



INNOVATIVE: Journal Of Social Science Research

Volume 4 Nomor 6 Tahun 2024 Page 3892-3908

E-ISSN 2807-4238 and P-ISSN 2807-4246

Website: <https://j-innovative.org/index.php/Innovative>

## *Comparative Implementation of Legal Systems between Indonesia and Yemen*

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### Abstract

The legal system is a framework of rules governing human behavior in society to ensure justice, order, and welfare. This study examines the legal systems of Indonesia and Yemen, highlighting their differences and similarities and their impact on society and political structures. Indonesia adopts a mixed legal system combining legislation, customary law, and Islamic principles, influenced by cultural pluralism and Dutch colonial heritage. In contrast, Yemen's legal system is predominantly based on Sharia law, with formal courts emphasizing Islamic principles as their primary foundation. Using a normative legal research method with a literature review approach, the study draws data from books, scholarly journals, prior research, and relevant articles. Findings reveal Indonesia's pluralistic approach to law reflects its diverse cultural, religious, and ethnic landscape, while Yemen's system is rooted in Islamic law, reflecting a more uniform legal framework. Despite structural differences, both countries acknowledge the central role of Islamic law in their legal systems. This research contributes to a deeper understanding of the legal dynamics in both nations, offering insights for future legal development and enriching the global discourse on legal pluralism.

Kata Kunci: *Legal System Comparison*

## Abstrak

Sistem hukum adalah kerangka aturan yang mengatur perilaku manusia dalam masyarakat untuk memastikan keadilan, ketertiban, dan kesejahteraan. Studi ini mengkaji sistem hukum Indonesia dan Yaman, menyoroti perbedaan dan persamaannya serta dampaknya terhadap masyarakat dan struktur politik. Indonesia mengadopsi sistem hukum campuran yang menggabungkan undang-undang, hukum adat, dan prinsip-prinsip Islam, yang dipengaruhi oleh pluralisme budaya dan warisan kolonial Belanda. Sebaliknya, sistem hukum Yaman sebagian besar didasarkan pada hukum Syariah, dengan pengadilan formal yang menekankan prinsip-prinsip Islam sebagai landasan utamanya. Dengan menggunakan metode penelitian hukum normatif dengan pendekatan tinjauan pustaka, penelitian ini mengambil data dari buku, jurnal ilmiah, penelitian sebelumnya, dan artikel yang relevan. Temuan mengungkapkan pendekatan pluralistik Indonesia terhadap hukum mencerminkan lanskap budaya, agama, dan etnisnya yang beragam, sementara sistem Yaman berakar pada hukum Islam, yang mencerminkan kerangka hukum yang lebih seragam. Meskipun ada perbedaan struktural, kedua negara mengakui peran sentral hukum Islam dalam sistem hukum mereka. Penelitian ini berkontribusi pada pemahaman yang lebih mendalam tentang dinamika hukum di kedua negara, menawarkan wawasan untuk pengembangan hukum di masa depan dan memperkaya wacana global tentang pluralisme hukum.

Keywords: *Perbandingan Sistem Hukum*

## INTRODUCTION

The legal system is a framework or a set of rules that govern human behavior within society, established and enforced by specific institutions or authorities to achieve justice, order, and welfare (Aditya, 2019). It encompasses various interconnected components such as legislation, law enforcement agencies, dispute resolution mechanisms, as well as legal traditions and customs prevailing in a country (Cakra et al., 2020). The implementation of the legal system involves the application and enforcement of these rules by various legal institutions, including the police, prosecutors, courts, and correctional facilities (Pramulia et al., 2023). According to Satjipto Rahardjo, the legal system comprises not only written norms but also social and cultural aspects that influence how society perceives and enforces the law (Liber, 2018). It should be viewed as a subsystem of the broader social system, wherein the law functions to maintain balance and order in society (Sonata, 2018).

The implementation of the legal system in practice involves multiple stages, ranging from the drafting of laws by the legislative body to law enforcement by legal authorities and adjudication by courts (Pulungan, 2023). For instance, in the criminal justice system, the process starts with investigation and prosecution by the police and prosecutors, followed by trial proceedings conducted by judges, and ultimately, the execution of judgments by correctional institutions (Rompas, 2013). At each stage, the integrity and professionalism of

law enforcement agencies are crucial to ensuring that the law is applied fairly and non-discriminatorily. As Barda Nawawi Arief explained, the principle of legality is fundamental in criminal law enforcement, requiring that no action can be penalized unless clearly regulated by law beforehand (Iksan, 2017). This principle aims to provide legal certainty and protect individual rights from arbitrary state actions.

However, the implementation of the legal system often faces various challenges such as corruption, abuse of power, and resource constraints (Nabila et al., 2023). For example, in the Indonesian context, the Corruption Eradication Commission (KPK) has uncovered numerous corruption cases involving law enforcement officials, highlighting corruption as a serious obstacle to the fair and effective implementation of the legal system. Harkristuti Harkrisnowo noted that corruption in the law enforcement sector undermines public trust in legal institutions and weakens efforts to combat crime (Wachid, 2015). In the context of law enforcement, the importance of judicial independence is often emphasized. Judicial institutions that are independent of executive and legislative influences are essential to ensure that the law is enforced without political intervention. This was emphasized by Hikmahanto Juwana, who stressed that judicial independence is a prerequisite for achieving substantive justice in the implementation of the legal system (Gustami et al., 2023).

Overall, the legal system and its implementation are fundamental aspects of a rule of law state aimed at maintaining societal order, justice, and welfare. This system reflects the interaction between written regulations, law enforcement institutions, and legal culture evolving within society. Challenges in implementing the legal system, such as corruption and lack of judicial independence, require continuous attention and improvement to ensure that the law functions as a tool for achieving justice for all citizens (Munthe, 2024). The legal system of a country serves as a strong indicator of its legal identity and forms the foundation for its social, political, and economic life (Ferdiansah et al., 2024). Through the legal system, a country establishes rules that serve as the basis for justice, protection of human rights, law enforcement, and societal progress.

In the context of globalization and increasing international interactions, comparisons between legal systems of different countries become increasingly important to understand (Angelica et al., 2023). One interesting comparison is between the legal systems of Indonesia and Yemen. Indonesia, as the world's largest archipelagic nation with a highly diverse population, has a legal system that reflects cultural, religious, and ethnic pluralism (Parthiana, 2023). On the other hand, Yemen, a country in the Arabian Peninsula rich in Islamic history and tradition, also has a unique legal system reflecting its cultural and religious richness (Diyarti et al., 2022). In this study, we will conduct an in-depth comparison

between the legal systems of Indonesia and Yemen. This comparative approach will involve analyzing important aspects of both legal systems, including constitutional foundations, legal principles, court structures, and legal implementation in society.

Through this comparison, it is hoped that similarities, differences and dynamics will be revealed that will lead to a better understanding of the two legal systems. Thus, this research will not only provide a comprehensive picture of the legal systems in Indonesia and Yemen, but will also provide valuable insight into the legal dynamics in both countries. This comparison can also provide inspiration for efforts to improve and develop the legal system in the future, both in Indonesia and Yemen, as well as contribute to the global discourse on legal pluralism and harmonization of legal norms amidst cultural and religious diversity. In this research, a comparison will be discussed between the legal systems implemented in Indonesia and Yemen. This includes an analysis of the structures, processes and principles underlying the legal systems in both countries. This research will also discuss the comparison of the implementation of the legal system in Indonesia and the implementation of the legal system in Yemen. The aim of the research is to understand the differences and similarities between the two legal systems and their impact on society and political systems in Indonesia and Yemen.

## METHOD

This research employs a normative legal research approach and is conducted using a literature review method involving various sources such as journals, books, and recent articles. The research method used is a Literature Review, which is carried out by gathering data and theories from various sources, including books, scholarly works, previous research findings, relevant journals, related articles, and other sources relevant to the research topic under discussion.

## RESULTS AND DISCUSSION

### 1. Implementation of the Legal System in Indonesia

Several experts have interpreted the concept of "system" with various definitions, but basically these definitions complement each other (Ulfah, 2023). Semantically, the term "system" comes from the Greek, namely "systema," which refers to a unity consisting of various parts. D. Keuning collected system definitions from various expert opinions, including Ludwig von Bertalanffy who stated that a system is a complexity of interacting elements. Fagen states that a system is a collection of objects along with the relationships between the objects and their attributes (Ulfah, 2023).

A system can be interpreted as a unity consisting of elements or elements that interact with each other. In the context of a system, conflicts between elements are undesirable, and if they occur, they are usually resolved by the system itself. Romli Atmasasmita added that the notion of system implies an interaction process that is arranged rationally and efficiently to achieve certain results, even with its limitations (Safira et al., 2023). Van der Poel states that a system is a collection of elements that have a relationship aimed at achieving certain general goals (Jeumpa, 2014). Meanwhile, according to C. West Churman, a system consists of a collection of components that work together to achieve an overall goal (Deliarnoor, 2014).

Friedman explains that a system is a unit that operates within certain limits, which can be mechanical, organic, or social. A systems approach to knowledge is not new; Even during Rome's heyday, Menenius Agrippa had used this approach to explain the essence of a state. According to him, the state, like a living body, is a unity in which the parts are interrelated and need each other's presence, as well as the layers of society. This concept is now relevant again, according to Alfred North Whitehead, because of the professionalism, differentiation and limitations of science to the real needs of human life (Ulfah, 2023).

Therefore, a new approach is needed that can overcome analytical methods, namely through systems theory. General systems theory has four characteristics, namely being able to respond to criticism of analytical methodology, being able to describe the uniqueness of a system, being able to explain the complexity of the elements involved in a system, and being a theory based on scientific principles (Turner et al., 2019). The legal system, according to J.H. Merryman, refers to a set of operations that includes institutions, procedures and legal rules (Sakti et al., 2022). For example, in the United States, there are different legal systems in each state, and there are also different legal systems in organizations such as the European Economic Community and the United Nations (Ulfah, 2023).

Bachsani connects the concept of a legal system with Hans Kelsen's Stufen Theory. According to him, a legal system is a set of rules that are arranged hierarchically and are connected to each other to achieve certain goals, such as creating an orderly, just and peaceful society. Thus, the Indonesian legal system consists of legal regulations, both written and unwritten, which are interrelated to achieve the same goal. Sudikno explained that law is a system consisting of interrelated parts or elements. The legal system is a normative system because it regulates rules or statements about what should be. Between the elements in the system, there are special relationships that form the structure. This structure determines the identity of the system, so that elements in the system can change without disturbing the continuity of the system (Ulfah, 2023).

Thus, law is a system of norms that has the general characteristics of a system, namely that it is comprehensive, consists of several elements, has relationships between elements, and forms a structure. Therefore, the legal system has its own way of assessing the validity of a norm in the legal system. The term "family of legal systems" is often used by comparative law scholars to refer to organizational arrangements that are essential in analyzing various legal systems in different countries. This legal family describes certain legal models that can be considered as a typical representation of a legal group. Thus, the term "family of legal systems" can be considered equivalent to "major legal systems" or even simply referred to as "legal family."

The first time, Rene David and John E.C. Brierly organized the classification of legal families in their book entitled "Major Legal Systems in the World Today" in 1964. This book marked a shift from a division that only divided the world's legal systems into two, both of which came from Western legal systems, namely the Legal System Anglo-Saxon (Common Law) in English-speaking countries and Continental European Legal Systems (Civil Law, Codification Law) in other Western countries. David and Brierly show that the division of legal families is based on basic legal elements that apply throughout the world, not based on similarities or differences between these laws (Ulfah, 2023).

According to them, the family of legal systems consists of six main legal systems, namely The Romano-Germanic Family (Continental Europe including the Netherlands), The Common Law Family (in English-speaking Western countries), The Family of Socialist Law (in English-speaking countries). Socialist), Muslim Law (in countries that implement Islamic Sharia partially or totally), Far Eastern Legal Systems (China and Japan), and African and Malagasy Legal Systems. The criteria for grouping legal systems into legal families used by David and Brierly are technical similarities, the social goals desired by the legal system, and the position of law in the social structure. Marc Ancel, on the other hand, groups at least five national legal systems into one family based on their historical development and methods of application. The five systems are the Anglo-American system (common law system), the Middle East system (Middle East System), the Far East System (Far East System), the system of socialist countries (Ulfah, 2023).

Recent comparative legal experts are no longer just limiting their understanding to two legal systems in the world, but are aware of the existence of more complex variations (Aulia et al., 2018). One way to differentiate legal systems is to pay attention to: (1) Civil Law, which applies on the European continent and its former colonies; (2) Common Law, which applies in the United Kingdom, the United States, and Commonwealth countries; (3) Customary Law, which applies in several African countries, China and India; (4) Muslim Law,

which applies in Muslim countries, especially in the Middle East; (5) Mixed System, such as Indonesia, which includes statutory law, customary law and Islamic law (Siregar, 2022). According to Achmad Ali, Indonesia is included in the Mix Legal System category, not the Continental European Legal System. Several legal realities in Indonesia support this statement, including the treatment of legislation that is similar to Continental Europe, the existence of customary law as a characteristic of Customary Law, as well as the existence of Islamic law and a religious justice system in Indonesia. Judges in Indonesia also tend to follow jurisprudence, which is a characteristic of Common Law with the principle of stare decisis.

Eric L. Richard, a global business law expert, uses the term "Major Legal System" to divide the major legal systems into six legal families, namely (Ulfah, 2023): (a) Civil Law, which is based on a codified civil code and has its roots in Roman law as practiced by Continental European countries including their former colonies; (b) Common Law, which is based on custom or custom with precedents or laws made by judges, and is practiced in Anglo-Saxon countries; (c) Islamic Law, which is based on Islamic sharia, especially the Koran and Hadith; (d) Socialist Law, which is applied in socialist countries; (e) Sub Saharan Africa, which applies to African countries located south of the Sahara Desert; (f) Far East, which is a complex combination of Civil Law, Common Law and Islamic law as the basis of society (Fombad, 2016).

Most experts believe that Indonesia adheres to the Continental European legal system (Putranto et al., 2014). They argued that Indonesia's past as a Dutch colony, which was basically a country with a Continental European legal system, influenced the Indonesian legal system (Ulfah, 2023). However, in the author's view, even though this historical influence is significant, it does not mean that Indonesia has fully adopted the Continental European legal system. Like law, a country's legal system must be reflected in its own culture and traditions (Hamja, 2017). Therefore, the author believes that the Indonesian legal system has distinctive characteristics that are rooted in the values of Pancasila, which reflect the culture and spirit of the Indonesian nation (Tamara et al., 2023).

According to Moh. Mahfud MD, the Pancasila legal system is a prismatic legal system, combining positive aspects from various existing legal systems (Maswanto et al., 2021). Pancasila includes elements of individualism and collectivism, rechtsstaat and rule of law, law as a tool of social engineering and the living law, as well as a state based on religion without favoring any particular religion (Anggistya et al., 2023). Thus, the Pancasila legal system reflects a harmonious amalgamation of various legal systems, including Continental European, Anglo-Saxon, Islamic, and customary law (Ulfah, 2023). Legal principles that are

considered good from these legal systems are integrated into the Pancasila legal system, which reflects religious, humanist and social values (Hariri, 2019).

The Pancasila legal system is a concrete illustration of pluralism in its approach, which is reflected in the Pancasila values which are the philosophical foundation of the Indonesian state (Ulfah, 2023). These values are reflected in the five principles which are the foundation of Pancasila. First, the Pancasila legal system shows its religious nature, which reflects the divine values contained in the First Sila. This shows respect for the existence of God in the life of society and state administration. Second, the Pancasila legal system also depicts its humanist nature, reflecting the human values contained in the Second, Third and Fourth Principles. This emphasizes the importance of respecting human dignity, developing brotherhood, and promoting social welfare. Third, the Pancasila legal system is also social in nature, reflecting the value of social justice in the Fifth Principle (Surajiyo, 2018). It emphasizes the importance of the fair distribution of resources and opportunities, as well as the protection of those who are weaker in society. Thus, these principles form the concept of the prismatic Pancasila legal system, which covers various aspects of society's life. This legal system does not only consider religious, humanist or social aspects separately, but integrates them holistically in accordance with Pancasila values. This shows that the Pancasila legal system is a reflection of the complexity and pluralism in Indonesian society (Suhaeni et al., 2022).

In contrast to Anglo-Saxon countries, in mainland Europe the power of the king was not identified with the power of the court (Ulfah, 2023). Each prince in the area had authority over the local court, and judges were considered representatives of the people, not representatives of the king. In Islamic law, legal decisions are based on the Koran and Hadith, with judges acting as the decision makers. Judges in the Islamic legal system have an honorable position because they are considered God's representatives on earth in upholding law and justice. Indonesia, with its unique Pancasila legal system, combines various legal traditions, including Continental European and Islamic, in accordance with the values and culture of its own people (Rif'an et al., 2020).

Indonesia, as a country that asserts itself as a legal state in accordance with Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, has a unique legal system. Indonesia adheres to three legal systems which play a role in public life and state administration, namely the civil law system, customary law system and Islamic law system. The civil law system, which is based on the principle of "written law", grew and developed during the Dutch colonial period in Indonesia. Even though the colonial period has ended, its influence is still felt today through several Dutch civil law products that are still in force.

The Criminal Code, the Civil Code and the Commercial Code are examples of these legal products. On the other hand, customary law, which originates from community habits, also influences the legal process in Indonesia. Despite its diversity, customary law is still implemented efficiently by local communities. Cornelis van Vollenhoven, a leading legal expert, classified 23 customary environments in the archipelago.

Apart from that, Islam also plays an important role in the Indonesian legal system because the majority of the population adheres to the Islamic religion. As a result, Islamic law has a significant influence in the Indonesian legal system. Various laws and regulations based on Islamic sharia, such as the Sharia Banking Law and the Compilation of Islamic Law, prove the important role of Islamic law in the Indonesian legal system. So, it can be concluded that the Indonesian legal system is influenced by three colors of law, namely continental law, customary law and Islamic law, each of which has a major contribution to the formation of the legal system in Indonesia.

## 2. Comparison of the Implementation of the Indonesian and Yemeni Legal Systems

The legal system is an important part of society, as it provides a framework for resolving disputes, protecting human rights, and promoting social justice. This comparison aims to highlight the differences and similarities in the implementation of the legal systems in Indonesia and Yemen. Yemen, a country located in the southwest corner of the Arabian Peninsula between Saudi Arabia and Oman in the Middle East, has natural boundaries that define its territory. To the south, Yemen is bordered by the Gulf of Aden and the Arabian Sea, while to the west there is the Red Sea and the Bab al-Mandeb strait, one of the world's busiest trade and oil transportation shipping lanes. Across the water, Yemen borders countries such as Eritrea, Djibouti and Somalia. The capital is Sana'a. The largest island in the Yemeni region, which includes about 200 islands, is Socotra. Yemen is unique as the only Arab country on the Arabian Peninsula that implements a democratic system. Apart from that, Yemen also became the first Arab country in the Middle East to grant permission to individuals to legally marry. The unification of Yemen occurred on 22 May 1990, when South Yemen and North Yemen merged into a single entity, the Republic of Yemen (Diyarti et al., 2022).

The formal judicial system in Yemen has effectively stalled in areas witnessing ongoing and intense military confrontations. The impact of this conflict has led to the fragmentation of the judicial system along lines of authority controlling various regions of Yemen, including the government of the Republic of Yemen, the Ansar Allah (Houthi) group, and the internationally recognized Southern Transitional Council. This has created a complex

parallel legal structure. The conflict has also affected tribal structures and customary legal practices in Yemen, especially in areas controlled by the Houthis, where opposition efforts from many tribal leaders have been suppressed through public intimidation, property destruction, and executions. To maintain control over these tribes, the Houthis have supported the emergence of a number of new young and ambitious sheikhs loyal to them (Diyarti et al., 2022).

Civil war and regional conflicts between Houthi forces and the government of President Abd Rabbu Mansur Hadi in 2015 resulted in the overthrow of the government and retaliatory attacks led by Saudi Arabia. The ongoing battles, along with arms restrictions imposed by Saudi Arabia, have created a crisis situation threatening Yemen with famine, making it the world's worst humanitarian crisis. As of now, the government still faces serious security challenges, with the emergence of groups like Al-Qaeda and other radical Islamist groups, especially in the southern and eastern regions of the country. Prior to 2014, Yemen had already faced significant humanitarian challenges, exacerbated by cross-border conflicts and internal issues such as civilian casualties, diseases, and displacement.

The political systems in both countries that now form modern Yemen have striking differences. In North Yemen (formerly the YAR), policies were decided by a progressive-leaning military elite, working alongside various civilian technocrats, major tribal leaders, and other traditional figures, including religious leaders. Meanwhile, in South Yemen, the political and economic system was based on Marxist ideology, where the Yemeni Socialist Party became the sole legitimate political force to make government policies and control the state's administrative, legislative, and military systems. The two countries united to form the Republic of Yemen on May 22, 1990. The Arab Yemeni President (North Yemen), Ali Abdullah Saleh, became the new president, while Ali Salim al-Baydh from the Yemeni Socialist Party (South Yemen) was appointed as vice president. President PDRY, Ali Nasir Muhammad Al-Attas, also from South Yemen, was appointed as prime minister. Sana'a was designated as the political capital, while Aden became the economic capital (Diyarti et al., 2022).

The legal system in Yemen is primarily based on the principles of Islamic law. Article 147 of the 1994 Constitution governs the financial and administrative aspects of an independent judiciary. Yemen adopted a civil law system heavily influenced by Egyptian civil law. Additionally, customary law is also an important concept encompassing rules, provisions, and alternative dispute resolution processes such as reconciliation and mediation. The judiciary system consists of three levels: the Court of First Instance (Mahkamah Ibtidayya) at the district level, the Court of Appeals (Mahkamah Ist'enafiyya) in

each governorate, and the Supreme Court (Mahkamah Oliya) as the highest court at the state level.

Law in Yemen originates from several sources, namely the Constitution, laws (such as the Civil Code, Penal Code, Commercial Law), and official decisions. Yemeni legislation is a mixture of civil law, Sharia law (Islamic law), and customary law. According to the Constitution, Sharia law is considered the "foundation of all laws"; therefore, constitutional articles and any laws or regulations must be drafted in accordance with Sharia law to be considered valid. The Supreme Judicial Council has administrative authority over the judicial system. The council is responsible for reviewing policies related to the structure and functions of the judiciary, as well as overseeing the appointment, promotion, and transfer of judges. Council members include the President of the Republic, the Ministry of Justice along with its deputies, the Chief Justice of the Supreme Court along with its deputies, the Attorney General, the Chairman of the Judicial Inspection Commission, and three senior justices. Legal decisions are published in official gazettes, and the Ministry of Justice publishes a monthly journal called Al-Qahda lyyah, which contains decisions made by the Supreme Court.

The judicial system in Yemen consists of three levels of courts. The first level is the Court of First Instance (Mahkama lbdtida'iyya), which exists in each district. This court has jurisdiction over various civil, criminal, commercial, and family matters. Decisions made in the Court of First Instance can be appealed to the Court of Appeals, of which there is one in each province and the capital. Each appellate court has separate divisions for criminal, military, civil, and family matters, each with three judges. The Republic's Supreme Court, located in Sana'a, is the highest court in Yemen. The Supreme Court plays a crucial role in determining the constitutionality of laws and regulations, resolving jurisdictional disputes between different courts, adjudicating cases involving high-ranking government officials, and serving as the final appellate court for all lower court decisions. The Supreme Court consists of eight separate divisions, namely Constitutional, Appellate Supervision, Criminal, Military, Civil, Family, Commercial, and Administrative, each with five judges.

In addition to the regular court hierarchy, there are several additional courts in Yemen with special jurisdiction. These include courts for military, juvenile, tax, customs, and labor issues. These courts and tribunals operate similarly to the Court of First Instance, and decisions made within them can be appealed to appellate courts. Yemen adopted a civil law system heavily influenced by Egyptian civil law. Legal sources in Yemen consist of the constitution, laws (such as the Civil Code, Penal Code, Commercial Law), and official decisions. Legislation in Yemen is a combination of civil law, Sharia law (Islamic law), and

customary law. According to the constitution, Sharia law is considered the foundation of all laws. Therefore, constitutional articles and any laws or regulations must be drafted in accordance with Sharia law to be considered valid.

Informal legal systems also exist as mechanisms for dispute resolution outside the formal courts of the state. These systems may include traditional legal practices, customary laws, or customary legal practices of non-state parties. The informal legal structure in Yemen is a combination of tribal traditions, Sharia law, and civil law, which play a significant role in achieving justice in rural and urban areas through the application of customary law and arbitration. Before the conflict, Yemen had a pluralistic legal system consisting of two separate legal structures, namely a state-sponsored formal structure and an informal structure based on customary legal practices. The formal judicial system in Yemen upholds the principle of separation of powers between the legislative, judicial, and executive branches of government. Theoretically, Yemen has a single responsibility to establish and enforce laws in the country. Although the judicial system in Yemen has been in existence for over 50 years, some formal judicial entities have recently been formed, such as prosecution offices and the practice of lawyers as a new profession that began to develop in Yemen's judicial system in the 1970s.

Table 1. Comparison of Legal Systems between Indonesia and Yemen

Aspect	Indonesia	Yemen
<i>Legal basis</i>	Pancasila	Islamic Sharia
<i>Source of law</i>	1945 Constitution, TAP MPR, Laws, Government Regulations in Lieu of Laws, Government Regulations, Presidential Decrees, Regional Regulations, Customary Law, and Islamic Law (for Muslims).	Al-Qur'an, Hadith, Ijtihad, Customary Law, and Positive Law.
<i>Judicial Structure</i>	Supreme Court, Constitutional Court, General Court, Special Court, State Administrative Court, and Military Court.	Supreme Court, Supreme Sharia Court, and Lower Level Courts.
<i>Application of Law</i>	The Positive Legal System is still characterized by various problems such as limited access to justice, corruption and legal uncertainty.	A mixed legal system that faces various challenges such as civil war, political instability, and public distrust of the law.

## CONCLUSION

A discussion of the comparative legal systems between Indonesia and Yemen reveals quite significant differences in terms of the structure, history and influence of Islamic law. Indonesia has a mixed legal system consisting of statutory law, customary law and Islamic law. This is reflected in the judicial hierarchy involving general, religious and military courts. Dutch colonial history had a major influence on the formation of the Indonesian legal system. Nevertheless, Islamic law still has an important role in the Indonesian legal context, even though it does not dominate the entire system. On the other hand, Yemen is more likely to have a stronger legal basis in Islamic law. This is reflected in the formal judicial structure which is based on Sharia law as the main foundation. Yemen's history and internal political context also play an important role in the formation and maintenance of the justice system. Although Yemen has a formal judicial structure consisting of three levels of courts, the political situation and internal conflict have created challenges in maintaining the integrity of the judicial system. Both countries recognize the importance of Islamic law in their legal systems, although with different emphases. While Yemen emphasizes Sharia law as the basis of all law, Indonesia integrates Islamic law as one component in a mixed legal system. Thus, although both have significant differences in legal structure and historical context, they both have similarities in recognizing the importance of Islamic law and efforts to maintain the integrity of the judicial system in maintaining stability and justice in society.

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