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The World Legal System: Characteristics, Comparisons, and Dynamics in the Global Era

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ABSTRACT

This study aims to analyze the characteristics, comparisons, and dynamics of the four major legal systems in the world, namely civil law, common law, Islamic law, and customary law, in the context of global development. Using a descriptive qualitative approach with a literature review method, this study examines legal sources, academic literature, and previous research results to gain a comprehensive understanding of the uniqueness, interactions, and convergence trends between these legal systems. The results of the study show that each legal system has its own characteristics based on the history, culture, and philosophy that shaped it. However, globalization has encouraged legal convergence, whereby various countries have begun to adopt elements from other legal systems to adapt to modern challenges, such as international trade, human rights, and transnational crime. Indonesia, for example, has a hybrid legal system that combines elements of civil law, Islamic law, and customary law. This study emphasizes the importance of harmonizing national and international laws in order to create justice, certainty, and legal effectiveness in the face of dynamic global changes

INTRODUCTION

Law is one of the fundamental and essential pillars of modern society, serving to regulate social interactions, protect the rights of individuals and groups, provide justice to all levels of society without discrimination, and maintain order and stability in the life of the nation and state. The existence of law is an important instrument in creating predictability, certainty, and protection for citizens in carrying out their daily activities, whether in personal relationships, business transactions, or interactions with the state (Januru et al., 2025). In its development over centuries, law has not grown and developed uniformly or homogeneously in various parts of the world. Instead, the evolution of law has been greatly influenced by specific and dynamic local contexts.

Every legal system has unique characteristics, basic philosophies, operational mechanisms, and distinctive approaches to dispute resolution, all of which are deeply influenced by historical factors such as major events in a nation's history, cultural factors that reflect local values and norms, religious factors that provide a moral and ethical foundation, philosophical factors that shape the way of thinking about justice and law, and the socio-political experiences of the society that adheres to it, including experiences of colonialism, revolution, or political transformation. A deep and comprehensive understanding of the characteristics of the world's legal systems is very important and strategic in the context of increasingly intensive globalization, the ongoing harmonization of international law, the increase in cross-border transactions, and the need for international legal cooperation in overcoming various global challenges such as terrorism, transnational crime, and human rights violations.

According to Pramono and Agung (2023), legal systems around the world can be divided into several main categories or classifications, each of which has its own uniqueness, characteristics, and advantages in regulating society. This division is important to facilitate comparative analysis, identification of common patterns, and understanding of the fundamental differences between legal systems. In general, and based on broad academic consensus,

comparative law experts and comparative law scholars divide the world's legal systems into four broad categories, namely the civil law or continental law system, which is rooted in the Roman legal tradition and developed in Continental Europe; the common law system, which originated from the Anglo-Saxon tradition in England and spread to various Commonwealth countries; the Islamic law or Sharia legal system, which is derived from the Qur'an and Hadith and developed in the Muslim world; and the customary law or traditional law system. -Saxon tradition in England and spread to various Commonwealth countries, the Islamic law system, which is sourced from the Quran and Hadith and developed in the Muslim world, and the customary law system, which is traditional law that grew organically within local communities.

Indonesia, as a modern country with a vast and diverse territory, located at the crossroads of a rich and dynamic Asian culture, and with a complex history influenced by various external factors, has a legal system that is a blend or synthesis of various influences from legal systems around the world. The Indonesian legal system reflects a unique legal pluralism, in which there are elements of customary law that have existed since pre-colonial times and are still alive in local communities, especially in terms of land law and communal dispute resolution, the strong influence of Islamic law that governs aspects of Muslim life, especially in the areas of family law, marriage, inheritance, and waqf, the legacy of civil law, particularly from the Dutch tradition, which dominates Indonesia's formal legal structure, including the Civil Code and the Criminal Code, as well as several elements of common law that have entered through international business practices and the modernization of economic law. Therefore, an understanding of the characteristics of the world's legal systems is not only academically important in the context of legal education and comparative research, but also has very significant practical implications for the application of Indonesian national law, the drafting of responsive legislation, the interpretation of law by judges and legal practitioners, as well as in international legal

diplomacy and bilateral and multilateral cooperation in the field of law (Aditya, 2019).

The study of the world's legal systems also helps us gain a deeper understanding of how law has developed over time through complex and multifaceted processes, how law adapts to social, economic, technological, and political changes in society, and how law responds to various new challenges that have emerged in the modern era, such as the digital revolution, artificial intelligence, climate change, global pandemics, and transformations in family and social structures, while still maintaining the core values, fundamental principles, and legal traditions that form the foundation and identity of these legal systems. This comparative understanding enables policymakers, legislators, judges, academics, and legal practitioners to learn from the experiences of other legal systems, adopt best practices that have proven effective, avoid mistakes made by other countries, and develop innovative solutions that are appropriate to the local context while still following international standards.

Furthermore, in an era of globalization marked by intensified economic, political, and social relations between countries, understanding various legal systems around the world has become an increasingly crucial competency for legal professionals. Lawyers handling cross-border transactions need to understand the differences between civil law and common law systems in terms of contract drafting, dispute resolution, and enforcement of court decisions. Judges dealing with cases with foreign elements need to understand the principles of international civil law and how different legal systems can interact in a single case. Diplomats and negotiators of international agreements need to understand how differences in legal systems can affect the interpretation and implementation of international agreements. Legal academics and researchers need to have a comparative perspective in order to critically analyze national legal systems and propose appropriate reforms.

METHODS

This study uses a descriptive qualitative approach with a library research method. This approach was chosen because the focus of the study is to understand, compare, and analyze the characteristics and dynamics of the world legal system based on secondary data derived from various legal literature, including books, scientific journals, legislation, and previous research results. Data was collected through a search of scientific documents relevant to the theme of global legal systems, including civil law, common law, Islamic law, and customary law systems.

The data analysis process was conducted using content analysis techniques, which involved examining the content of the literature to identify patterns, concepts, and relationships between legal systems. The analysis was conducted comparatively to identify differences, similarities, and interactions between these legal systems in their historical, philosophical, and practical contexts in various countries, including Indonesia.

Furthermore, the researcher conducted a thematic synthesis to draw conclusions based on the analyzed data, with the aim of producing a comprehensive picture of the role and relevance of the world's legal systems in the era of globalization. Data validity was maintained through a process of source triangulation, namely by comparing data from various credible and up-to-date academic references.

RESULTS AND DISCUSSION

The results of the study show that the world's legal systems are diverse, reflecting the history, culture, and philosophy of each society. Civil law, which developed in Continental Europe, emphasizes the supremacy of written law and a structured legal system, while common law, which originated in England, emphasizes the role of court decisions (precedents) as the main source of law. Islamic law is based on revelatory teachings and has spiritual and moral values that are integral to the legal aspect, while customary law developed naturally in traditional societies and emphasizes social reconciliation over punishment. These four systems demonstrate different ways of regulating justice, rights, and obligations of citizens.

The study also found that in the context of globalization, there is a process of legal convergence between various legal systems around the world. Many countries that originally adhered to one legal system are now adopting elements from other systems to respond to modern challenges such as international trade, human rights, and transnational crime. For example, Indonesia has developed a hybrid legal system, combining elements of civil law (a Dutch legacy), Islamic law in family and inheritance law, and customary law that is still alive in local communities. This phenomenon shows that legal systems are not static, but continue to adapt to global social, economic, and political developments.

In addition, the results of the study confirm that the success of a legal system depends not only on its normative structure, but also on the legal culture of society and the effectiveness of law enforcement agencies. Countries with strong legal cultures, such as Japan and the United Kingdom, show that compliance with the law is influenced more by moral and social awareness than by sanctions alone. Conversely, in developing countries, such as Indonesia, the main challenge is how to build a legal culture that is adaptive to local values but remains consistent with the universal principles of justice and the rule of law. Therefore, harmonizing national law with international law is a strategic necessity to ensure justice and stability in an increasingly complex global order.

CONCLUSION

Based on the comprehensive discussion outlined in this article, several important points regarding the world's legal systems can be concluded as follows:

1. The four main legal systems of the world (civil law, common law, Islamic law, and customary law) have distinctive characteristics that differentiate them from one another in terms of historical development, sources of law, reasoning methodologies, institutional structures, and dispute resolution mechanisms that reflect the differences in philosophy, culture, religion, and historical experiences of the societies that adhere to them.
2. The civil law and common law systems have very significant fundamental differences. Civil law emphasizes the supremacy of codified written laws with deductive reasoning methods and an inquisitorial judicial system in which judges play an active role in uncovering facts. In contrast, common law emphasizes precedent or court decisions as the primary source of law with inductive reasoning and an adversarial judicial system that involves juries in many cases, giving lawyers a central role in the trial process.
3. Islamic law and customary law provide a unique dimension to the global legal landscape. Islamic law is derived from divine revelation (the Quran) and the traditions of the Prophet Muhammad (Hadith) with a sophisticated methodology of *ijtihad* for adaptation to changing times, covering not only legal aspects but also spiritual, moral, and ethical dimensions. Meanwhile, customary law grew organically in traditional societies with unwritten characteristics, highly contextual, integrated with spiritual beliefs, and focused on reconciliation and restoration of social harmony rather than retributive punishment.
4. The modern era shows a growing trend of convergence between various legal systems through the adoption of best practices from other systems, the influence of international law and multilateral agreements, and the development of hybrid legal systems in many countries that combine elements from various legal traditions to meet the complex and dynamic needs of society in the context of globalization.
5. Although there are significant challenges to global legal harmonization stemming from fundamental philosophical differences, national sovereignty interests, cultural and religious diversity, and varying levels of economic and institutional development, there are great opportunities for convergence through international law, international organizations such as UNIDROIT and UNCITRAL, the

inherent adaptability of legal systems, and the development of soft law that provides flexibility without sacrificing national sovereignty.

A deep understanding of the various legal systems of the world is not only academically important in the context of legal education and comparative legal research but also has very significant practical implications for legal practitioners, judges, legislators, diplomats, international business actors, and policymakers in facing legal challenges in an increasingly complex and interconnected era of globalization.

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