustaka, 2023), https://books.google.com/books?hl=id&lr=&id=xR_OEAAAQBAJ&oi=fnd&pg=PA1&dq=Amin,+F.,+Susmayanti,+R.,+Faried,+F.+S.,+Zaelani,+M.+A.,+Agustiwi,+A.,+Permana,+D.+Y.,+...+%26+Rizaldi,+M.+(2023).+Ilmu+Perundang-Undangan.+Sada+Kurnia+Pustaka&ots=mE9J_33_pr&sig=nd1Fsdpd7Cdbc6AYwCK5WVpIAkA.

concepts through four revisions, which included the limiting of executive authority, the enhancement of representative institutions, and the safeguarding of human rights. This amendment established the groundwork for legal reform in Indonesia by introducing a legal framework aligned with contemporary democratic ideas and affirming the Constitution's primacy as the nation's highest law. This constitutional revision represents the initial measure to liberate Indonesia from the legacy of colonial legislation characterised by authoritarianism and centralisation.

Nonetheless, notwithstanding the successful constitutional reforms, the persistence of colonial law in civil and criminal jurisprudence continues to pose a challenge. The Civil Code and the Criminal Code from the colonial era remain in effect today with minor modifications. One method employed to address this issue is the codification and harmonisation of the law. The Indonesian government has endeavoured to formulate new legislation that accurately embodies national values and addresses contemporary legal requirements, including a revision of the Criminal Code (KUHP). The recently enacted modification of the Penal Code represents a significant advancement in replacing the colonial-era Penal Code that had been in effect. This codification seeks to eliminate colonial influence by establishing rules that are more attuned to local social and cultural contexts.

Nevertheless, notwithstanding the amendment of the Criminal Code, the issue extends beyond merely substituting the antiquated regulations with contemporary ones. A fundamental inquiry exists over the persistence of colonial processes in Indonesian law enforcement, characterised by the uneven application of law and the inconsistent attainment of justice. Legal experts, such Daniel Lev, assert that the primary issue within the Indonesian legal system is the inefficacy of law enforcement authorities, which frequently perpetuate colonial norms characterised by authoritarianism and a lack of transparency.[19]

This indicates that substantive legal structure adjustments should be accompanied by significant institutional reforms, particularly in justice, policing, and law administration. This reform emphasises not just legislative alteration but also the enhancement of legal institutions' competence to operate with greater professionalism, transparency, and accountability. Furthermore, initiatives to rectify the legacy of colonial law entail the incorporation of indigenous norms, including customary law, into the national

[19] S. Arief, M.H. Muhtar, and G.M. Saragih, 'Upaya pembelaan diri dalam perspektif persamaan di hadapan hukum', *Jurnal Yudisial* 16, no. 1 (2023): 25–47.

legal framework.[20]

Customary law, previously acknowledged only marginally during colonial times, now plays a more significant role in several domains, including agrarian law and family law. An exemplary instance of customary law integration is the 1960 Agrarian Basic Law (UUPA), which acknowledges the land rights of indigenous populations. Nonetheless, the implementation of customary law has difficulties in reconciling uniform national legislation with the heterogeneity of local legal practices across different regions. A pluralistic approach is essential in law making, wherein customary law is acknowledged yet remains subordinate to constitutional norms and Human Rights. This signifies that the incorporation of local values into the national legal framework must be executed meticulously to prevent conflicts between customary law and national law.

Conversely, global impact must also be acknowledged in endeavours to address the legacy of colonial law. Globalisation has induced substantial alterations in the legal framework of numerous nations, including Indonesia. Indonesia has accepted multiple international treaties and embraced global legal standards in various domains, including trade, environment, and human rights. The problem confronting Indonesia is to adapt global norms to local situations while preserving the sovereignty of national law. The strategy employed is to reconcile national legislation with international standards, as exemplified by the law on Environmental Protection and Human Rights. Nonetheless, this harmonisation process must include the local values and distinct traits of the Indonesian populace to prevent opposition or incompatibility in implementation.

Addressing the impact of colonial law on Indonesia's legal system necessitates extensive reform across multiple levels. Constitutional amendments, legal revisions, institutional reforms, integration of customary law, and alignment with global norms are components of an extensive endeavour to establish a legal system that is more equitable, democratic, and reflective of the nation's identity. Nonetheless, the primary problem lies in ensuring that such reforms are not merely executed superficially, but are also effectively integrated into daily legal practice. This necessitates a robust commitment from all stakeholders, including governments, law enforcement agencies, and communities, to establish a legal system that is really devoid of colonial history and equipped to confront future global issues.

[20] Z. Abdussamad et al., 'Pendekatan Cultural Studies Perlindungan Hukum Bagi Penyandang Disabilitas Di Kabupaten Boalemo', *Community Development Journal: Jurnal Pengabdian Masyarakat* 4, no. 6 (2023): 11518–26.

The application of local and Global values in the formation of Indonesian National Legal Policy in every period of Legal History

Throughout the colonial era, spanning from the 17th century to Indonesian independence in 1945, the legal framework established in Indonesia was significantly shaped by Dutch colonial law. The European legal system, particularly the Dutch, served as the primary basis for the evolution of law in the Dutch East Indies. Nonetheless, the impact of local legislation, particularly customary law, remains significant in individuals' everyday lives. During this period, legal syncretism characterised the Applied Legal System, marked by the amalgamation of Dutch law and customary law, but in formal practice, Dutch law frequently prevailed.

The Dutch colonial legal system commenced development in the 17th century when the VOC (Vereenigde Oostindische Compagnie) governed the Dutch East Indies, one of its principal colonies. The VOC implemented Dutch legal concepts to oversee trade, governance, and the court throughout its governed regions. In the early 19th century, when colonial authority transitioned from the VOC to the Government of the Kingdom of the Netherlands, the existing legal framework was reinforced by the implementation of the Civil Code (KUHPerdata) and the Criminal Code (KUHP) in the Dutch East Indies. The civil code enacted in 1848 and the Penal Code established in 1918 formed the basis of the official legal system in the region, particularly for civil and penal matters.[21]

A key feature of this colonial judicial system was a highly centralised structure. The judicial framework and legal administration were established to maintain colonial authority under a central power, embodied by the Dutch colonial government. The doctrine of colonial law posited that the inhabitants of the Dutch East Indies were not regarded as equals to Dutch nationals, resulting in a legal system that varied according to ethnic and socioeconomic rank. The civil and criminal laws established in the Netherlands were applicable to European nationals and a segment of the indigenous elite, whilst the bulk of Indigenous Peoples continued to be ruled by customary law in their everyday affairs. This established a legal dualism that categorised the population of the Dutch East Indies into distinct legal classifications according to their social and ethnic status.

The global impact of Dutch law extends beyond the substance of legal rules to encompass judicial frameworks and legal administration. The colonial judiciary was structured according to the Dutch model, which prioritised hierarchy and centralised authority. The judiciary in the Dutch East Indies operated under a rigid

[21] Luh Putu Vera Astri Pujayanti et al., 'Indonesia's Constitutional Court: Bastion of Law Enforcement and Protector of Human Rights in The Reform Era', *Jurnal Pamator: Jurnal Ilmiah Universitas Trunojoyo* 17, no. 1 (2024).

structure, with the Supreme Court in Batavia (now Jakarta) serving as the apex institution. These tribunals were predominantly presided over by judges selected by colonial authority, frequently comprising Dutch officials or individuals with a European legal education. This resulted in disparities in access to justice, particularly for Indigenous peoples who depended more on customary law than on the formal legal system imposed by the Colonials. Furthermore, this judicial Administration system reinforced the Dutch East Indies' reliance on the Netherlands, as numerous judicial rulings were rendered by courts in the Netherlands or grounded on Dutch law.

Nonetheless, customary law continues to significantly influence the daily lives of Indigenous peoples. Customary law is a legal framework derived from local customs that regulates several facets of individuals' life, including family, inheritance, marriage, and land ownership. Customary law is unwritten, evolving via consensus and conventions recognised by local groups. In numerous regions of Indonesia, customary law continues to serve as the basis for governing social and economic interactions among individuals. For instance, in the context of land ownership, customary law significantly influences the rights of individuals and groups, frequently clashing with the norms of Dutch civil law that prioritise individual ownership.

Legal syncretism transpires when Dutch law amalgamates with customary law. The colonial legal system formally acknowledged customary law, particularly concerning the daily affairs of Indigenous Peoples. Customary courts were instituted to adjudicate issues pertaining to customary law, however they remained under the oversight of the colonial judiciary. This indicated that while customary law was acknowledged, the colonial legal authorities maintained ultimate authority over its implementation. Dutch law generally prevailed in formal proceedings, particularly with European citizens or indigenous elites absorbed into colonial culture.

A specific instance of this legal syncretism pertains to marriage and inheritance issues. The Dutch civil code regulating marriage and inheritance is applicable to European Communities or entities subject to Dutch law. For Indigenous peoples, customary law remains applicable, wherein local rules dictate the regulation of marriage and inheritance. This establishes a scenario in which two distinct legal systems coexist, however with imbalanced power dynamics, wherein Dutch law holds superior authority.

The colonial legal system significantly influenced the evolution of Indonesian law post-independence. The legal duality between customary law and Dutch law persisted until post-independence, with numerous regulations from the colonial era still applicable. Despite the continued recognition of customary law in

many areas, particularly in land and family issues, formal laws derived from the Civil Code and penal code remain the cornerstone of the Indonesian legal system, even with significant post-independence reforms. The colonial legal system significantly influenced the evolution of Indonesian law post-independence. The legal duality between customary law and Dutch law persisted until after independence.

Consequently, the colonial era bequeathed a multifaceted legal legacy in Indonesia, amalgamating the impact of Dutch foreign law with indigenous customary law. Despite the predominance of Dutch law in the formal legal system, customary law significantly influenced daily life, resulting in legal dualism and syncretism that persisted until the post-independence era. This division not only signifies disparities in social and ethnic status during colonial governance, but also represents a significant obstacle encountered by Indonesia in establishing a sovereign and inclusive national legal framework post-independence.

4. Conclusion

This paper establishes that Dutch colonial law significantly influences the post-independence Indonesian legal system, particularly through the implementation of the Civil Code (KUHPerdata) and the Criminal Code (KUHP). The inheritance of colonial law establishes a legal duality between Western law and customary law, which complicates the development of a national legal system that is autonomous and representative of the nation's identity. Notwithstanding Indonesia's endeavours to eliminate colonial influence post-independence, the national legal framework remains significantly dependent on the legal architecture acquired from the colonial era.

The incorporation of local and global values in the development of national legal policies demonstrates intricate dynamics. Post-independence, local norms, particularly customary law, were increasingly integrated, especially in agriculture and family matters. Conversely, global influence, particularly via international treaties and global legal standards, intensified during the reform era. The primary issue lies in reconciling local values with global demands in the development of legal systems that adapt to evolving circumstances, while preserving local wisdom. Legal reform initiatives, particularly post-reform era, concentrated on enhancing systems shaped by colonial law while striving to preserve a national legal identity and adapt to the evolution of international law.

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