

Transformation of the Indonesian Legal System: Challenges, Opportunities, and Innovations Based on Public Participation

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Abstract

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The Indonesian legal system is the result of a blend between customary law, religious law, and European law, which has continuously evolved from the pre-colonial era to the independence period. This development presents complex challenges, including legal pluralism, overlapping regulations, and the need for adaptation to social, economic, and technological changes. In Yogyakarta, for instance, legal pluralism and societal dynamics demand a more responsive and participatory legal system. The gap between regulations and societal needs highlights the necessity of integrating technology into legal processes and developing policies based on public participation. This study emphasizes the importance of assisting policymakers in understanding effective innovative mechanisms through public consultations, the use of technology, and effective communication. Using a normative approach, this research analyzes the legal framework, implementation challenges, and opportunities for legal innovation in Indonesia. The findings indicate that integrating technology and enhancing public participation can strengthen transparency, accountability, and the relevance of the legal system in meeting societal needs.

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1. Introduction

The Indonesian legal system is a product of a complex and long history, reflecting a rich cultural pluralism and strong colonial influence. In the pre-colonial period, Indonesian society applied diverse, local adat law, which was adapted to the social norms, culture, and geographical conditions of each specific community. This customary law was not only a moral foundation but also a regulatory guide governing daily social interactions, including dispute resolution, land ownership, and inter-group relations. The entry of religious influences, especially Islam, added a new dimension to the legal system, particularly in aspects of family law, inheritance law, and other social issues relevant to Muslim communities. The application of Islamic law was often formalized through religious courts, serving as an instrument to maintain moral and social norms within Islamic communities.

The Dutch colonial era then introduced European legal elements, which brought a written legal system and a structured, modern judicial framework. This European law formed the foundation for civil and criminal law that is still a reference in Indonesia today, including court procedures and legal documentation systems. The Japanese occupation period focused more on efficient and bureaucratic legal administration, although it remained authoritarian and tightly controlled. The experiences of these colonial and occupation periods left a significant influence on the way legislation is drafted, law enforcement mechanisms, and the structure of modern judicial institutions in Indonesia.¹

¹ Suci Ramadhan. "Islamic law, politics and legislation: development of Islamic law reform in political legislation of Indonesia." *Adbki: journal of islamic family law* 2, no. 1 (2020): 63-76.

After independence, Indonesia faced a significant challenge in integrating all these legal systems into a cohesive national legal framework, with the 1945 Constitution as the main foundation and supreme constitution guiding the drafting of laws. The complexity of the legal system arises from the various levels of regulations, from the constitution, laws, government regulations, to regional regulations, which sometimes overlap and create legal uncertainty. Legal pluralism also poses an implementation dilemma, as customary law, Islamic law, and Western civil law have different norms, principles, and enforcement mechanisms, requiring legal officials to understand these cross-systems so that the resulting decisions are socially acceptable and remain in line with national legal provisions.

Furthermore, rapid social, economic, and technological changes demand that the legal system be more adaptive and responsive. For example, modern society now needs regulations that can address issues of digital technology, new economic transactions, and increasing social mobility.² The gap between existing regulations and the real needs of the community is a key indication of the need for legal reform based on broad public participation. This public participation is important so that the regulations issued are more relevant, transparent, and accountable, and are able to reflect the aspirations of the community. Technology can be an innovative means to increase the effectiveness and efficiency of the legal system, for example through the digitalization of court services, e-filing systems, online legal consultations, and digital legal databases that are easily accessible to the public.

² Jan Rymarczyk. "Technologies, opportunities and challenges of the industrial revolution 4.0: theoretical considerations." *Entrepreneurial business and economics review* 8, no. 1 (2020): 185-198.

This research aims to analyze the Indonesian legal system comprehensively, focusing on the challenges of pluralism, regulatory complexity, and the opportunities for innovation based on public participation and modern technology. With a normative approach, this study explores the existing legal framework, identifies regulatory gaps, and provides strategic recommendations for policymakers to design effective innovative mechanisms. The Yogyakarta region is a highly relevant case study because it reflects a unique cultural diversity and legal pluralism, while also serving as a social laboratory for the application of participatory and technology-based modern legal policies, which can be a model for other regions in Indonesia.

2. Literature Review

The literature on the Indonesian legal system shows that the characteristics of national law are the result of a long syncretic process between customary law, religious law, and colonial law. Customary law acts as a widely accepted social norm in local communities, with an emphasis on the principles of restorative justice, local wisdom, and community ties. The values contained in customary law often prioritize peaceful dispute resolution, deliberation, and the promotion of harmonious social relations among community members. Meanwhile, Islamic law provides a significant contribution in the aspects of family law, marriage, and inheritance, which are regulated through religious court institutions. The application of this Islamic law not only functions as a formal legal instrument but also as a moral guide for Muslims in their daily lives.

European law, especially the legacy of Dutch colonialism, introduced a written legal system and a structured formal mechanism, including the existence of district courts, criminal procedures, and civil law. Many principles and procedures brought by this European legal system are still used as references in legal practice in Indonesia today, especially in terms of judicial administration and the formation of written regulations.

Previous studies highlight the highly complex challenges of legal pluralism, including conflicts between customary law and national law, as well as inconsistencies between existing regulations and the needs of a dynamic modern society. Rapid technological developments have also created a need for new and relevant regulations, particularly in the fields of digital transactions, personal data protection, cybersecurity, and the management of online-based public services.

The literature consistently emphasizes that public participation and transparency are key to the success of legal reform. The public should not only be the object of law but also an active subject involved in the regulatory formulation process, so that the resulting policies are more responsive to the aspirations and real needs on the ground.³

Research on the integration of technology into the legal system shows great potential for improving work efficiency, accountability, and accessibility for all parties.⁴ However, the literature also notes that the application of legal innovation

³ Kostiantyn Herasymyuk, Oleg V. Martselyak, Yuliya N. Kirichenko, Nataliya V. Zhmur, and Iuliia I. Shmalenko. "Principles of integrity and good governance in public administration." *International Journal of Management* 11, no. 4 (2020).

⁴ Julija Kiršienė, Darius Amilevičius, and Dovilė Stankevičiūtė. "Digital transformation of legal services and access to justice: Challenges and possibilities." *Baltic journal of law & politics* 15, no. 1 (2022): 141-172.

often faces obstacles in the form of resistance from legal officials who are still accustomed to conventional procedures, as well as a public that has not fully understood or is not used to using digital systems. Therefore, the successful application of technology-based legal innovation requires support in the form of effective public consultation mechanisms, comprehensive socialization programs, and increased capacity of human resources at all levels.

3. Method

This study uses the normative legal method, which is a research approach that emphasizes the analysis of laws and regulations, legal doctrines, and the opinions of legal experts. This method is based on the assumption that law is essentially a norm or rule that applies in society, so the study of law can be done through the analysis of legal documents and relevant literature. The normative approach allows researchers to understand the legal structure systematically, trace the hierarchy of laws and regulations, and examine the relationship between various types of legal norms that apply in Indonesia.

With this method, researchers can identify regulatory gaps that occur due to social, economic, or technological changes, as well as evaluate the extent to which existing laws are relevant to the dynamics of society. The research sources used include the 1945 Constitution as the constitutional foundation, sectoral laws that regulate specific fields, government regulations that are technical and operational, and national and international legal literature that provides a comparative perspective.

The analysis is conducted in a descriptive-qualitative manner, by describing in detail the content and substance of laws and regulations, and then interpreting them to find the connection between different legal norms. The main focus of this study is on the synchronization between national legal principles, legal pluralism that exists in society, and the real needs of the community in the modern era. This is important because legal pluralism in Indonesia involves the interaction between customary law, Islamic law, and positive national law, each of which has a different basis of values, procedures, and application mechanisms.

In addition, this normative legal method is also complemented by a comparative approach, which compares best practices from other countries, especially related to the use of legal technology and the involvement of public participation in policy formulation. Through this comparison, researchers can find models or mechanisms that can be adapted and applied in the Indonesian context. The results of the analysis from this method are expected to provide legal policy recommendations that are innovative, applicable, and responsive to rapid social, economic, and technological developments. Thus, this research is not only conceptual but also practical in providing solutions for the development of the Indonesian legal system to be more adaptive and relevant to the needs of the community.

4. Results

4.1. Complexity and Pluralism of the Indonesian Legal System

The Indonesian legal system has a highly complex characteristic because it is the result of a long process of syncretism between three main pillars: customary law, Islamic law, and colonial European law.⁵ These three legal systems have different historical backgrounds, philosophies, and application mechanisms, so when combined into one national legal system, they create a complicated dynamic. This complexity is clearly seen from the overlapping regulations at various levels of legislation, from the constitution as the highest law, laws formed by the legislature, government regulations that are technical and operational, to regional regulations that are drafted to accommodate local interests. This overlap sometimes creates legal uncertainty, as the norms and principles that apply can differ depending on the type of law used or the area of application.

As a concrete example, in the case of land disputes, customary law often prioritizes resolution through deliberation and consensus that promotes social harmony. This process usually involves customary figures and the disputing parties to reach a mutual agreement. However, this mechanism can clash with modern civil law which prioritizes written evidence, official land certificates, and formal procedures in court. This difference in approach not infrequently causes confusion for the public who have to choose which resolution path to take.

⁵ Saldi Isra, and Hilaire Tegnan. "Legal syncretism or the theory of unity in diversity as an alternative to legal pluralism in Indonesia." *International Journal of Law and Management* 63, no. 6 (2021): 553-568.

Legal pluralism also brings dilemmas in the implementation of legal policies.⁶ Islamic law, which is implemented in religious courts, for example, specifically regulates family, marriage, divorce, and inheritance matters for Muslim communities. However, the provisions in Islamic law sometimes face conflict with national civil law which applies generally. On the other hand, at the community level, customary law still has a strong influence, especially in areas with strong cultural identities such as Yogyakarta, Papua, or Bali. The existence of this customary law often becomes the main guide in resolving disputes in these communities, even though national law also formally applies.

This condition of legal pluralism requires law enforcement officials, from judges, prosecutors, to police officers, to have high adaptability and understanding across legal systems. They not only have to understand the written regulations in national law but also understand the principles of customary and religious law that apply in certain areas. Thus, the decisions or policies produced can be socially accepted by the local community, while still being in line with national legal provisions.

In addition to the issue of pluralism, rapid social and economic changes also affect the community's needs for law. The rapid growth of the digital economy has given rise to new forms of transactions that were previously not regulated in detail in positive law, such as e-commerce, digital assets, and personal data protection. Massive urbanization also changes the pattern of community interaction, creating

⁶ Elif Durmuş. "A typology of local governments' engagement with human rights: Legal pluralist contributions to international law and human rights." *Netherlands Quarterly of Human Rights* 38, no. 1 (2020): 30-54.

new challenges such as housing, transportation, and spatial planning issues. Meanwhile, high social mobility, both physically and through the internet, demands regulations that are more responsive, effective, and inclusive.

The gap between existing regulations and the real needs of the community becomes more apparent when the process of drafting laws does not involve sufficient public participation.⁷ The lack of consultation with the community can result in the birth of regulations that are not in line with conditions on the ground, are difficult to implement, or even cause rejection. In this context, public participation is key to creating relevant laws that have strong social legitimacy.

Therefore, this study emphasizes the need for the integration of technology into the legal system to speed up access to legal services, simplify the public complaint process, and increase transparency in decision-making. The use of technology, such as the digitalization of legal archives, e-filing systems in courts, online legal consultation services, and the use of online complaint applications, can help reduce bureaucratic barriers and increase the accountability of legal institutions.

The complexity and pluralism of law in Indonesia create structural challenges that require an innovative approach. The proposed solutions include the harmonization of regulations between levels of regulations, strengthening the capacity and training for legal officials to be able to understand the various legal systems that apply, and optimizing the use of technology to expand public access to law. With these steps, it is hoped that the Indonesian legal system can develop into

⁷ Thomas Webler and Seth Tuler. "Four decades of public participation in risk decision making." *Risk analysis* 41, no. 3 (2021): 503-518.

a system that is not only just and legally certain, but also responsive to the dynamics of modern society and continues to respect the richness of local values.

4.2. Innovation Based on Technology and Public Participation in the Legal System

The implementation of technology-based legal innovation and public participation is one of the strategic steps that is increasingly gaining attention in an effort to overcome various challenges faced by the complex Indonesian legal system. The use of information technology in the legal field is believed to be able to bring significant changes, not only in the aspect of administrative efficiency but also in increasing openness and the speed of public access to legal services. Various forms of innovation have begun to be adopted, including through the digitalization of legal processes such as e-court systems, e-filing, and the development of online legal databases that can be accessed by the public.⁸

This innovation allows the public to obtain legal information more easily, quickly, and transparently. For example, a person can access court schedules, case documents, or certain regulations online without having to come directly to the court office. This not only makes it easier for the general public but also helps legal officials in managing administration and enforcing the law more structurally. In the Special Region of Yogyakarta Province, for example, several courts have begun to adopt online-based services to increase efficiency and transparency. This step has proven

⁸ Rozha Kamal Ahmed, Khder Hassan Muhammed, Ingrid Pappel, and Dirk Draheim. "Impact of e-court systems implementation: a case study." *Transforming Government: People, Process and Policy* 15, no. 1 (2021): 108-128.

to be able to reduce the burden of administrative queues and shorten the time for case resolution.

However, technology alone is not enough. Public participation is an important element that must go hand in hand with the development of legal innovation. Public consultation processes, deliberations for consensus, and online discussion forums can be an effective means of involving the community in the drafting of regulations. Through this participation, legal policies can be drafted to be more relevant, contextual, and in accordance with the real needs on the ground. Community involvement also serves to increase the accountability of legal officials and strengthen the legitimacy of regulations in the eyes of the public.⁹

Research findings show that when the community feels involved in the legal formulation process, they tend to have a sense of ownership of these regulations. This sense of ownership ultimately influences a higher level of legal compliance. In other words, public participation not only improves the quality of regulations but also contributes to the effectiveness of law enforcement itself.

Despite having great potential, the implementation of technology-based legal innovation and public participation still faces a number of real challenges. One is the resistance from some legal officials who are accustomed to conventional procedures and feel uncomfortable with digital-based systems. In addition, the limited technological infrastructure in remote areas is a significant obstacle, because without adequate internet networks and devices, digital services cannot be accessed

⁹ Trace C Vardsveen and Tom R. Tyler. "Elevating trust in prosecutors: Enhancing legitimacy by increasing transparency using a process-tracing approach." *Fordham Urb. Lj* 50 (2022): 1153.

optimally. Another challenge is the low level of digital literacy among the public, which makes it difficult for some citizens to use technology-based legal services.

To overcome these obstacles, an integrative and sustainable strategy is needed. The steps that can be taken include human resource (HR) training for law enforcement officials to be better prepared to operate digital systems, the development of technological infrastructure to remote areas, and intensive socialization programs for the public regarding the use of technology-based legal services. In addition, there needs to be a clear monitoring and evaluation mechanism to ensure that legal innovation really runs according to its goals, provides real benefits, and can be adjusted if obstacles are found in its application.

The research results confirm that the integration of technology with public participation not only has an impact on increasing the work efficiency of legal officials but also strengthens the values of transparency, accountability, and information openness. With easier access to law, the public will feel closer to legal institutions, thus creating a more harmonious relationship between the government, legal officials, and citizens. With the right approach, this innovation can make the Indonesian legal system more adaptive in facing social, economic, and global technological dynamics, without having to ignore local values, customary law, and cultural identity that have become an inseparable part of Indonesian society.

5. Discussion

The results of this study show that the Indonesian legal system faces significant structural and operational challenges and requires serious attention from

various stakeholders. The complexity of multi-layered regulations, coupled with legal pluralism that combines elements of customary law, Islamic law, and modern civil law, has created real difficulties in the process of harmonizing norms and the consistency of law enforcement in various sectors. In practice, the differences in principles, procedures, and dispute resolution mechanisms in each legal system often lead to a lack of synchronization, and even the potential for clashes between regulations. Therefore, this study emphasizes the need for an adaptive strategy that is not only able to integrate various legal systems without causing conflict but also can adapt regulations to the dynamics of the community's needs that change rapidly with the times.

The normative legal approach used in this study allows for an in-depth analysis of the existing legal framework, including assessing its strengths, weaknesses, and gaps that need to be addressed.¹⁰ However, the results of the study also confirm that the real implementation of these legal concepts requires more progressive innovation, especially innovation based on technology and broad public participation. The digitalization of legal processes, for example through the application of e-court, e-filing, and the development of online legal platforms, opens up great opportunities for the public to access legal information, submit complaints quickly, and be directly involved in the legal policy drafting process.

¹⁰ Sanne Taekema. "Theoretical and normative frameworks for legal research: Putting theory into practice." *Law and Method* 2018, no. 2 (2018): 1-17.

This public involvement is not just a formality but can actually increase the legitimacy of the regulations that apply.¹¹ Public participation in the legal formulation process creates a sense of ownership of the resulting regulations, so the level of compliance with the law also tends to increase.

However, the discussion in this study also identifies several practical challenges that must be overcome so that innovation can run effectively. First, internal resistance from legal officials who are still dependent on conventional procedures, thus tending to be less responsive to digital-based systems. Second, the limited technological infrastructure and public digital literacy, especially in remote areas, are significant obstacles to the equitable distribution of the benefits of legal innovation. Third, the process of harmonizing customary law, Islamic law, and modern civil law requires an approach that is sensitive to local cultural values, so that the application of regulations does not trigger social conflict or rejection at the community level.

On the other hand, the opportunities that arise from the synergy of technological innovation and public participation are enormous. A responsive and adaptive legal system has the potential to increase transparency, accountability, and the effectiveness of law enforcement throughout Indonesia. The integration of public consultation mechanisms with digital technology can be a model for inclusive, participatory, and sustainable legal reform. Thus, this discussion confirms that the success of the transformation of the Indonesian legal system is highly dependent on

¹¹ Supriya Routh. "Examining the legal legitimacy of informal economic activities." *Social & Legal Studies* 31, no. 2 (2022): 282-308.

a strong commitment from the government, increased capacity of human resources, and active support from the community at every stage of the legal reform process.

6. Conclusion

The Indonesian legal system is the result of a combination of customary law, Islamic law, and European law, thus having a unique complexity and pluralism. The main challenges faced include overlapping regulations, conflicts between legal systems, and a gap between regulations and the needs of society. Social, economic, and technological changes demand that the law be more adaptive and responsive. This study shows that the integration of technology and public participation is an effective strategy to face these challenges. The digitalization of legal processes, online platforms, and public consultations allow the public to access information, express aspirations, and play an active role in the drafting of regulations. This approach increases the transparency, accountability, and relevance of the legal system.

However, the implementation of innovation faces obstacles, such as resistance from legal officials, limited infrastructure, and low digital literacy. Therefore, a comprehensive strategy is needed, including the harmonization of regulations, HR training, the development of technological infrastructure, and intensive socialization to the public. With innovative mechanisms based on technology and public participation, the Indonesian legal system can be more adaptive, inclusive, and effective. This transformation not only strengthens law enforcement but also ensures that regulations reflect the aspirations and needs of the community, so that the law can be a real and sustainable instrument of justice.

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