

Understanding The Ruling Of The Constitutional Court No: 90/PUU-XXI/2023 From A Civil Law And Common Law Perspective

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Abstract. To ensure legal certainty in a country, various countries in the world have different legal systems which are acclimated to the needs and characteristics of each country. In general, two legal systems are commonly applied, namely the civil law legal system and the common law legal system. The civil law system is a legal system that originates from mainland Europe and is based on Roman law with the main characteristic being the existence of a codification system of the main legal principles. The three primary features of civil law legal systems are codification, non-precedential judges, and an inquisitorial judiciary. Meanwhile, the common law system is a system that refers to customs in England that are not written down and which through judge decisions are then made legally binding. The choice of the legal system will affect the preparation of legal products and the results decided. The choice of legal system significantly impacts legal products produced, whether regulations or jurisprudence. Indonesia's recent Constitutional Court verdict (90/PUU-XXI/2023) is raising concerns over its legitimacy and potential impact on the country's legal framework. Further analysis and scrutiny are necessary.

Keywords: Decision, Civil Law, Common Law

1. Background of Study

Law is a systematic set of rules related to human behavior and certain conditions that follow (Asshiddiqie & Safa'at, 2006: 13). Indonesia is a country of law that also upholds democratic values. Law is a fundamental part because it has legitimacy and is a basic guideline in state administration, especially in state life. It is reinforced by the statement in Article 1 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UUD NRI) which makes Indonesia a country based on statute (rechtstaat). The rule of law or rechstaat is a concept of state administration based on law, one of the characteristics of which is that there is a guarantee of human rights (HAM).

Besides that, law as a collection of regulations or rules has general and normative content. In this case, the general nature means that the law applies to everyone, while the normative nature means that the law can determine what should be done what should not be done, or what must be done and determine how to comply with existing rules. A set of regulations called law exists as the backbone of the fulfillment and protection of human rights in a country. Along with this, laws are made to achieve several goals, namely justice, expediency, and legal certainty. In the history of legal philosophy, law is often identified

with justice. Law without justice will be arbitrary, even though justice is often difficult to reach. Therefore, justice must be balanced with the usefulness and certainty of the law to ensure that the existing law is a law that is fair, beneficial to humans, and normatively logical.

In its development, to ensure the functioning of a legal system within a country, several countries have implemented different legal system models that are adapted to the conditions and needs of each country. According to Satjipto Rahardjo, in this world we do not encounter just one system but more than one. The elements that exist in a legal system include structure, categories, and concepts. The differences in these elements result in discrepancies in the legal systems used. According to him, the legal systems that are generally often found are the principles of common law and civil law, which are founded on the European Legal System and the English Legal System. Each country will choose the legal system it wants to use to ensure the implementation of law in a country to achieve justice.

The principle of justice in law is also embodied in various regulations and resulting court decisions. However, legal products in Indonesia often do not contain elements of human rights-based justice comprehensively. It is also proven by one of the legal products that has just been produced, namely the Constitutional Court Decision Number: 90/PUU-XXI/2023 concerning the judicial review of one of the articles in Law Number 7 of 2017. The results of this Constitutional Court Decision are quite controversial and reaped a lot of denial from various groups because it had a consequence on modifying the requirements for participants to participate in the 2024 elections.

On October 16, 2023, the Constitutional Court read out the Constitutional Court Decision Number: 90/PUU-XXI/2023 regarding the judicial review of Article 169 letter q of Law Number 7 of 2017 concerning General Elections (UU Election), which law regulates minimum age limit for candidates for President of the Republic of Indonesia (RI) and candidates for Vice President of the Republic of Indonesia. The decision was settled by the Constitutional Court Judges consisting of Anwar Usman as Chairman and other members, namely Saldi Isra, Manahan M.P. Sitompul, M. Guntur Hamzah, Daniel Yusmic P. Foekh, Wahiduddin Adams, Suhartoyo, and Arief Hidayat. This decision has attracted quite a lot of public attention because the results of this decision will greatly affect the election process, especially regarding several provisions that are prerequisites for the election.

2. Methodology

The research in this paper was carried out using a normative research method, namely a research model that examines various normative literature, such as statutory regulations, court decisions, legal theory, jurisprudence, and so on. The research also utilizes theoretical methods, namely by reviewing existing basic theories. Furthermore, the data collection method will be instructed by a literature study from various existing references.

3. Problem

Based on the background above, the problem is composed as follows:

1. How to apply the notion of civil law and common law legal systems related to Constitutional Court Decision NO. 90/PUU-XXI/2023?
2. What are the impacts of Constitutional Court Decision NO. 90/PUU-XXI/2023 for the legal system in Indonesia?

4. Discussion

4.1 Application of Common Law and Civil Law

The legal system is a unified whole consisting of closely related elements according to Sudikno Mertokusumo.¹ Therefore, to achieve legal objectives in one unity, synergy is needed between the various elements in the system. As previously explained, in this world, countries generally adhere to their legal systems to implement the existing legal system, be it common law or civil law. Civil law is a legal system that originates from mainland Europe and is based on Roman rule with its main characteristic being the codification of the primary legal principles.² The three main characteristics of a civil law legal system are a codification system, judges who are not bound by precedent, and a judiciary that adheres to an inquisitorial system.

¹ Soedikno Mertokusumo, *Mengenal Hukum: Suatu Pengantar*, Cetakan Kedua, Edisi Keempat, (Yogyakarta: Liberty, 1999), hlm. 115-116.

² Muhammad Dzikirullah H. Noho, *Mendudukan Common Law System dan Civil Law System Melalui Sudut Pandang Hukum Progresif di Indonesia*, Jurnal Rechtsvinding, hlm. 1.

The first characteristic is legal codification which is a bookkeeping or combining of laws in a collection of laws with the same material. This civil law originates from the codification of law in force in the Roman empire during the reign of Emperor Justinianus who had a major influence in the preparation of codification in the sixth century BC. At that time the king had absolute power, so that at that time the notion of codification was adopted by the civil law system with the aim of the political interests of the Roman Empire. These legal regulations are a collection of various legal rules that existed before the time of Justinian, which were then called the *Corpus Juris Civilis*. Codification is needed to create legal uniformity within and amidst legal diversity.³ *The Corpus Juris Civilis was later used as the basis for the formulation and codification of law in mainland European countries (Germany, the Netherlands, France, Italy, and Latin America), as well as Indonesia during the Dutch colonial era.*⁴

The next characteristic is that judges are not bound by precedent, which according to Paul Scholten there is a separation between the power to make laws, judicial power, and the cassation system and executive power, and it is not possible for one power to interfere with the affairs of another power.⁵ Departing from this method, a jurisprudence was formed. In this system, judges only function to establish and interpret regulations within the limits of their command.⁶ In a case, a judge's judgment is only binding on the parties to the case or what is known as the *Res Adjudicata* doctrine. It is also related to the third characteristic, namely that the judiciary adheres to an inquisitorial system, where the judge has a large role in directing and deciding a case. In this system, judges are active in discovering legal facts and careful in assessing evidence. Judges will always uphold the professionalism and honesty of judges by trying to get a complete picture or information about the events they face from the start.⁷

³ Nurul Qamar. *Perbandingan Sistem Hukum dan Peradilan Civil Law System dan Common Law System*. Makassar: Pustaka Refleksi, 2010, hal. 40

⁴ Ade Maman Suherman, *Pengantar Perbandingan Sistem Hukum*, Edisi 1, Cet. 1 (Jakarta: RajaGrafindo Persada, 2004), hlm. 55 et seqq.

⁵ Nurul Qamar. *Perbandingan Sistem Hukum dan Peradilan Civil Law System dan Common Law System*. Makassar: Pustaka Refleksi, 2010, hal. 46

⁶ L. J. van Apeldorn, *Inleding tot de Studie van het Nederlandse Recht*, atau *Pengantar Ilmu Hukum*, terj. Oetarid Sadino, Cetakan ke-23 (Jakarta: Pradnya Paramita, 1996), hlm. 130 et seqq.

⁷ Nurul Qamar. *Perbandingan Sistem Hukum dan Peradilan Civil Law System dan Common Law System*. Makassar: Pustaka Refleksi, 2010, hal. 47

The division in this legal system is divided into public law and civil (private) law, as this is not found in the common law legal system.⁸ Public law includes various legal regulations that regulate the power and authority of the ruler/state as well as the relationships between society and the state. The legal specializations included in public law are Constitutional Law, State Administrative Law, and Criminal Law.⁹ Meanwhile, private law is a variety of legal regulations that regulate relationships between individuals in meeting their living needs. The legal fields included in clandestine law are Civil Law and Commercial Law.¹⁰ However, as time progresses, clear boundaries between public law and private law are becoming increasingly difficult due to two basic things. First, the increasing number of areas of community life that need to be protected and guaranteed for the sake of the public/societal interest, such as Labor Law and Agrarian Law.¹¹ Second, there is increasing state intervention in areas of life that previously only concerned personal relationships, for example, related to trade, agreements, and so forth.¹²

The next legal system is ordinary law which refers to traditions in England that are not written down and which through judge decisions are then made legally binding.¹³ This system began to develop in England in the 11th century and is often called the Anglo-Saxon legal system or unwritten law. Even though it is known as an unwritten legal system, this system is also known to have written legal sources (statutes). In contrast to the civil law system, in the common law method, judges have a large role because judges not only function as parties tasked with establishing and interpreting legal regulations, but judges also function to shape the entire structure of social life. Judges have broad authority to interpret applicable legal regulations and create new legal principles that will serve as a guide for other judges to decide on similar cases.¹⁴ The characteristics of the common law legal system are jurisprudence as the central reference of law, the adoption of the doctrine of stare decisions/precedent system, an adversary system in the judicial process.¹⁵

⁸ Satjipto Rahardjo. *Ilmu Hukum*. Bandung: PT Citra Aditya Bakti, 1991, hal. 243

⁹ Soedikno Mertokusumo, *Mengenal Hukum: Suatu Pengantar*, hlm. 123.

¹⁰ *Ibid.*

¹¹ Soerjono Soekanto dan Purnadi Purbacaraka, *Sendi-Sendi Ilmu Hukum dan Tata Hukum*, Cetakan VI (Bandung: Citra Aditya Bakti, 1993), hlm. 54-55.

¹² *Ibid.*

¹³ Muhammad Dzikirullah H. Noho, *Mendudukan Common Law System dan Civil Law System Melalui Sudut Pandang Hukum Progresif di Indonesia*, Jurnal Rechtsvinding, hal. 2

¹⁴ Fernando Manullang, *Selayang Pandang Sistem Hukum Indonesia*, Cet.3, (Depok: Kencana, 2017), hlm. 51.

¹⁵ Nurul Qamar. *Perbandingan Sistem Hukum dan Peradilan Civil Law System dan Common Law System*.

The legal source of the common law legal system is the decisions of judges/courts (judicial decisions). There are two basic reasons why jurisprudence is adopted in this legal system which can be seen from a psychological and practical perspective. Psychologically, every person who is mandated to resolve a case will tend to look for reasons to justify their decision by referring to previous decisions, rather than taking responsibility for the decisions they have made. Then practically, actually through jurisprudence, it is hoped that there will be various decisions because it is often stated that the law must have certainty rather than emphasizing justice in every concrete case. According to this system, it would also be a dangerous act to place the law as the main reference because legal rules are the product of theorists, which is not impossible if there are differences with the reality of a case and are not in sync with the needs. Therefore, court interpretation is needed through this jurisprudence.

The next characteristic is the adoption of the doctrine of stare devices or the doctrine of precedent. This doctrine states that in deciding a case, a judge must base or follow his decision on legal principles that already exist in other judges' decisions from previous similar cases (precedents).¹⁶ According to this doctrine, if there is no legal decision that has previously existed or is supposed to be no longer by current developments, then the judge can determine a new decision based on the values of justice, truth, and benefits or common sense that he has.¹⁷ Even though the common law applies the doctrine of stare decisis, this does not mean that there is no possibility of deviation by the court so that distinguishing can be carried out as long as the court can prove that the facts at hand are different from the facts that have been decided by the previous court or in other words, the new facts will later be declared not to be similar that already have precedent.¹⁸

Furthermore, there are characteristics of the adversary system in the judicial process. The system indicates that both parties to a dispute can use their respective lawyers when facing a judge. Through their lawyers, the parties can develop strategies by presenting as many arguments and evidence as possible in court.¹⁹

Makassar: Pustaka Refleksi, 2010, hal. 47

¹⁶ Fernando Manullang, *Selayang Pandang Sistem Hukum Indonesia*, Cet.3, (Depok: Kencana, 2017), hlm. 51.

¹⁷ Ibid.

¹⁸ Nurul Qamar. *Perbandingan Sistem Hukum dan Peradilan Civil Law System dan Common Law System*.

Makassar: Pustaka Refleksi, 2010, hal. 49

¹⁹ Ibid.

Furthermore, in fact, along with developments over time, the common law system has finally begun to recognize the division between public law and private law, such as the civil law system. However, the meaning of private law in common law has a different definition from private law in civil law. In common law, the realm of private law focuses more on legal rules regarding property rights, the law regarding persons, contract law, and law regarding unlawful acts which are spread in various written regulations, judge's decisions, and customary law.²⁰

Based on the explanation of the two legal systems above, in general, Indonesia tends to adopt a civil law system. This is because when handling a case, judges tend to look for appropriate regulatory references. Judges are also active in finding facts and careful in assessing evidence so that complete information can be obtained from a case, as this is the attribute of civil law. However, as time goes by, in practice the judiciary in Indonesia no longer fully adheres to the civil law system because several characteristics are identical to the common law system.

It can be demonstrated by the many sources of law in Indonesia that originate from jurisprudence and customs. Jurisprudence in Indonesia can be seen in the decisions taken by judges based on their considerations in deciding a case that has not been regulated by law. Then regarding habits, this is reflected in the many local habits of Indonesian people which have been recognized and lived in society or what can also be called local rules. In essence, the legal system adopted in Indonesia is civil law, but as practice develops, the application of the civil law system is not absolute and can adopt the common law system. It is mirrored in various legal products in Indonesia, one of which is Constitutional Court Decision No. 90/PUU-XXI/2023.

4.2 Discussion of Constitutional Court Decision NO. 90/PUU-XXI/2023 and its Relationship to the Civil Law or Common Law Legal System and its Impact

Based on the provisions of Article 24C paragraph 1 of the 1945 Constitution of the Republic of Indonesia (UUD 1945), the Constitutional Court has the authority to adjudicate at the first and last level whose decision is final to review laws against the Constitution, decide disputes over the authority of state institutions that its authority is granted by the Constitution, to decide on the dissolution of political

²⁰ Ade Maman Suherman, pengantar Perbandingan Sistem Hukum, hlm. 75.

parties, and to decide disputes over the results of general elections." Apart from that, further based on the provisions of Article 10 paragraph (1) of Law Number 24 of 2003 concerning the Constitutional Court, it is stated that the Constitutional Court has the authority to adjudicate at the first and last level whose decision is final for:

- a) Examining laws against the 1945 Constitution of the Republic of Indonesia.
- b) Resolve disputes over the authority of state institutions whose authority is granted by the 1945 Constitution of the Republic of Indonesia.
- c) Deciding on the dissolution of political parties, and
- d) Resolve disputes regarding general election results;

With the authority possessed by the MK, the MK often carries out various examinations of a law as a form of carrying out the MK's duties and authority. One example is that on Monday 16 October 2023, the Constitutional Court read out Constitutional Court Decision Number: 90/PUU-XXI/2023 concerning the judicial review of Article 169 letter q of Law Number 7 of 2017 concerning General Elections (Election Law) which regulates the age limit minimum candidate for President of the Republic of Indonesia (RI) and candidate for Vice President of the Republic of Indonesia. In its decision, the Constitutional Court stated that Article 169 letter q of the Election Law which reads "at least 40 (forty) years of age" is unconstitutional and has no binding legal force, as long as it is not interpreted as, "at least 40 (forty) years of age or has/is occupy positions elected through general elections, including regional head elections." Thus, even though someone is not yet 40 years old, a person can now nominate himself as a candidate for president and vice president as long as he has previously held or is currently holding a position elected through general elections, including regional head.

Based on previous decisions made by the Constitutional Court, it is evident that the issue of age limits is an open legal policy of the lawmakers, as it is not regulated by the Constitution. It is important to note that an open legal policy refers to provisions in certain articles of the law that fall within the authority of the legislators.²¹ A policy that can be said to be an open legal policy is when the 1945 Constitution or the constitution as the highest legal norm in Indonesia does not

²¹ Iwan Satriawan dan Tanto Lailam. *Open Legal Policy dalam Putusan Mahkamah Konstitusi dan Pembentukan Undang-Undang*. *Jurnal Konstitusi*, Volume 16, Nomor 3, September 2019, hlm. 564

regulate or limit what and how a discussion of material must be regulated by law.²² Therefore, in previous conditions, the Constitutional Court often rejected requests for judicial review submitted by various elements of society regarding "age", equivalent to the rejection of request Number 29-51-55/PUU-XXI/2023. Not only that, related to the requirements for becoming president and vice president, Article 6 paragraph (2) of the 1945 Constitution in principle emphasizes that the minimum age requirement for presidential and vice presidential candidates is not a constitutional issue by stating that these requirements are further regulated through law.

However, this condition is different from the statement in MK Decision Number 90/PUU-XXI/2023, where the MK argued that the age restrictions for presidential and vice presidential candidates as stipulated in Article 169 letter q of the Election Law are a form of override of the open legal policy concept. The principle of open legal policy has become jurisprudence as well as a doctrine of legal science which in essence cannot be set aside haphazardly. Furthermore, through Constitutional Court Decision Number 90/PUU-XXI/2023, the Constitutional Court was deemed to have failed to exercise judicial restraint so as not to fall within the authority of lawmakers in determining minimum age requirements for presidential and vice presidential candidates. The decision is an assurance that the Constitutional Court has damaged the balance and respect for legislators in the context of the separation of state powers.

Apart from that, Constitutional Court Decision Number 90/PUU-XXI/2023 is also filled with various irregularities. First, related to the applicant's legal standing, the constitutionality of Article 169 of the Election Law regarding the formal requirements for presidential or vice presidential candidates cannot be questioned by other than the legal subjects who will nominate themselves as presidential and vice presidential candidates. Instead of holding this view, the Constitutional Court granted the applicant's legal standing, which only based its argument on the applicant's ideals and the figure of Gibran Rakabuming Raka as Mayor of Surakarta who cannot become a presidential or vice presidential candidate due to the application of Article 169 letter q of the Election Law.

²² *Ibid.*

The next irregularity can also be seen from the facts recorded in the dissenting opinion of the "a quo" decision. Saldi Isra, one of the MK judges, said that at the Judges' Deliberation Meeting (RPH) Decision Number 29-51-55/PUU-XXI/2023 which resulted in an agreement to reject the petition was attended by all the MK judges, except Anwar Usman on the grounds of conflict of interest. However, in RPH Case Number 90-91/PUU-XXI/2023, Anwar Usman who suddenly appeared, and several other judges acted inconsistently in supporting the alternative model requested by the applicant.

Irregularities continue, especially with the attitude of one of the Constitutional Court judges, Anwar Usman, due to the Constitutional Court's inconsistent attitude towards several relatively similar cases, which has given rise to strong suspicions of violations of the code of ethics for constitutional judges regarding the principle of impartiality. It cannot be disconnected from the family relationship between Anwar Usman and Gibran as the party whose name was mentioned by the applicant in the arguments of the petition. What is even more strange is that this application was still being considered in depth after the applicant's behavior appeared to have played with the honor of the Constitutional Court by withdrawing its application, which was then canceled through a letter canceling the withdrawal.

With a series of problems in the Constitutional Court's decision, this is actually rooted in structural problems regarding the legal system in Indonesia itself. If we look at some of the content in the Constitutional Court Decision, this Constitutional Court Decision is an application of the non-absolute civil law legal system, where there are still elements of common law in the drafting process. As is known, this Constitutional Court decision is a material review of a regulation, namely the Election Law. Therefore, it is in line with the concept of civil law, which is a legal product based on pre-existing regulations.

However, if we refer to the emergence of various existing problems, the Constitutional Court's decision is a reexamination of the common law legal system. As is known, in the common law legal system, judges have a large role because judges not only function as parties tasked with establishing and interpreting legal regulations, but judges also function to shape the entire structure of social life. Judges have broad authority to interpret applicable legal regulations and create new legal principles that will serve as a guide for other judges to decide on similar cases.

Upon analyzing the Constitutional Court Decision, it is evident that the Constitutional Court Judges play a vital role, particularly in assessing arguments during inconsistent discussions. For instance, in Case No. 29/PUU-XXI/2023, the petitioner's argument was similar to that in another case pronounced on the same day, but the verdicts varied. The inconsistency is also visible in the difference between the petition requested by the petitioner and that prepared by the Constitutional Court itself. Additionally, Constitutional Justice Saldi Isra disclosed that all MK Judges attended RPH Decision No. 29-51-55/PUU-XXI/2023, except Chief MK Anwar Usman. The RPH results showed that the judges agreed to reject the application, with two judges dissenting. However, in Case No. 90-91/PUU-XXI/2023, the Chief Justice of the Constitutional Court was present at the RPH, and several judges suddenly supported the alternative model requested by the petitioner. The existence of a conflict of interest between the judge and the petitioner/respondent also correlates with the judge's immense power. Anwar Usman's actions are undoubtedly unethical and against the law, particularly Article 17(5) of Law 48/2009, which requires judges to withdraw from a trial if they have a direct or indirect interest in the case.

5. CLOSING

5.1 Conclusion

In general, the legal system influences the process and results of a legal product. The choice of legal system is also based on the needs and characteristics of each country. In general, countries in the world adhere to two legal systems, namely common law and civil law. The civil law system is a legal system that originates from mainland Europe and is based on Roman law with the main characteristic being the existence of a codification system of the main legal principles. The three main characteristics of a civil law legal system are a codification system, judges who are not bound by precedent, and a judiciary that adheres to an inquisitorial system. Meanwhile, the common law system is a system that refers to customs in England that are not written down and which through judge decisions are then made legally binding.

The choice of this legal system will have an impact on the process of drafting or deciding on legal products as well as the results decided. Therefore, the legal

system that is adopted will have a significant impact on the resulting legal products, whether in the form of statutory regulations or jurisprudential results. In Indonesia itself, this is also reflected in the Constitutional Court Decision Number 90/PUU-XXI/2023 which has attracted quite a lot of public attention because of several problems, such as open legal policy issues, inconsistency of judges in assessing arguments, differences in facts in the RPH by the MK, and there is a conflict of interest.

The problems in this decision are rooted in the resolution of decision-making by the legal system adopted. Indonesia tends to have a civil law legal system that is not absolute because it allows for the concept of common law in the legal products produced because most of the legal products produced in Indonesia are products that are based on previous regulations. However, in the process and results, the Constitutional Court's decision was not in line with the legal system as it should be because the judge's authority in this decision was too great, giving rise to various deviations that violated the provisions and dignity of a constitutional judge. Therefore, this decision needs to be followed up regarding the ethics of the constitutional judges who were present during the decision-making process.

5.2 Suggestion

To assemble a legal product that upholds justice for all its people, a definite legal system is needed so that during the process the results do not cause harm to any party. Regarding the legal system chosen, civil law should be dominated by the conditions in Indonesia that tend to be adhered to. Then, if there are irregularities committed, even a judge as the decision maker regarding a legal product should be given applicable ethical sanctions to prevent irregularities in the process and results of a legal product.

REFERENCES

- Apeldorn, L. J. van. *Inleding tot de Studie van het Nederlandse Recht, atau Pengantar Ilmu Hukum*, terj. Oetarid Sadino, Cetakan ke-23 (Jakarta: Pradnya Paramita, 1996), hlm. 130 et seqq.
- H. Noho, Muhammad Dzikirullah. *Mendudukan Common Law System dan Civil Law System Melalui Sudut Pandang Hukum Progresif di Indonesia*, Jurnal Rechtsvinding.
- Manullang, Fernando. *Selayang Pandang Sistem Hukum Indonesia*, Cet.3. Depok: Kencana, 2017.

- Qamar, Nurul. Perbandingan Sistem Hukum dan Peradilan Civil Law System dan Common Law System. Makassar: Pustaka Refleksi, 2010.
- Satjipto Rahardjo. Ilmu Hukum. Bandung: PT Citra Aditya Bakti, 1991, hlm. 235.
- Satriawan, Iwan dan Tanto Lailam. Open Legal Policy dalam Putusan Mahkamah Konstitusi dan Pembentukan Undang-Undang. Jurnal Konstitusi, Volume 16, Nomor 3, September 2019.
- Soedikno Mertokusumo. Mengenal Hukum: Suatu Pengantar, Cetakan Kedua, Edisi Keempat, Yogyakarta: Liberty, 1999.
- Suherman, Ade Maman. Pengantar Perbandingan Sistem Hukum, Edisi 1, Cet. 1 Jakarta: RajaGrafindo Persada, 2004.