

## Course Overview

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**B**ook on Principal Subjects (BMP) of Indonesian Legal System shall be the underlying subject matters (*basic leervak*) for the law students to understand the applicable legal system in Indonesia (*positive law*). The main thing to know is the meaning of every concept composing the said Indonesian Legal System . What is it all about to be the system itself? What is law. What is system ? What is legal system? What is Indonesian Law ? For eventually knowing what is the Indonesian Legal System. All of these concepts are explained in the Module 1, given the nomenclature of Understanding of Indonesian Legal System. .

Based on the understanding contained in Module 1, it is depicted that the Indonesian Legal System comprising in 4 major sub-systems, that is the Customary Law Sub-System, Islamic Law Sub-System, Western Law Sub-System and National Law Sub-System. Consequently, it will be a systematic understanding when followed by learning sub-systems that compile the said Indonesian Legal System. Understanding the Customary Law in Indonesia will be included in Module 2 as one of the sub systems forming the Indonesian Legal System, the existence of which is still in reality in the day-to-day life of the Indonesian people.

Module 3 contains an explanation of Islamic law in Indonesia as one of the sub-systems of the Indonesian legal system that also exists in every day's life. Based on the majority of the population, that is Muslim, the state has created a separate court as well for implementing Islamic laws that is the Religion Court. Both Module 2 and Module 3 are included in one cluster based on the understanding of their parallel positions being a sub-system that composes the Indonesian legal system.

Discussing the next modules is discussion of the national law sub-system having made a metamorphosis with the western law sub system. Constitutional law is a law that is primarily national in color. This is due to its function as a law breakthrough into the legal system, which was previously *in casu* colonial law that replaced by the national law.

The State Constitutional Law shall become the tap opener to the existing other laws. Thus the discussion of Indonesian State Constitutional Law will fall into Module 4.

After understanding module 4, according to Crince Le Roy there are 3 (three) branches of law that are paralleled in positions but may not be changed to their respective places. The above-mentioned laws are civil law, state constitutional law and the criminal law. The position of the state Constitutional law must always be in the middle between the civil law and criminal law. Therefore, to understand Module 5 in its entirety it is to explain first the civil law, to be continued module 6 for the state Constitutional law and module 7 for criminal law. Modules 5 through 7 falls into one cluster which indicates a strong relationship, that is very closed and cannot be separated. Commercial law though

not mentioned by Crinice Le Roy but based on legal understanding Commercial is a supplement civil law (*anvullen privaatrecht*) to be explained in Module 5.

Further, Module 8 contains Law of Procedure. In the Crinice Le Roy's travesium flow chart the meeting point of the three branches of law described in modules 5 to 7, namely the civil law, state constitutional law and criminal law is the law of procedure of the respective branches of said laws. Likewise, Module 8 is to explain how civil procedure law, administration procedure law and criminal procedure law as well as, *the last but not least the* progress of proceedings in the Constitutional Court of Justice as the law of procedure of the state constitutional law, is a phenomenon that is interesting recently.

Module 9 being the last module contains explanations on international law especially public international law. The international civil law is of no discussion of international law, but the international civil law as discussed in Module 5.

## Competency Map

### Indonesia Law System Competence MAP/IEISIP4131/3 Credit Units

