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THE LEGAL TRADITION IN INDONESIA: FINDING THE MIDDLE WAY

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ABSTRACT. Community life continues to develop dynamically. Along with that, various demands emerged to make various changes towards the achievement of national goals. Changes to the framework of the national legal system that was built on the basis of Pancasila and the 1945 Constitution. The direction of development must take into account the plurality of society without limiting rights and giving respect to the implementation of the law without overriding other legal interests. The context of a pluralistic Indonesian society develops along with the dynamics and development of society, both socio-culturally and politically. This article discusses the legal tradition that grows and takes root in Indonesia. This article is a normative research, which is conducting a literature study or secondary data to collect data through documentation from various articles, books, and other sources that discuss legal traditions in Indonesia. The finding of this article is that legal practices that develop in Indonesia are customary law, Islamic law, and Continental Europe. In the development of national law through the "middle way" as a principle of compromise against legal traditions that influence and attract each other, taking into account the philosophical, sociological, and juridical. In essence, legal practice refers to welfare and benefit considerations: "maintaining old traditions that are still relevant, building new, better traditions." What this article has in common with others is that it discusses legal traditions, while the difference is that this article analyzes the development of legal practice in Indonesia from various perspectives and approaches to religious values so as to create a just legal concept.

Keywords: *Indonesian Legal Traditions; Adatrecht; Islamic Law; Civil Law*

TRADISI HUKUM DI INDONESIA: MENCARI JALAN TENGAH

ABSTRAK. Kehidupan masyarakat terus berkembang secara dinamis. Seiring dengan itu, muncul berbagai tuntutan untuk melakukan berbagai perubahan menuju pencapaian tujuan nasional. Perubahan dengan kerangka sistem hukum nasional yang dibangun berdasarkan Pancasila dan UUD 1945. Arah pembangunan harus memperhatikan kemajemukan masyarakat tanpa membatasi hak dan memberikan penghormatan untuk menjalankan hukum tanpa mengesampingkan kepentingan hukum lainnya. Konteks masyarakat Indonesia yang majemuk berkembang seiring dengan dinamika dan perkembangan masyarakat, baik secara sosial budaya maupun politik. Artikel ini membahas tentang tradisi hukum yang tumbuh dan mengakar di Indonesia. Artikel ini merupakan penelitian normatif, yaitu melakukan studi pustaka atau data sekunder untuk mengumpulkan data melalui dokumentasi dari berbagai artikel, buku, dan sumber lain yang membahas tradisi hukum di Indonesia. Temuan artikel ini adalah praktek hukum yang berkembang di Indonesia adalah hukum adat, hukum Islam, dan Eropa Kontinental. Dalam pembangunan hukum nasional melalui "jalan tengah" sebagai prinsip kompromi terhadap tradisi hukum yang saling mempengaruhi dan menarik satu sama lain, dengan mempertimbangkan filosofis, sosiologis, dan yuridis. Pada hakikatnya, praktik hukum mengacu pada pertimbangan kesejahteraan dan kemaslahatan: "memelihara tradisi lama yang masih relevan, membangun tradisi baru yang lebih baik." Kesamaan artikel ini dengan yang lain adalah membahas tradisi hukum, sedangkan perbedaannya adalah artikel ini menganalisis perkembangan praktik hukum di Indonesia dari berbagai perspektif dan pendekatan nilai-nilai agama sehingga dapat menciptakan konsep hukum yang berkeadilan.

Kata kunci: *Tradisi Hukum Indonesia; Adatrecht; Hukum Islam; Civil Law*.

INTRODUCTION

Indonesia is a nation with a pluralistic society, 238 million people (Watch, 2013), with many islands, approximately seventeen thousand. It has more than a thousand languages, various tribes, cultures, and religions. With the diversity of customs, cultures, and beliefs, different laws were born and developed based on customary law (adatrecht), Islamic law brought initially by Arab society (Djamali, 2019), and Dutch civil law (Lukito, 2012). In practice divided into three groups in the colonial era, namely Europe, Bumi Putera, and the Foreign East (Daliyo, 2017).

Cultural pluralism and religious ultimately makes the diversity of legal traditions adopted and developed in Indonesia. With this diversity, there was a fusion (unification) after the independence of Indonesia. The basics of administering the government establish on August 18, 1945, based on the 1945 Constitution. However, to overcome the legal vacuum, the previous regulations were still in effect as long as there were no changes. It is an all-time agenda in national development to accommodate the various laws born and grew in the archipelago into one federal "typical" rule. Indonesia's legal tradition tends to be oriented towards civil law, significantly developing in the Blue Continent. Civil law applied in mainland Europe, such

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as Germany, France, Italy, the Netherlands, including Latin America and Asia, and Indonesia during the Dutch colonial period, originated from Corpus Juris Civils (Suherman, 2004).

The enactment of European continental (civil law) law cannot separate from the role of the Dutch East Indies colonial government through two strategies, namely imposition and acculturation, which were quite long and entrenched (Lukito, 2008). Because it is so deeply rooted, it is not easy for Indonesia to build a tradition of the indigenous legal system. The shadows of the past colonial practices remain the early color legacy of the new nation (Lev, 1990). Developing his identity takes more effort, not as easy as turning the palm of his hand. The transition from the colonized tradition to become an independent, independent, and independent nation requires fundamental cultural and intellectual change.

Connecting with the civil law legal tradition for Indonesia brings significant changes. Originally closer to the common law legal tradition, the legal order was scattered and unrecorded, transformed into recorded and unified. The new chapter of the Indonesian legal practice is written based on rationality, formal and procedural values.

Community life continues to develop dynamically. Along with this, there are various demands to make multiple changes towards the achievement of national goals. Of course, we cannot separate these changes from the framework of the national legal system built based on Pancasila and the 1945 Constitution. The direction of permitted development is paying attention to the plurality of society without limiting the rights of each citizen, but still giving respect to every citizen for carrying out the law that lives without prejudice to other legal interests. In the context of a pluralistic Indonesian society, the law always lives and develops with socio-cultural and political community dynamics (Suadi & Candra, 2016).

Once the civil law legal tradition has left its mark on the Republic of Indonesia, it is impossible to erase one side. But on the other hand, the law is not single, and it complements each other in national development. In this case, the legal traditions have grown and developed as the basis of the national legal system described. Therefore, this article aims to analyze the legal practice in Indonesia to form the legal formula used today.

METHOD

This article is normative research, which is conducting a literature review or secondary data to collect data by documentation from various articles, books, and other sources that discuss legal traditions in Indonesia

RESULTS AND DISCUSSION

Where there are people who live in a community, there is a legal system. The terms society and law were introduced by Marcus Tullius Cicero (106-43 BC) *"Ubi societies ibi ius"* "where there is a society, there is a (system) law." Because the law plays an essential role in managing society and it's various needs. The expression is sufficient to represent the heterogeneity of legal traditions born and developed in multiple parts of the world. As Van Vollenhoven stated: "Indigenous people live within their laws, and therefore there should be no unification of law." Applying law to the law that already exists in the community (natives) will not enrich indigenous civilizations (Zakaria, 2018).

The occurrence of the diversity of legal traditions in the world has something in common, namely the unity of view on the purpose of the law as a tool to protect human interests and maintain and defend their rights and obligations (Wardah & Sutiyoso, 2007). The law also aims at "a system for governing human conduct by formally enacted." "The legal system is to regulate human behavior by being legally enforced."

There are differences in the division of national legal systems that exist in the world by looking at their origins, development history, and application methods. Marc Ancel divides into five parts, namely; (1) civil law system, (2) standard law system, (3) middle east system, (4) far east system, and (5) socialist system (Ancel, 1965). Meanwhile, Rene divides into four: Roman law, customary law, socialist law, and other conceptions of law and social order (family, religious law, and traditional law) (David & Brierley, 1978).

The differentiation of the legal system shows that development cannot separate from humans as the subject of lawmakers and actors, the environment that becomes the existence of law, both for the rules for humans and the environment. Thus, the plurality and plurality of legal traditions is a reality.

Traditions The civil law legal

The civil law legal system has characteristics such as having binding power because of regulations in the state of laws with a systematic arrangement in one codification or compilation. The purpose of this system is legal certainty must organize the collection of many laws and various types of laws rationally in

a systematic, comprehensive, and logically coherent order (codification), as a reality and the need to achieve efficiency and effectiveness of utilization a legal reference (Wignjosoebroto, 2008).

That is, the judge in this case only interprets the regulations within the limits of his authority. So that to realize the effectiveness and efficiency of law into a body of coherent legal texts, it requires professional legal experts in their fields. Unwritten law (custom) or law that legal experts do not make is not law (Wignjosoebroto, 2008). It can understand that the character of this civil law is a codified legal product. There is a natural and firm separation between public and private law. Its power is binding manifested in regulations in the state of laws, with a systematic arrangement in codification. This character is adopted because the principal and primary value, which is the goal of the law, is legal certainty can present Legal certainty if written legal regulations regulate human legal actions in social life.

The next character, Continental Europe, cannot be separated from the theory of trias politica. The implementer of the law, the legislature as the legislator, judiciary, judiciary as the supervisor of the law's implementation. The legal tradition is the flow of legalism that the judge functions to connect the abstract legal rules in the law with the facts that occur in the field (concrete) in a case examined. Judges are limited and have limited authority, and they do not exceed written legal foundations. They are like trumpets of law *(bouche de la loi)*. In this view, it emphasizes that the law is the only law and source of law. It is a complete and precise final product. It is illegal for judges to make laws, but they are obliged to apply the law strictly (Ali, 2002).

Indonesia is in a position of a tendency towards the Continental European tradition (civil law system). Thus, the existence of legislation is so important. Why is it said so? Because if it is related to the principle of legality, it means that every government action must have a legal basis from the applicable laws and regulations. Suppose there is no basis for legal authority in the form of rules. In that case, all government officials cannot get the power to influence and change the legal situation or position of their citizens.

Common-Law Traditions

The Anglo-Saxon legal tradition (common law) is based on court decisions based on practice, custom, and precedent. The form of logical and objective reasoning (reasoning), the legal form allows neither written nor written as contained in the codes and statutes (Suherman, 2004). In the Anglo-Saxon tradition, the court is in a vital position. Law is not formed on campuses or doctrinal writing by legal experts but by practitioners and procedurals. The judge's function is more prominent, not only as an interpreter and establishing mere legal regulations, but also functions to shape the order of people's lives. Judges have considerable authority to interpret applicable legal regulations and create new legal principles as guidelines for other judges to decide on similar or similar cases.

This legal tradition is based on legal rules oriented to judicial decisions. Legal authorities are not formulated in general terms so that existing legal rules have factual content. The main characteristic of common law rests on its concrete rules, more directed to the resolution of some instances. Such practices are born through judges' decisions. Therefore, the court plays an essential role in its primary function. The tradition of development and development of this legal style relies more on judges in practice and creation so that the nature of the law occurs empirically.

In contrast to civil law, common law is based on law based on inductive and analogy. The difference between Anglo-Saxon and civil law is based on the role of statutory law and jurisprudence (judicial decisions). Countries classified as continental law place legislation (regulations) as the main joint of their legal system. Meanwhile, countries that adhere to the Anglo-Saxon legal tradition make jurisprudence the main joint of their legal system.

Islamic Law Traditions

Common law and civil law are artificial laws (aqliyah/artificial law). It is said so, considering that the basic ideas for the formation of legal norms are built and sourced from human (logical) reason, which is not based on religious values or moral principles. So the underlying is; libertarianism, capitalism, secularism, and materialism (Suherman, 2004).

Islamic law is God-made, as Jackson stated, that Islamic law finds its primary source in the will of Allah, as revealed to the Prophet Muhammad. by creating a community of believers, with diverse ethnic backgrounds as well as separate expanses of places and distances. This is evidenced, among other things, by the observation that Islam is the religion that most covers various races and nationalities, with areas of influence surrounding almost all climatological and geographical characteristics (Hitti, 2013).

Religion is not the same as nationalism or geography, and it is a major cohesive force. The state is in a position below (subordinate) the Qur'an by providing narrow space for additions, not criticism or

differences of opinion. The Qur'an prescribes rules of behavior against other people, as well as society, to ensure a safe transition (Maulidizen & Pratiwi, 2020). Unable to separate political or justice theories from the teachings of the Prophet Muhammad, who established rules of conduct regarding religious, family, social and political life. Thus, giving rise to a law of obligations rather than rights, moral obligations that follow the individual, no earthly authority can relieve the task, the dissenters suffer losses, and the future suffers (Muslehuddin, 1991).

The characteristics of Islamic law, among which are Islamic law built on the principles of *'aqīdah* (faith and monotheism) and morals (morals), its nature is universal (universal), created and functioned for all humans and the universe, the imposition of sanctions, both in the world and the hereafter (later), more inclined to collective togetherness *(jama'iyah)* by balancing individual and community interests, being dynamic in dealing with developments based on time and place "according to all times and places" *"al-Islām ālih li kulli zamān was makān."*(Qardawī, 1997), and Islamic law has a goal, namely to prosper in the life of this world and the hereafter (Syah, 1992).

Islam emphasizes the importance of *ijtihād* to reveal a problem as to why a law is enforced. If the illat has been found, the next stage is whether the illat in question is still relevant or not, there is, or there is a shift. If it has shifted or changed, the law will move or vary according to its illat. The growth that occurs in Islam is essentially a shift towards form, not in substance. Like from the past until now. Humans have the same instinct, namely to eat (Qomar, 2017).

The direction and attitude of citizens on religious issues are related to how the state differs. There are at least three attitudes in this matter. *First,* those who hold a formalist view, then strictly *Shariah*, need to be formulated as a state ideology. Religious rules are relegated to legal-positive legal systems. They focus more on the enforcement of *shariah* to the exclusion of nationalism. Indeed, Islam is a final one, and it can be applied anytime, anywhere, and even for a pluralistic society. These people have an "absolute" and "exclusive" attitude in religion, and sometimes, on the one hand, they use religion as a political tool to smooth the achievement of an ideal (Abdillah, 2013). In this case, they are excessively *ifrāṭ*, in imposing their will on the implementation of *Shariah* without any compromise.

Second, this group contradicts the first group. They mean more that religion is a private-personal realm that has nothing to do with the State. It is enough to use it as a source of ethics. This thought is called *tafrīṭ*. So worldly affairs are superior compared to *ukhrawi*, so the national orientation will certainly dominate compared to religious orientation. Strictly speaking, they do not support laws originating from religion. The position of religion is only limited to moral-ethical education with the aim that the State has a solid and transparent philosophical basis on ethics and morals. There is a positive side; namely, it can change the precarious atmosphere between Islamic groups and other groups and is very conducive to the realization of the integration of a pluralistic nation. But on the other hand, it is not enough to accommodate some people who want to carry out their religious obligations *kaffah* (Abdillah, 2013).

Third, religion as a sub-ideology or as a source of ideology if the word "sub-ideology" is considered to cause rejection from some community groups. The first opinion emphasizes the dominance of religion as a part that must implement in a country where the majority of its citizens are Muslims, to the exclusion of other religions. While in the second group, thoughts are dominated by the reality of plural life. The application of sharia is not necessary because it can lead to disintegration and intolerance of minorities. So, in bridging these two very different poles between *ifrāṭ* and *tafrīṭ* is *mu'tadil*. Mu'tadil can apply to a diverse country regarding ethnicity, race, ethnicity, and religion. Religion is used as a source of ideology. And when applied in Indonesia, as a sub-ideology of Pancasila.

Customary Law Traditions

Long before various legal traditions entered the archipelago, the people who inhabited the archipelago were believed to have the rule of law derived from "chthonic" legal values. This term comes from the Greek, "khthon" or "khthononos," which means earth, with another meaning in life that is close and close to the world, or the culture of people's lives in harmony with the planet (Lukito, 2012).

Adat comes from Arabic, meaning "custom." It can interpret that someone's behavior is continuously carried out in a certain way and followed by outsiders for a long time, with several elements: (1) the existence of a person's behavior, (2) carried out continuously, (3) the time dimension, and (4) followed by others (Yulia, 2016). The term customary law is divided into three aspects; *First*, adat has the meaning of laws, rules, teachings, morality, customs, agreements, and actions following the community's habits. In many ways, its purpose is closely related to the context. Still, in general, it has the same meaning, namely behavior that is considered correct in people's lives concerning other people and their relationship with the natural surroundings. *Second*, adat is a term used specifically

to relate to customary practices prevailing in a particular area. The scope of this definition is broader from Southern Thailand to the Southern Philippines, through the islands of Malaysia and Indonesia, where each place has its customs depending on its cultural and linguistic identity. *Third*, adat in the sense of an extensive collection of *da'i* literature and about adat produced by administrative and legal experts (Yulia, 2016).

Customary law was introduced by Snouck Hurgronje with the term "adat recth" in his book "De Atjeher" to give a name to a social control system that lives in Indonesian society. With its legal characteristics; (1) not written in the form of legislation and not codified, (2) not systematically arranged, (3) not compiled in the form of statutory books, (4) irregular, (5) the decision does not use preamble (consideration), (6) the articles of the rules are not systematic and have no explanation.

The history of the customary law of the archipelago, at least starting with the Daendels era (1808-1811), has a law, but it has no impact on European law. Raffles Era (1811-1816) set about regulations for a more effective administration of justice in the courts of the Java province. The Age of the General Commission (1816-1819) continued Raffles' law. The era of Van den Bosch, the arrangement of inheritance law according to Islamic law and mixed land, between Bramein's rules and Islam. Age of Chr. Baud. Protection of ulayat rights, the natives did a dissertation on customary law, 1922 Kusumaatmadja, on waqf, 1925 Soebroto on pawning rice fields, 1925 Endabumi, on Batak tribal land law, 1927 Seopomo on land rights of kingdoms.

After Independence, Article II of the Transitional Rules of the 1945 Constitution recog-nized the existence of customary law, which stated: "all state bodies and regulations that are still valid as long as new ones have not been enacted according to the Constitution." The 1949 United States of Indonesia Constitution (RIS Constitution) also regulates customary law, among others in Article 144 paragraph (1) concerning customary and religious judges, Article 145 paragraph (2) concerning customary courts, and Article 146 paragraph (1) concerning customary law rules that form the basis of punishment. And several other laws that talk about customary law.

Customary law is the original law of the Indonesian people, rooted in customs or reflects the fundamental cultural values of the Indonesian people, which means that it binds and finds all thoughts recognized by the constitution, the 1945 Constitution—reflecting the legality principle of the application of customary law for the Indonesian state as a custom habit. As a habit, the legal culture in a customary law community tends to be in the form of unwritten (unwritten law).

The applicable law always considers and pays attention to the psychological conditions of its community members. In the customary law community that adheres to the "patrilineal" and "matrilineal" kinship system, in addition to the indigenous community that attaches to the "parental" or "bilateral" approach, the applicable customary marriage law is a form of "free" (independent) marriage. In addition, customary law communities are also known for their forms of mixed wedding and elopement (Sumanto, 2008).

The Foundation in the Forming of Legislation

In Indonesia, the legal tradition is more inclined to Continental Europe, thus demanding the consequences of forming the legislation. However, this does not mean that the formation of legislation is made haphazardly. This has been regulated in Law no. 12 of 2011, concerning the Establishment of Legislation. Appendix I of the Act is stated about the Techniques for Drafting Academic Papers on Draft Laws, Draft Provincial Regulations, and Draft Regency/City Regional Regulations.

Quality regulations or laws made must meet three elements, namely philosophical, sociological and juridical. First, the philosophical foundation is a consideration or reason that illustrates that the Law that was formed took into account the views of life, awareness, and legal ideals, which included the mystical atmosphere and the philosophy of the Indonesian nation, which was sourced from Pancasila and the Preamble to the 1945 Constitution of the Republic of Indonesia. a combination of the substance of Chapter II and Chapter III, especially the philosophical basis related to the provisions in the 1945 Constitution of the Republic of Indonesia. The philosophical foundation will be the basis in compiling one of the considerations (philosophical elements) in the formed Law.

Second, the sociological foundation is a consideration or reason that illustrates that the Law was formed to meet the community's needs in various aspects. The sociological basis concerns empirical facts regarding the development of problems and needs of society and the state. The sociological basis comes from the substance described in Chapter II. The sociological basis will be the basis for compiling one of the considerations (sociological elements) in the formed Law.

Third, the juridical basis is a consideration or reason that illustrates that regulations are developed to overcome legal problems or fill legal voids by

considering existing rules, which will be changed, or which will be revoked to ensure legal certainty and a sense of community justice. The juridical basis concerns legal issues related to the substance or material that is regulated so that it is necessary to form new laws and regulations. Some of these legal issues, among others, are outdated regulations, inharmonious or overlapping regulations, types of rules that are lower than the Law so that their enforcement power is weak, the rules already exist but are inadequate, or the rules do not exist at all. The juridical basis comes from the substance of the legal analysis and evaluation in Chapter III. The juridical basis will be the basis for compiling one of the considerations (juridical elements) in the formed Law.

The Middle Way as a Compromise of Legal Tradition

Indonesia has been under colonial rule for more or less 3.5 centuries is a fact. For such a long time, the Netherlands, with its legal tradition-oriented towards mainland Europe, has dramatically colored the legal rules of the Archipelago (Indonesia). The practice of Dutch colonialism has displaced the existence and existence of customary law and Islamic law, which was then dominated by the civil law legal system (Lukito, 2012).

This current drags to the estuary that the growing legal tradition in Indonesia is a plural legal system. In such a situation, there was a tug-of-war, traditional marriage, and mutual inclusion in determining the concept and direction of developing the national legal tradition. As a bridge or bridge between various existing rules, Pancasila is taken as the "Middle Way," which accommodates several sources of law that penetrate each other.

As a middle way towards developing national law, Pancasila is used as a new tradition that accommodates at least the four existing legal practices. Of course, Pancasila was taken as a middle way based on the consensus of the founding fathers of the nation on the principle of "agreement" or *"mišāqan galīḍā"* a firm contract, both closer to civil law, Islamic law, and living law. This middle ground is constructed to serve as a regulatory and constructive benchmark. Pancasila, as the middle way, the basis of the state, then later became the source of all sources of law in Indonesia, was also used by The Founding Fathers of Indonesia. The Founding Fathers have been wise, wise, and far-sighted by laying the foundations of a solid and steadfast state life for the progress and development of the Indonesian state. One of the thoughts behind the idea is that, in reality, the Indonesian state, which will manage later, has an extensive area consisting of thousands of islands with a reasonably large and very diverse population (Kusumohamidjojo, 2004).

Pancasila is taken, used as a middle way as a consensus, as a noble and noble contract, and has three characteristics of balance: *First*, credit by bringing together Islamic ideology with secularist nationalist ideology. The two are polar opposites, then juxtaposed to become "theist-democracy." *Second*, the middle way that connects individualistic traits with the flow of socialism is called monodualism. *Third*, click the stretch of red thread between the old cultural heritage of the Indonesian nation's life of consensus deliberation and dialectical modernity (Bakry, 2001).

Pancasila as the philosophical basis for the tradition of Indonesian legal development, with these three balances, also does not close the space to maintain the old legal heritage as an indigenous heritage that is still relevant to traditions born later, which are better. The current positive legal order (ius constitutum) can be removed or replaced with ius constituendum, which becomes the new ius constitutum, with the community's needs constantly evolving (Daliyo, 2017).

The assimilation of tradition through the middle way can be seen from the Law that was born later. As Law no. 1 of 1974, concerning Marriage. Article 37 states: "If a marriage breaks up due to divorce, the property is regulated according to their respective laws." What is meant by "the law" is religious Law, customary Law, and other laws. Emphasizing the article, Article 96 Paragraph (1) of the Compilation of Islamic Law (KHI) states: "In the event of a divorce, half of the joint property becomes the right of the spouse who lives longer." This is where the acculturation of legal traditions occurs between Islamic Law, customary Law, and Civil Law. On Islamic inheritance decisions, judges also do not refer to pure Islamic law sources but are based on the determination of the judge's belief. Like the inheritance of different religions. In Indonesia, the settlement of the estate is within the jurisdiction of the Religious Courts.

One of the references to inheritance law is Presidential Instruction number 1 of 1991, concerning disseminating the Compilation of Islamic Law. In Book II of the KHI, Article 171 letters b and c state that heirs and heirs can inherit from each other if they share one belief.

However, there is jurisprudence that justifies the practice of inheritance of different religions. *First*, Supreme Court decision Number: 368K/AG/1995 dated July 16, 1998. Second, Supreme Court

Decision Number: 51 K/AG/1999, dated September 29, 1999. The first decision states that non-Muslim heirs get a share of the inheritance of Muslim heirs based on mandatory wills equal to the percentage of Muslim heirs and are not declared heirs. Meanwhile, the second decision states that heirs with different beliefs get the same share as their Muslim brothers based on mandatory wills. The example above shows that the assimilation of legal traditions in Indonesia occurs and develops, not being fixed on the civil law tradition, but already leaning towards Pancasila as the middle way of the basic foundations of the nation and state.

CONCLUSION

Various legal traditions that develop can be used as material for reflection and reference or reference in building Indonesian legal traditions with Indonesian characteristics and spirit. The legal tradition in Indonesia has finally found a middle way, namely Pancasila as the basic foundation and root, which is built on the unified legal traditions. Pancasila, as a middle way always transforms to answer the needs of the community.

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