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History of Law After Independence

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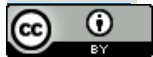
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ABSTRACT

This study comprehensively examines the history of Indonesian law after independence. It focuses on the dynamics of constitutional law from the start of independence in 1945 through the Reformasi (Reformation) era and up to the present day. The study aims to understand how Indonesia's legal system was formed, changed, and evolved as a result of interactions between political power, social structures, and national ideological values. Indonesian law is viewed not just as a set of rules for behavior, but also as a reflection of the social and political awareness that has shaped the nation over time. This study uses a qualitative research method with historical-descriptive and normative-juridical (legal-dogmatic) approaches. This allows for a deep analysis of legal transformation across key periods: early independence (1945–1959), the Old Order (1959–1966), the New Order (1966–1998), and the Post-Reformasi era (1998–present). Data was gathered from a literature review of primary legal sources (like the 1945 Constitution and its amendments, laws, and presidential decrees) and secondary sources (such as journals, books, and legal archives). The analysis is qualitative and descriptive, focusing on the link between political change and the direction of national law. The findings show that Indonesia's legal system gradually evolved from a colonial system toward a democratic national one. During early independence, the system still relied on Dutch colonial law to prevent a legal vacuum. Meanwhile, efforts to create a new national law were slowly made through the 1945 Constitution and new regulations. During the Old Order, law became a tool for political revolution under the "Guided Democracy" concept, which caused the law to lose its independence. In the New Order, law was transformed into an instrument for politics and stability. Power was centralized in the executive, and civil freedoms were limited. While some legal codes were developed (like the Criminal Procedure Code/KUHAP), the system was repressive, formalistic, and marked by widespread human rights violations and a weak rule of law. This study concludes that Indonesia's post-independence legal history is a constant interplay between power and justice, and between stability and democracy. Structural changes happened not only because of constitutional reforms but also because of the shifting social and political mindsets of each era. Therefore, Indonesian law continues to evolve from being just a tool of power into a tool for social change that aims to guarantee justice, equality, and human rights protection for all citizens

INTRODUCTION

The history of Indonesian law after independence reflects the long journey of the nation in building a sovereign, just, and democratic national legal system. Law in Indonesia did not emerge in a vacuum; it developed through complex social, political, and cultural dynamics. Since the Proclamation on August 17, 1945, the Indonesian nation has faced the significant challenge of freeing itself from the influence of colonial law that had taken root for more than three and a half centuries, as well as establishing a new legal system that aligns with the nation's identity and values.

During the Dutch colonial period, the legal system in the Dutch East Indies was discriminatory and dualistic. Laws were applied differently for Europeans, Foreign Orientals, and indigenous people. This situation created justice disparities and turned the law into a tool for legitimizing colonialism, rather than a means of social justice. Therefore, after Indonesia gained independence, the establishment of a national legal system became an urgent agenda for the nation's founders. The goal was to create laws that reflected the spirit of independence, equality before the law, and respect for human values.

The 1945 Constitution, ratified a day after the proclamation, became the first constitutional foundation for the Indonesian nation. However, in practice, the implementation of laws and the constitution did not always run smoothly. Political turmoil, changes in the state's structure, and interventions by executive power caused the Indonesian legal system to experience ups and downs. The periods of Parliamentary Democracy (1950–1959), Guided Democracy (1959–1966), the New Order (1966–1998), and Reformation (1998–present) demonstrate how law often becomes a reflection of the dominant political power structure.

Each period in the history of Indonesian law shows its own characteristics. In the early years of independence, national law focused on establishing a system and basic legislation to replace colonial legacies. During the Old Order, law was used as a revolutionary tool to realize the ideals of Indonesian

socialism. Meanwhile, during the New Order, law was more directed as a means of political stability and economic development, although it often sacrificed democratic principles and human rights. Only after the 1998 Reform, law was again directed towards the principle of supremacy of law, with the aim of strengthening democracy, limiting state power, and ensuring the protection of citizens' rights.

Nevertheless, despite various legal reforms being implemented, many problems still arise in their application. Weak law enforcement, corruption in judicial institutions, social inequality, and overlapping regulations pose significant challenges in realizing a true rule of law. The law in Indonesia is often confronted with a dilemma between legal certainty and social justice. On one hand, the law is expected to provide certainty for national development; on the other hand, the law must also be able to ensure justice and welfare for all people.

The background of this research emphasizes the importance of understanding legal history not merely as a record of events, but as a process of national learning. Through historical studies on the development of law after independence, we can observe patterns of the relationship between law and power, as well as how legal politics in each era shape the direction of national legal development. This understanding is expected to contribute to the development of legal theory and practice in Indonesia, particularly in strengthening the principles of constitutionalism and the rule of law in the future.

Thus, this study not only seeks to describe the historical development of Indonesian law but also to analyze the accompanying structural and philosophical changes. This study is important for addressing a fundamental question: to what extent has Indonesian law transformed from an instrument of power into a means of justice and democracy for all the people of Indonesia?

METHODS

This research method determines the approaches and techniques used to analyze the development of Indonesian legal history post-independence. This study uses a qualitative method with a descriptive-historical approach that emphasizes the study of literature and secondary data. Type and Research Approach This study is descriptive qualitative, as it aims to describe and analyze legal phenomena occurring throughout history. The descriptive-historical nature is chosen because the object of study is the process of legal changes over time, which helps in understanding the political, social, and economic contexts that influence constitutional law.

In addition, a normative-legal approach is used, which focuses on the study of legal norms written in legislation, the constitution, and judicial decisions. This approach is used to analyze the content, structure, and principles of law that have developed. This research also employs a sociological legal approach as a complement, to examine law as a living social phenomenon in society and its relation to social, cultural, and political changes. Sources and Data Collection Techniques The research data consist of primary and secondary data. Primary data are obtained from official legal documents such as the 1945 Constitution (including its amendments), laws, MPR decrees, and related legislation. Secondary data are obtained from scientific sources such as legal journals, academic books, research reports, scholarly articles, as well as historical legal archive documents.

1. Data Collection Techniques

Data collection techniques were conducted through library research and historical document analysis. Data Analysis Techniques Data were analyzed using descriptive qualitative analysis, through three stages:

1. Data Reduction: Selecting and organizing relevant historical data.
2. Data Presentation: Grouping data into specific time periods (Independence, Old Order, New Order, and Reformation).
3. Drawing Conclusions: Interpreting the relationship between political changes and legal developments.

The validity of the data is maintained using the source triangulation technique, which is comparing information from various documents to obtain a

comprehensive understanding. 2.2 Scope of the Problem The scope of this research is limited to:

1. Focus of Study: The history of Indonesian constitutional law post-independence (1945–present). Aspects of criminal, civil, and administrative law are not discussed in depth.
2. Time Limit: The period from 1945 to the contemporary era after the 2002 amendments to the 1945 Constitution.
3. Theoretical Limitations: Utilizing theories of public law and constitutional law.
4. Geographical Limitations: Focused on the national legal context at the central level.
5. Analysis Limitations: Descriptive-historical in nature, does not test hypotheses

RESULTS AND DISCUSSION

Historical Context: Proclamation & Legal Sovereignty The proclamation on August 17, 1945, marked the return of legal sovereignty into the hands of the Indonesian people. The Preparatory Committee for Indonesian Independence (PPKI) ratified the 1945 Constitution as the nation's constitution, with its Preamble regarded as the embodiment of the nation's legal ideals (*Rechtsidee*). However, the new state faced a legal vacuum. To prevent this, Indonesia adopted the principle that colonial regulations would remain in force unless they were replaced. National law in the early period was transitional. The greatest challenge was to establish a national legal system that reflected the aspirations of independence as well as Indonesia's social and cultural identity. Indonesia did not yet have sufficient legislation, compounded by a lack of legal human resources. Additionally, Indonesia faced legal pluralism (customary law, Islamic law, and Western law). There was a debate between legal unification or allowing pluralism to continue. The security situation (Dutch military aggression) also posed an obstacle, making law formulation often reactive.

The Early Independence Era (1945–1959) was a fundamental and crucial period for the consolidation of Indonesia's national legal system. This period began with the Proclamation on August

17, 1945, which marked the return of legal sovereignty into the hands of the Indonesian people. The day after, the PPKI ratified the 1945 Constitution as the first constitution, in which the Preamble of the 1945 Constitution is regarded as the nation's legal ideal (Rechtsidee). Nevertheless, this newly independent country faced a major challenge, namely the potential legal vacuum. To prevent this, Indonesia adopted the transitional principle that colonial regulations remain in force until they are replaced by new national laws. The following is a further detail regarding the characteristics and dynamics of this era:

Characteristics of the Legal System

- **Dependence on Colonial Law:** Due to the transitional principle, the national legal system in the early period still relied heavily on Dutch colonial law. Most legal products were adopted from colonial law.
- **Implementation of Transitional Rules:** The use of Dutch legal heritage, such as the Criminal Code (KUHP) and Civil Code (KUHPperdata), continued. This was justified by Article II of the Transitional Provisions of the 1945 Constitution.
- **Debate between Pluralism and Uniformism:** This period was characterized by the plurality of laws (customary, Islamic, and Western). Debates arose between groups supporting legal pluralism (favoring customary and Islamic law) and groups advocating uniformism (a single legal system for legal certainty).
- **Compromise of Legal Dualism:** As a result of a temporary compromise, legal dualism was allowed to persist. This is particularly evident in civil law, marriage law, and inheritance law. Efforts to Establish National Law
- **Initial Focus:** The main focus during this period was to develop a basic system and legislation that could replace the colonial legacy and reflect the aspirations of

independence as well as Indonesia's socio-cultural identity.

- **New Legal Products:** Although slow, efforts to establish new national laws were carried out gradually. One example of an early national legal product is Law No. 1 of 1946 concerning Criminal Law Regulations.
- **Legal Politics:** The direction of legal politics in the Early Independence Period (1945–1959) focused on affirming state sovereignty. Political Dynamics and Constitutional Transition
- **Parliamentary Era (1950-1959):** After the recognition of sovereignty in 1949 (RIS), Indonesia returned to being a unitary state on August 17, 1950. At that time, Indonesia adopted the 1950 Provisional Constitution (UUDS 1950), which established a parliamentary system of government.
- **Political Instability:** This parliamentary system caused frequent changes in the cabinet, leading to a politically unstable situation.
- **Failure of the Constituent Assembly:** The Constituent Assembly, formed based on the results of the 1955 Election to draft a new constitution, failed to reach an agreement.
- **Presidential Decree of July 5, 1959:** Due to the failure of the Constituent Assembly, President Sukarno issued a Presidential Decree on July 5, 1959. This decree dissolved the Constituent Assembly and reinstated the 1945 Constitution.

Old Order Era (1959–1966)

The expansion of the analysis must begin with the significance of the Presidential Decree of July 5, 1959. This decree was not merely a constitutional change, but a "constitutional coup" carried out by President Sukarno. The background was the failure of the Constituent Assembly (the result of the 1955 Election) to agree on a new state foundation. This decree has three crucial points:

1. Dissolution of the Constituent Assembly: The highest legislative body tasked with creating a new constitution was forcibly dissolved.
2. Reinstatement of the 1945 Constitution: Indonesia returned to the 1945 Constitution, which structurally grants very broad powers to the President (executive) with minimal checks and balances mechanisms.
4. Non-enforcement of the 1950 Provisional Constitution: This officially ended the era of Parliamentary Democracy (1950-1959), which Sukarno considered an "imported democracy" that only resulted in political instability.

The return to the 1945 Constitution became a legalistic justification for the centralization of power in the hands of President Soekarno.

Legal Ideology: "Law as a Tool of Revolution"

The concept of "Guided Democracy" cannot be separated from the ideology that supports it. Soekarno established the Political Manifesto (Manipol) as the Broad Outline of State Policy (GBHN) through Presidential Decree (Penpres) No. 1 of 1960. This Manipol was later detailed in the acronym USDEK (1945 Constitution, Indonesian Socialism, Guided Democracy, Guided Economy, Indonesian Identity).

- In this context, "law as a tool of revolution" means:
 - Subordination of Law to Politics: Law (considered static) must yield to the interests of the "Revolution" (considered dynamic). If a law hinders the progress of the revolution, then that law must be set aside.
 - Rejection of the Rule of Law Principle: The Western notion of a legal state (rechtstaat), which upholds legal certainty and the supremacy of law, is rejected. This concept is replaced with a "power state" (machtsstaat) wrapped in revolutionary rhetoric.
- Legal Purpose: The purpose of law is no longer procedural justice or certainty, but rather to realize the ideals of the revolution, namely the "Indonesian Socialist Society" and to completely eliminate the remnants of

"neocolonialism" and "imperialism." • NASAKOM Balance: Legal politics is also aimed at balancing the three main ideological forces of the time: Nationalism (represented by PNI and the Military/TNI), Religion (NU, Masyumi before it was dissolved), and Communism (PKI).

Concentration of Power (Legislative & Judicial Subordination)

- Your text correctly mentions the concentration of power, but it needs to explore how this mechanism is implemented:
 1. Legislative Subordination (MPRS and DPR-GR)
 - The people's representative institutions were completely paralyzed.
 - DPR-GR (Mutual Cooperation People's Representative Council): The DPR elected in the 1955 election was dissolved by Soekarno through Presidential Decree No. 3/1960 because it rejected the state budget (RAPBN) proposed by the government. Soekarno then established the "DPR-GR," whose members were all appointed by the President. Its function shifted from oversight (control) to "assisting" the President.
 - MPRS (Provisional People's Consultative Assembly): This institution was also established through Presidential Decree No. 2/1959. Its leader was appointed as a minister equivalent to the Deputy Prime Minister, indicating that the MPRS was part of the executive branch. The peak of this subordination is TAP MPRS No. III/MPRS/1963, which appointed Soekarno as President for Life. This was the greatest deviation from the 1945 Constitution (which clearly stipulates a 5-year presidential term).
- 1. Judicial Subordination (Court

System) This is the most crucial aspect of the collapse of legal autonomy. • Law No. 19 of 1964: The Law on Basic Provisions of Judicial Power serves as the legal basis for destroying judicial independence.

Intervention Article: Article 19 of the law explicitly states: "For the sake of the revolution, the honor of the State and Nation, or urgent public interest, the President may participate or intervene in judicial matters."

Role of Judges and Prosecutors: The Chief Justice of the Supreme Court and the Attorney General were appointed as ministers. This structurally placed them under the President. Judges and prosecutors were no longer required to be the "mouthpiece of the law," but rather the "mouthpiece of the revolution." Court decisions had to reflect "revolutionary law" and "revolutionary justice," not formal-legalistic justice. Legal Products and Implementation Conflicts Basic Agrarian Law (UUPA) No. 5 of 1960 The 1960 UUPA is the most significant example of legal products imbued with the spirit of "Indonesian socialism." It was a major achievement because:

• **Legal Unification: It abolished the dualism of agrarian law inherited from colonial rule (Customary Law vs. Agrarische Wet 1870).**

Social Principle: Affirms the "Right of the State to Control" land and the principle that land has a social function. Individual ownership is limited and should not be absentee (idle land) or excessive (capitalistic). Implementation Conflict: The Basic Agrarian Law (UUPA) mandates land reform (land redistribution). It is this implementation that becomes a source of ideological conflict. The Indonesian Communist Party (PKI) was very aggressive in pushing the implementation of this land reform through "unilateral actions" (forcibly seizing land from "landlords" considered feudal). These actions often directly clashed with pesantren communities (NU) that had extensive land holdings, as well as with the Military (Indonesian Army) who were suspicious of PKI maneuvers. Proliferation of Presidential Decrees (Penpres) Since the DPR-GR

(Parliament) did not function as a true legislative body, Sukarno's main legal instruments were Presidential Decrees (Penpres), which had the force equivalent to laws. This was the main tool of rule by decree.

The New Order Era (1966–1998) under President Soeharto's administration was marked by the creation of a superficial political and economic stability. The legal system during this period was centralized and authoritarian. Legal Politics and Centralization of Power The legal politics of the New Order transformed into an instrument for politics and stability. The direction of legal development was more oriented as a means to achieve political stability, economic development, and social control. A key characteristic of this era was the strong centralization of power in the hands of the executive. The President had very broad powers, which were often executed through Presidential Decrees (Keppres) and Presidential Instructions (Inpres). Codification and Legislative Process One of the main focuses of the New Order was legal codification. Various fundamental laws were successfully established, among them:

- Law No. 5 of 1974 (Regional Government)
- Law No. 8 of 1981 (Criminal Procedure Code), which replaced the *Herziene Inlandsch Reglement* (HIR)
- Law No. 14 of 1985 (Supreme Court)

Although there has been progress in codification, the legislative process at this time is often closed, elitist, and fully dominated by the government. The role of the House of Representatives (DPR) has become weak and, in practice, only functions as a "stamp" for executive policies. Law as a Repressive Instrument In practice, the legal system at this time is formalistic and repressive.

• **Restrictions on Freedom:** Civil liberties are severely restricted, including press freedom, which is tightly controlled.

• **Control Tool:** Law is effectively used as a tool to silence criticism. The Subversion Law (UU Subversi) becomes the main instrument to suppress the opposition and criminalize activists. • Limited

Regional Autonomy: The centralistic Regional Government Law greatly limits regional autonomy.

The Weakness of Legal Supremacy and Human Rights Violations During the New Order, the supremacy of law was in a very weak condition and was often overridden by political stability interests. The judiciary was not independent and was under strong executive influence.

This era was also marked by extensive human rights violations. Human rights issues became a major weak point, with various serious human rights violations occurring, such as the Tanjung Priok case, Talangsari, and the abduction of activists.

The New Order era ultimately collapsed due to the 1997–1998 economic crisis, which prompted a massive reform movement demanding democratization and legal reform.

Post-Reform Era (1998–present)

This era began with demands for "Total Reform" aimed at dismantling the foundations of New Order authoritarianism. The focal point was the amendment of the 1945 Constitution, carried out gradually in four stages (1999, 2000, 2001, 2002). This was not merely a revision but a fundamental overhaul.

Shift of Supremacy: The system shifted from the Supremacy of the MPR (where the MPR as the highest state institution elected the president and established the GBHN) to Constitutional Supremacy. The 1945 Constitution has now become the highest law. The Birth of a New "Trias Politica":

Constitutional Court (MK): This is the greatest innovation. The MK serves as the guardian of the constitution with the main authority to conduct judicial review (examining laws against the Constitution). This ended the era in which the DPR and the President held absolute legislative power.

Judicial Commission (KY): Established to address the chronic problem of the "judicial mafia." KY functions as an external supervisory body monitoring the behavior and honor of judges, which did not exist previously.

Regional Representative Council (DPD): The establishment of the DPD as a second chamber (soft bicameral) is intended to provide stronger

representation of regional interests at the national level, as a response to the extreme centralization of the New Order.

Limitation of Executive Power: Limiting the presidential term (two terms) is a direct response to Soeharto's 32 years in power. The checks and balances mechanism has been strengthened, where the House of Representatives (DPR) now has equal legislative power and stronger oversight functions.

Constitutional Human Rights Guarantees: The addition of Chapter XA on Human Rights explicitly incorporates a catalog of human rights into the constitution. This provides a much stronger legal foundation for citizens to claim their civil, political, economic, and social rights.

Decentralization Politics: Regional Autonomy As a correction to Jakarta-centric centralization, decentralization has become a major pillar of reform.

Policy Evolution: This journey is dynamic, starting from Law No. 22/1999, often referred to as the "Big Bang Decentralization" because it granted extensive authority directly to the Regency/City level. This was later corrected by Law No. 32/2004 and Law No. 23/2014, which attempted to rebalance the role of the Province and clarify the distribution of affairs.

New Challenges ("Little Kings"): Broad autonomy, without strong oversight, shifted corruption from the central government to the regions. This gave rise to the phenomenon of "little kings" (regional heads with absolute power) and local political dynasties.

Hyper-Regulation: Problems arose from the proliferation of Regional Regulations (Perda). Many Perda overlapped, conflicted with higher laws, or created new levies (retributions) that hindered the investment climate and bureaucracy.

Legal Pluralism (Special Autonomy): The reform also opened the space for asymmetric autonomy. The clearest example is Aceh through the Aceh Governance Law, which grants authority specifically for implementing Islamic criminal law (Qanun Jinayat). This is a form of state recognition of regional particularities for conflict resolution. The

Rise of Jurisprudence: Customary Law and Human Rights This era is marked by a more serious recognition of previously marginalized rights.

Customary Law: Article 18B paragraph (2) of the 1945 Constitution forms the basis of recognition. However, its biggest breakthrough is Constitutional Court Decision No. 35/PUU-X/2012. This decision revolutionary declared that 'Customary Forests' are not 'State Forests.' It separates the communal ownership of indigenous communities from the state's unilateral claims over the forests, although implementation in the field to map and designate these customary forests remains a major challenge.

Independent State Institutions (LNI): To safeguard human rights, various Independent State Institutions (also known as auxiliary state organs) were established. They operate outside the traditional executive, legislative, and judicial branches. Examples include the National Commission on Human Rights (Komnas HAM, which is empowered), the National Commission on Violence Against Women (Komnas Perempuan), the Indonesian Child Protection Commission (KPAI), and the Indonesian Ombudsman (overseeing public services). The War Against Corruption and Law Enforcement Challenges The main demand of the reform was the eradication of Corruption, Collusion, and Nepotism (KKN). The Birth of the Corruption Eradication Commission (KPK): The Corruption Eradication Commission (KPK) was established in 2002 in response to public distrust of existing law enforcement institutions (the Police and the Prosecutor's Office). The KPK was granted superbody status with extraordinary authority, such as wiretapping, investigation, and independent prosecution.

Institutional Conflict ("Lizard vs Crocodile"): The history of the KPK is a history of conflict. The term "Lizard vs Crocodile" has become a popular metaphor to describe the political battle between the KPK (considered a small but agile "lizard") and established institutions such as the Police (the large and powerful "crocodile") that feel their authority threatened. Efforts to weaken the KPK, whether through revisions to the law or the

criminalization of its leaders, have become a constant political issue.

Structural Weaknesses: Although the KPK exists, reforms within the Prosecutor's Office, Police, and Courts have been slow. The "judicial mafia" and the integrity of officials remain major obstacles to achieving justice. Challenges of the Digital Age and Globalization Indonesian law is forced to adapt to new realities in the 21st century.

Ada International Law Perspective: Indonesia ratified various crucial international conventions, such as UNCAC (the UN Convention Against Corruption), which serves as one of the foundations for strengthening the Corruption Eradication Commission (KPK), and various human rights covenants (ICCPR, ICESCR) that are now part of national positive law.

The Double-Edged Sword of the ITE Law: The development of digital technology gave rise to Law No. 11/2008 on Information and Electronic Transactions (ITE). On one hand, this law is important for e-commerce and digital evidence. On the other hand, it has become highly controversial because it contains "vague clauses" (especially regarding defamation and hate speech). These provisions are often used as new tools of repression to silence critics, activists, and journalists, threatening the freedom of expression championed by the reform era.

Data Protection: Aware of the dangers in the era of big data, Indonesia finally enacted Law No. 27 of 2022 on Personal Data Protection (PDP Law). This is an important step to align national law with global standards (such as the GDPR in Europe) to protect citizens' privacy. Overall, the Post-Reform Era transformed the law from a tool of power (instrumentalist) into a contested field, where the public, civil society, and new institutions can participate and challenge state power. However, the struggle between reformist agendas and old oligarchic forces continues to this day.

CONCLUSION

This study concludes that the history of Indonesian law since the 1945 Proclamation represents a complex and dialectical evolution, reflecting the ongoing struggle between the idealism of justice and the realities of political power.

This journey can be summarized into several main phases:

Early Independence Period (1945–1959): This period was marked by the challenge of filling the legal vacuum. To address this, Indonesia was forced to maintain the legacy of Dutch colonial law through the Transitional Provisions of the 1945 Constitution. This phase was full of political instability due to the parliamentary system and the failure of the Constituent Assembly to draft a new constitution, which eventually led to the issuance of the July 5, 1959 Presidential Decree.

Old Order Period (1959–1966): Law underwent a radical transformation into a "revolutionary tool" under the concept of Guided Democracy. Judicial independence collapsed, legitimized by Law No. 19 of 1964 which allowed the President to intervene in the judiciary. Law was completely subordinated to political interests, culminating in the appointment of a Life President through the MPRS Decree.

New Order Period (1966–1998): The legal paradigm shifted to an instrument of political stability and economic development. Although this era successfully produced important national legal codifications such as the Criminal Procedure Code (KUHAP), its nature was highly centralistic and repressive. Law was used as a tool for social control, civil liberties were restricted (for example through the Subversion Law), and widespread human rights violations occurred with very weak rule of law.

Post-Reform Era (1998–Present): The 1998 reform marked a turning point. Through four

amendments to the 1945 Constitution, fundamental structural changes occurred: a shift from the supremacy of the MPR to the supremacy of the Constitution, strengthening of human rights guarantees (Chapter XA), and decentralization. The establishment of new institutions such as the Constitutional Court (MK), the Judicial Commission (KY), and the Corruption Eradication Commission (KPK) aimed to strengthen the mechanisms of checks and balances. Although the structural reforms have been significant, major challenges remain. Legal pluralism—between customary law, Islamic law (such as Qanun in Aceh), and national law—still faces integration dilemmas. Recognition of Customary Law Communities, although reinforced by Constitutional Court Decision No. 35/PUU-X/2012, has been slow to implement on the ground.

The greatest challenge remains in law enforcement. Systemic corruption (reflected in the still low CPI scores), weak integrity of officials, and issues of overlapping regulations (hyper-regulation) indicate that the legal culture has not fully changed. In addition, the digital era presents new challenges through the "vague provisions" in the ITE Law that threaten freedom of expression.

Ultimately, the history of Indonesian law is a blend of the continuity of colonial heritage (especially in civil and criminal law) with efforts of decolonization and adjustment to new socio-political realities. Law in Indonesia continues to evolve from merely being an instrument of power to a means of social transformation that guarantees justice and human rights.

Based on the formulation of the problem:

1. Legal development encompasses the Constituent Assembly period, the 1959 Decree, Guided Democracy, the New Order, and the Reform era. Each phase brings different legal characteristics, from

plurality to authoritarian uniformity, to the revival of legal democracy.

2. The main change compared to the colonial period is the affirmation of Indonesia's legal sovereignty, although structurally it still relies on colonial regulations (Criminal Code, Civil Code). The post-Reform amendment of the 1945 Constitution adds guarantees for human rights and recognition of legal plurality (customary and religious law). Contemporary issues include the recognition of customary law, the integration of Islamic law in several provinces, and the adjustment of laws to international norms and technology. In terms of enforcement, handling corruption (which the majority of the public sees as a serious issue) and human rights violations remain challenges, indicating that legal changes have not yet been consistently implemented.

Recommendation

Berdasarkan kesimpulan di atas, Here are some expanded suggestions for academics, policymakers, and future research:

1. For Academics

- Further research is needed on the effectiveness and challenges of implementing Constitutional Court Decision No. 35/PUU-X/2012 in the field, particularly related to the mapping and recognition of customary forests.
 - Conduct in-depth comparative studies on the practice of legal pluralism in Indonesia, such as analyzing the socio-legal impact of the implementation of the Qanun Jinayat in Aceh compared to efforts to integrate customary law in other regions.
 - Critically examine the effectiveness of independent state institutions (auxiliary state organs) post-amendment of the 1945 Constitution, such as the Judicial Commission (KY) and the Ombudsman, in performing oversight functions and strengthening checks and balances.
 - Analyzing the impact of 'rubber articles' in the Electronic Information and Transactions Law (ITE Law) on the climate of freedom of expression and post-reform democracy, as well as the effectiveness of the Personal Data Protection Law (PDP Law) in responding to the challenges of globalization.
- #### **2. For Policymakers**
- Accelerate the process of harmonizing and codifying national laws to replace colonial legal products (Criminal Code and Civil Code). This effort must be accompanied by serious handling of hyper-regulation issues and regulatory overlaps through effective synchronization between central and regional authorities.
 - Carry out structural and cultural reforms in law enforcement institutions (Police and Prosecutor's Office) to break the chain of 'judicial mafia' and strengthen the integrity of officers. Strengthening the Corruption Eradication Commission (KPK) should be a priority, by halting any attempts to weaken the institution.
 - Ensuring meaningful public engagement in the legislative process, especially on issues concerning legal pluralism, by involving indigenous community organizations (such as AMAN) and religious leaders to guarantee inclusive and contextual law.
 - Addressing past gross human rights violations through fair and transparent

judicial and non-judicial mechanisms, as a primary prerequisite for national reconciliation and strengthening the rule of law.³ For Further Research

- Specifically examine the impact of decentralization and regional autonomy on the law enforcement sector. This research can focus on analyzing the phenomenon of "small kings" and local political dynasties and their relation to regional corruption.
- Explore the use of legal technology (legal tech), such as blockchain, to address issues of indigenous land and agrarian disputes, as a continuation of the 1960 Basic Agrarian Law (UUPA) mandate and the challenges of implementing agrarian reform.
- Conducting an in-depth political-legal historical study on specific legal products in each era, for example, examining the legislative process and the impact of the Subversion Law during the New Order era or the political dynamics behind the conflict in the implementation of the UUPA 1960 Land Reform during the Old Order era

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