



# Legal Evolution And Political Authority In Indonesia

## Martinus Nijhoff 2000

**Andrew Harding**



## **Legal Evolution And Political Authority In Indonesia Martinus Nijhoff 2000:**

**Legal Evolution and Political Authority in Indonesia** Daniel Lev, 2021-10-25 For nearly forty years following the collapse of Indonesia's parliamentary system Indonesia's once independent legal institutions were transformed into dedicated instruments of a powerful elite and allowed to sink into a deep mire of corruption and malfeasance Legal process was devastated far beyond the capacity of any simple effort at reconstruction by post Suharto governments Indonesia's problems in this respect surpass those of other countries in the region compelled by economic crisis to re-examine institutional structures The works reprinted in this collection constitute a case study over time of legal decay and the rise of reform interests in one of the most complex countries in the world Written during a period of more than thirty years beginning in the early 1960s the essays trace several themes in the legal history of modern Indonesia They make clear however that legal history is seldom that alone but rather like law itself is largely derivative fundamentally imbedded in the interest ideas purposes and contentions of local political social and economic power

**Traditions and Transformations of Habitation in Indonesia** Bagoes Wiryomartono, 2020-03-04 This book raises the issue of the practice of patrimonial power with a focus on habitations particularly in the urban areas of Indonesia An assemblage of interdisciplinary studies within the framework of environmental humanities covering the arts architecture urban studies geography cultural anthropology and sociology this multifaceted framework divulges the interactive connectivity between Indonesia's patrimonial culture and the socio-culturally constructed system of habitation The interdisciplinary study of the pertinent practices of patrimonial power that have been represented and been manifested by various political and traditional regimes in terms of the built environment and habitation in Indonesia contributes to a new understanding of Indonesian urban spatial development from the pre-colonial era to the present The book poses that in order to understand the politics of Indonesia one must understand the culture and tradition of the political leadership of the country The author presents such an understanding in exploring and unpacking the relationship between people and place that constructs develops sustains and conserves Indonesian culture and traditions of habitation This book is of interest to graduate scholars and researchers in Asian Studies in numerous disciplines including urban studies urban planning and design political science architecture anthropology of space public administration and political philosophy

*Citizenship and Democratization in Southeast Asia*, 2016-10-10 This title will be available in its entirety in Open Access By providing various fascinating first hand accounts of how citizens negotiate their rights in the context of weak state institutions *Citizenship and Democratization in Southeast Asia* offers a unique bottom up perspective on the evolving character of public life in democratizing Southeast Asia

**New Courts in Asia** Andrew Harding, Penelope Nicholson, 2010-01-21 This book examines the numerous new courts created throughout Asia during the last 20 years covering important jurisdictions including human rights intellectual property disputes bankruptcy petitions commercial contracts public law adjudication personal law labour and industrial disputes It

evaluates their performances and considers the broader economic social and political implications Law, Society and Transition in Myanmar Melissa Crouch, Tim Lindsey, 2014-10-23 This edited volume addresses the dynamics of the legal system of Myanmar Burma in the context of the dramatic but incomplete transition to democracy that formally began in 2011 It includes contributions from leading scholars in the field on a range of key legal issues now facing Myanmar such as judicial independence constitutional law human rights and institutional reform It features chapters on the legal history of Myanmar electoral reform the role of the judiciary economic reforms and the state of company law It also includes chapters that draw on the experiences of other countries to contextualise Myanmar's transition to democracy in a comparative setting including Myanmar's participation in regional bodies such as ASEAN This topical book comes at a critical juncture in Myanmar's legal development and will be an invaluable resource for students and teachers seeking greater understanding of the legal system of Myanmar It will also be vital reading for a wide range of government business and civil society organisations seeking to re engage with Myanmar as it navigates a difficult transition toward democracy and the rule of law **Transboundary Heritage and Intellectual Property Law** Patricia Covarrubia, 2022-11-30 Since the Intangible Heritage Convention was adopted by UNESCO in 2003 intangible cultural heritage has increasingly been an important subject of debate in international forums As more countries implement the Intangible Heritage Convention national policymakers and communities of practice have been exploring the use of intellectual property protection to achieve intangible cultural heritage safeguarding outcomes This book examines diverse cultural heritage case studies from Indigenous communities and local communities in developing and industrialised countries to offer an interdisciplinary examination of topics at the intersection between heritage and property which present cross border challenges Analysing a range of case studies which provide examples of traditional knowledge traditional cultural expressions and genetic resources by a mixture of practitioners and scholars from different fields the book addresses guidelines and legislation as well as recent developments about shared heritage to identify a progressive trend that improves the understanding of intangible cultural heritage Considering all forms of intellectual property including patents copyright design rights trade marks geographical indications and sui generis rights the book explores problems and challenges for intangible cultural heritage in crossborder situations as well as highlighting positive relationships and collaborations among communities across geographical boundaries Transboundary Heritage and Intellectual Property Law Safeguarding Intangible Cultural Heritage will be an important resource for practitioners scholars and students engaged in studying intangible cultural heritage intellectual property law heritage studies and anthropology *Religious Minorities, Islam and the Law* Al Khanif, 2020-09-03 This book examines the legal conundrum of reconciling international human rights law in a Muslim majority country and identifies a trajectory for negotiating the protection of religious minorities within Islam The work explores the history of religious minorities within Islam in Indonesia which contains the world's largest Muslim population as well as the present day ways by which the

government may address issues through reconciling international human rights law and Islamic law. Given the context of multiple sets of religious norms in Indonesia, this is a complicated endeavour. In addition to amending and enacting human rights norms, the government is also negotiating with the long history of Islamisation in Indonesia. Particularly relevant is the practice of customary law, which puts the rights of community over individualism. This practice directly affects the rights of religious minorities within Islam. Readers, especially those conducting research, will also be provided with information and references which are relevant to the field of human rights, especially in relation to religious minorities and international law. The book will be a valuable resource for academics and researchers in the fields of International Human Rights Law, Law and Religion, and Islamic Studies.

**Fluid Jurisdictions** Nurfadzilah Yahaya, 2020-09-15. This wide-ranging geographically ambitious book tells the story of the Arab diaspora within the context of British and Dutch colonialism, unpacking the community's ambiguous embrace of European colonial authority in Southeast Asia. In *Fluid Jurisdictions*, Nurfadzilah Yahaya looks at colonial legal infrastructure and discusses how it impacted and was impacted by Islam and ethnicity. But more important, she follows the actors who used this framework to advance their particular interests. Yahaya explains why Arab minorities in the region helped to fuel the entrenchment of European colonial legalities; their itinerant lives made institutional records necessary. Securely stored in centralized repositories, such records could be presented as evidence in legal disputes. To ensure accountability down the line, Arab merchants valued notarial attestation, land deeds, inheritance papers, and marriage certificates by recognized state officials. Colonial subjects continually played one jurisdiction against another, sometimes preferring that colonial legal authorities administer Islamic law even against fellow Muslims. *Fluid Jurisdictions* draws on lively material from multiple international archives to demonstrate the interplay between colonial projections of order and their realities, Arab navigation of legally plural systems in Southeast Asia and beyond, and the fraught and deeply human struggles that played out between family, religious, contract, and commercial legal orders.

*Access to Environmental Justice: A Comparative Study* Andrew Harding, 2007-06-30. Although it is commonly asserted that enhanced citizen participation results in better environmental policy and improved enforcement of environmental standards, this hypothesis has rarely been subject to testing on a comparative basis. The contributors to this book set out to study the extent to which citizens can and do exert influence over their urban environments through the legal and extra-legal gateways in eleven countries spanning several continents, as well as different climates, levels, and types of economic development and national legal and constitutional systems, as well as exhibiting a different set of environmental problems. One interviewee questioned about access to environmental justice dryly remarked that in his city there was no environment, no justice, and no access to either. Yet this view, as will be seen, requires to be nuanced. While few people will be surprised by the finding that legal gateways to environmental justice are largely ineffective, the reasons for this are revealing, but also the richness of detail and the comparisons between the different countries, and also the positive aspects which surfaced in several instances, were

indeed both encouraging and sometimes surprising This book presents the first comparative survey of access to environmental justice and will be of considerable use to lawyers policy makers activists and scholars who are concerned with the environmental issues which so profoundly affect and afflict our habitat and conditions of social justice throughout the world

*Intellectual Property, Cultural Property and Intangible Cultural Heritage* Christoph Antons, William Logan, 2017-12-06 Intellectual Property Cultural Property and Intangible Cultural Heritage examines various notions of property in relation to intangible cultural heritage and discusses how these ideas are employed in rights discourses by governments and indigenous and local communities around the world There is a strong historical dimension to the book s exploration of the interconnection between intellectual and cultural property intangible cultural heritage and indigenous rights discourses UNESCO conventions discussions in the World Intellectual Property Organization WIPO the Convention on Biological Diversity and the recent emphasis on intangible cultural heritage have provided various discourses and models The volume explores these developments as well as recent cases of conflicts and cross border disputes about heritage using case studies from Asia Europe and Australia to scrutinize the key issues Intellectual Property Cultural Property and Intangible Cultural Heritage will be essential reading for scholars and students engaged in the study of heritage law history anthropology and cultural studies

**Routledge Handbook of Asian Law** Christoph Antons, 2016-11-03 Law and legal institutions in East Asia s high growth episodes Conclusion East Asia law and development and today s developing countries Chapter 4 A new China model for the era post global financial crisis Legal dimensions Introduction The East Asian model its progeny and their problems The emerging post Washington post Beijing consensus PWBC Implications of the PWBC for the China model The decision in light of the PWBC The implications of the decision for legal reforms Conclusion

**The Role of Islam in the Legal System of Pakistan** Martin Lau, 2005-12-01 The role of the judiciary in the Islamisation of Pakistan s legal system has not received much attention by legal scholars This book aims to fill this gap Starting in 1947 it examines the way Pakistani judges have dealt with the controversial issue of Islam in the past 50 years The book s focus on reported case law offers a new perspective on the Islamisation of Pakistan s legal system in which Islam emerges as more than just a challenge to Western conceptions of human rights The first part examines the emergence of Islamic arguments in the period up to 1977 when General Zia ul Haq embarked on an ambitious project to turn Pakistan into a truly Islamic state In these early years of Pakistan judges increasingly turned to Islam as a source of law to preserve judicial independence and to protect the country s faltering democracy The second part examines in detail the features and effects of Zia s Islamisation programme especially the workings of the newly created Federal Shariat Court The third part reviews the legal developments in the post Zia period when the judicial gates of Islamization which were first wide opened have gradually been closed by a series of landmark decisions What emerges from this analysis is an image of Islam as a source of law which is rich complex and varied Depending on the judge and the court Islam was applied to varying effects ranging from liberal to

extremely conservative attitudes However they share a common feature namely that the role of Islam in the legal system of Pakistan is to a large degree determined by its higher judiciary

**Political and Legal Transformations of an Indonesian Polity** Franz von Benda-Beckmann, Keebet von Benda-Beckmann, 2013-08-15 This book explores the relationships between matrilineal Islamic and state law and investigates the dynamics of legal pluralism governance and property relationships

Dutch Commerce and Chinese Merchants in Java Alexander Claver, 2014-01-09 Dutch Commerce and Chinese Merchants in Java describes the vanished commercial world of colonial Java Alexander Claver shows the challenges of a demanding business environment by highlighting trade and finance mechanisms and the relationships between the participants involved

Divers Paths to Justice Marcus Colchester, 2011 *Pengantar Hukum Indonesia* Afif Muhni, Eko Saputra, Nila Amania, Nuriyah Fara Muthia, 2025-07-18 Buku Pengantar Hukum Indonesia Sejarah Sistem Sumber Hukum dan HAM di Indonesia memberikan pemahaman dasar mengenai aspek aspek penting dalam sistem hukum Indonesia Pada Bab pertama dibahas secara ringkas sejarah perkembangan hukum di Indonesia mulai dari hukum adat yang hidup dalam masyarakat pengaruh sistem hukum kolonial Belanda hingga proses pembentukan sistem hukum nasional setelah kemerdekaan Pemahaman sejarah ini penting karena menjadi fondasi lahirnya berbagai peraturan dan sistem hukum yang berlaku saat ini Bab selanjutnya membahas sistem hukum Indonesia yang mencakup struktur lembaga hukum peran kekuasaan legislatif eksekutif dan yudikatif serta pengelompokan jenis peraturan perundang undangan Bab ketiga mengulas secara sistematis sumber sumber hukum di Indonesia baik hukum tertulis maupun tidak tertulis Terakhir buku ini menyoroti hubungan antara hukum dan Hak Asasi Manusia HAM serta bagaimana perlindungan HAM diakomodasi dalam sistem hukum nasional Buku ini sangat cocok dijadikan referensi awal bagi mahasiswa maupun masyarakat umum yang ingin memahami kerangka dasar hukum di Indonesia

*Indonesia menentukan nasib*, 2010 Social economic and political conditions after the New Order s administration in Indonesia

*International Law on Peacekeeping* Hitoshi Nasu, 2009-03-31 It is generally considered that the UN Security Council has been galvanised since the end of the Cold War However the existence and development of armed conflicts remain the reality in the international scene Is the upsurge in instances of invoking Chapter VII of the UN Charter truly a sign of the invigoration of the Security Council s authority or mere evidence of its failure to prevent the aggravation of armed conflicts To what extent is the Security Council authorised to exercise the peacekeeping power in order to take a more flexible approach to conflict management from an earlier stage of conflict This book explores the potential of the UN peacekeeping power placing Article 40 of the UN Charter at the centre of the legal regime governing peacekeeping measures It traces the origins of peacekeeping measures primarily in the experience of the League of Nations and identifies Article 40 of the Charter as the primary legal basis for and the legal restraints upon the exercise of the peacekeeping power It examines the regulatory framework within which the United Nations particularly the Security Council is authorised and may even be required to direct peacekeeping measures to prevent the aggravation of armed conflicts It

suggests that the legal accountability of the Security Council in directing peacekeeping measures will be enhanced by utilising procedural mechanisms for self regulation

**Borrowing Court Systems** Penelope Nicholson, 2007 Drawing on legal culture this book offers an English language reading of Vietnamese court history from 1945 to the present day including an analysis of the extent to which the DRVN courts 1945 1976 mirrored or diverged from the Soviet model

**Citizenship in Indonesia** Safrudin Amin, Ward Berenschot, Chris Chaplin, M. Zamzam Fauzanafi, Retna Hanani, Dr Vanessa Hearman, Tanya Jakimow, Vita Febriany, Gerry van Klinken, Willem van der Muur, Surya Tjandra, Hari Nugroho, Prio Sambodho, Jessica Soedirgo, 2019-04-15 Kewarganegaraan hadir kembali di Indonesia Orde Baru berupaya sebaik mungkin untuk mengebiri konsep ini dengan menggambarkannya semata sebagai kewajiban yang harus dipatuhi Namun demokrasi membuat orang awam menyadari bahwa mereka pun memiliki hak Dalam buku ini kami tidak akan melakukan pendidikan kewarganegaraan Alih alih kami ingin melihat bagaimana orang Indonesia biasa mempraktikkan kewarganegaraan dalam keseharian Apa yang mereka lakukan Apa yang mereka yakini Berfokus pada kewarganegaraan adalah suatu perubahan dari menyalahkan atau memuji kaum elite untuk semua hal yang terjadi di negara ini Pada kenyataannya jika demokrasi berjalan dengan baik maka hal itu terjadi karena warga negara lah yang membuatnya berhasil Sebaliknya jika demokrasi memburuk hal itu bisa terjadi warga negara tidak berbuat cukup untuk memprotes keegoisan para elite Kami meyakini bahwa kewarganegaraan adalah cara yang bermanfaat untuk membahas tentang politik Indonesia pasca tahun 1998 Kewarganegaraan menyangkut cara cara warga negara berinteraksi dengan lembaga lembaga negara Perlu dikaji secara empiris tetapi pada sisi yang lain juga membuat kita berpikir tentang cita cita bersama Buku ini memperkenalkan suatu konsep kewarganegaraan yang disesuaikan tanpa muatan asosiasi dunia Barat untuk diterapkan di Indonesia Buku **Citizenship in Indonesia Perjuangan atas Hak Identitas dan Partisipasi** disusun berdasarkan tiga fitur kewarganegaraan yaitu hak identitas sosial dan keikutsertaan politik Kewarganegaraan relevan dengan serangkaian topik hangat mulai dari hak atas tanah layanan kesehatan bersubsidi seks pranikah hingga peran syariah dan keberadaan LGBT Kami percaya bahwa gagasan tentang kewarganegaraan dapat menghasilkan energi baru untuk menangani ketidaksetaraan yang semakin meluas di Indonesia



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