



## INSTITUTIONS IN THE JUDICIARY

#### **Attorney**

Agency which collects lawsuits.

#### Court

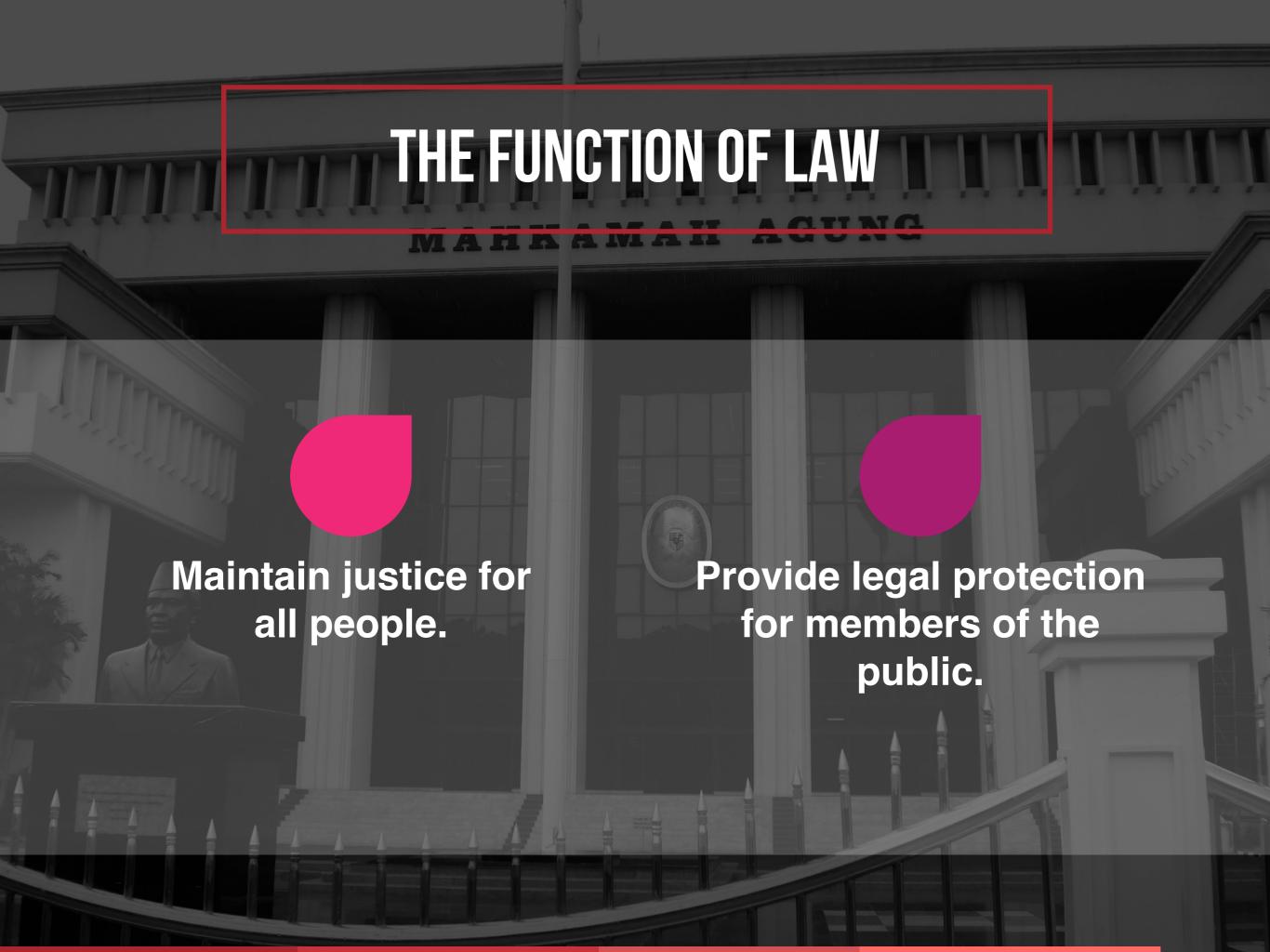
Agency makes a decision. If the decision is causing controversy, the judiciary can adjudicate thereon.



Sequence from bottom to top in Indonesia: Court - The Court of Appeal - the Supreme Court.

The highest judiciary institution in the whole country in the world is the Supreme Court.

Judiciary needed to crack down or to make a decision.



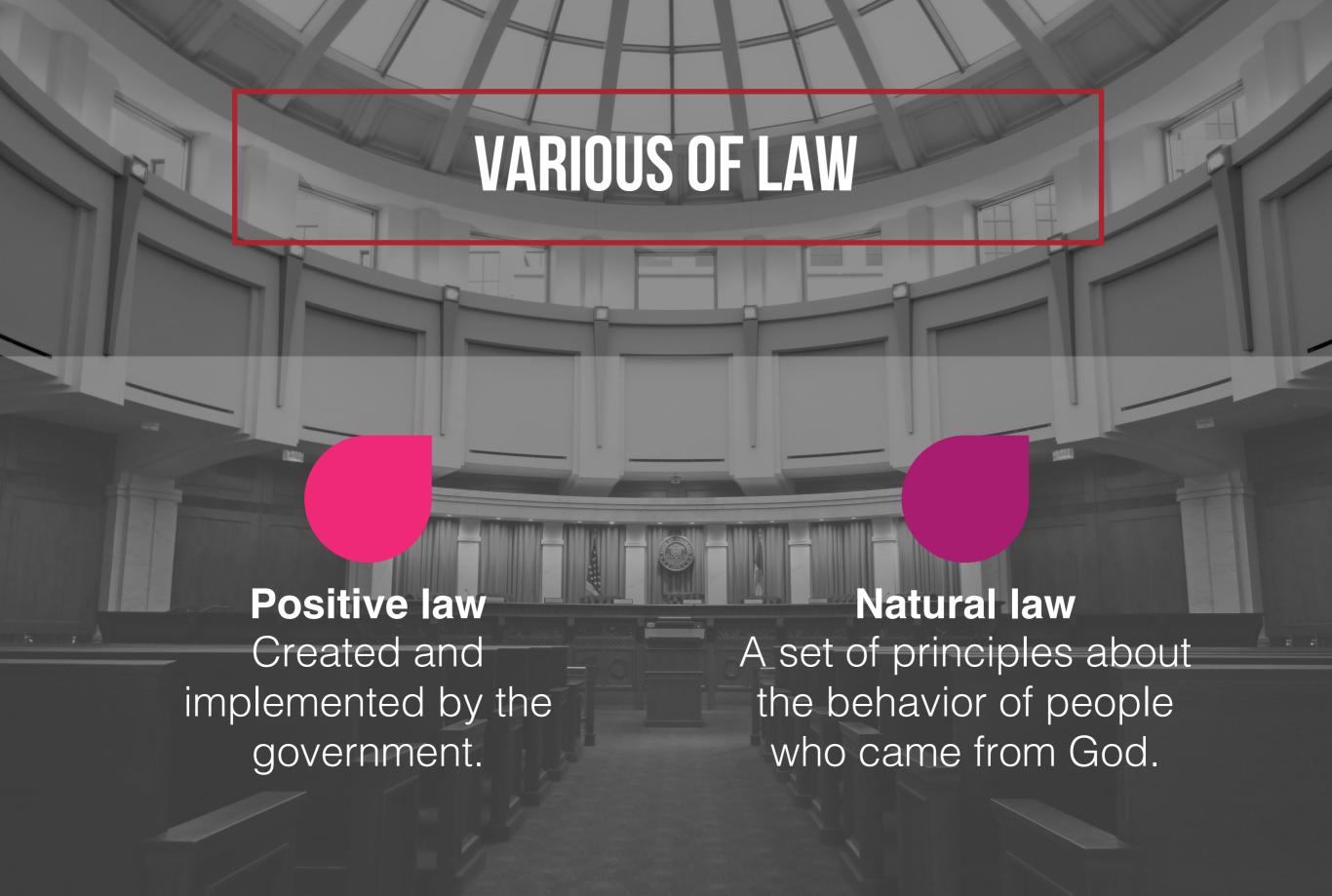


Government based on law and not on power:

Because power can be abused but the law is the standard provisions and adhered to all of society.

The law is an organ of the regulations made by the government on the basis of justice and executed by the justice community.

This understanding tends to the notion of positive law.



# TYPES OF POSITIVE LAW

#### Constitutional Law.

Basic rules, written or unwritten, which became the basis of government operations. Examples of the written Constitution are the United States, Indonesia, Germany. Examples of unwritten constitution is the British. The rules of state that was not collected in one manuscript.

#### Statutory Law

The regulations made by the parliament. Example: Law on Copyright and Intellectual Property.

#### **Administration Law**

Created by government institutions in limited scope. Example: the regulations made by the police.

# TWO TYPES OF LAWS IN THE WORLD

#### **Common Law**

The law is the reference for countries that follow English law. Usually that embraces the countries of the former British colony.

#### Civil Law or Roman Law

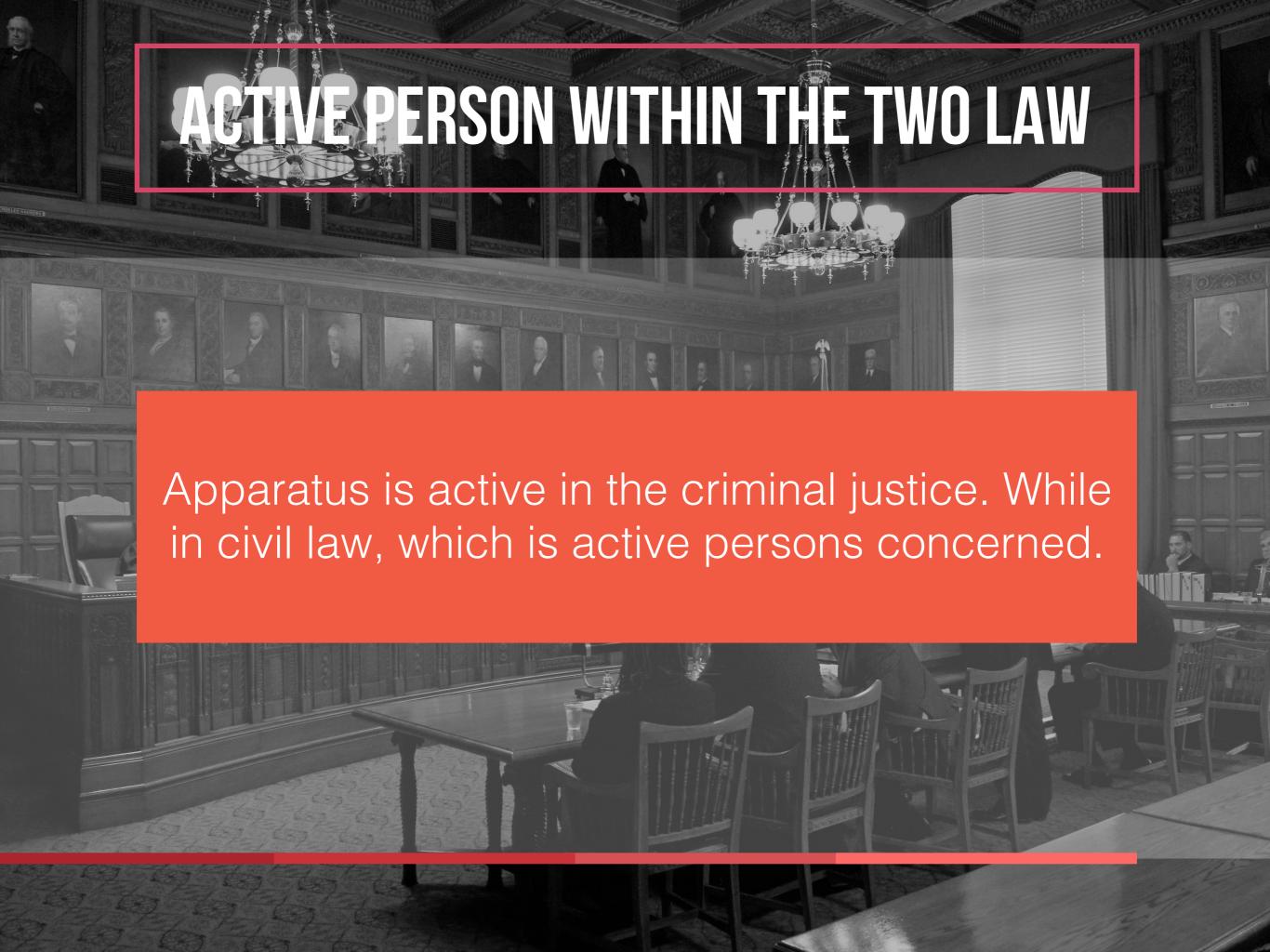
The rules of law that created or collected by Napoleon I. Because of Roman Law is also called the Napoleonic Code.

## CLASSIFICATION OF LAW BASED ON THE SUBJECT

Criminal Law. The rules that regulate or sanction of the criminal offense (crime).

Civil Law. The rules that regulate or sanction of civil conflicts (human relations).

 Example: a person takes property of another and the victim to press charges.

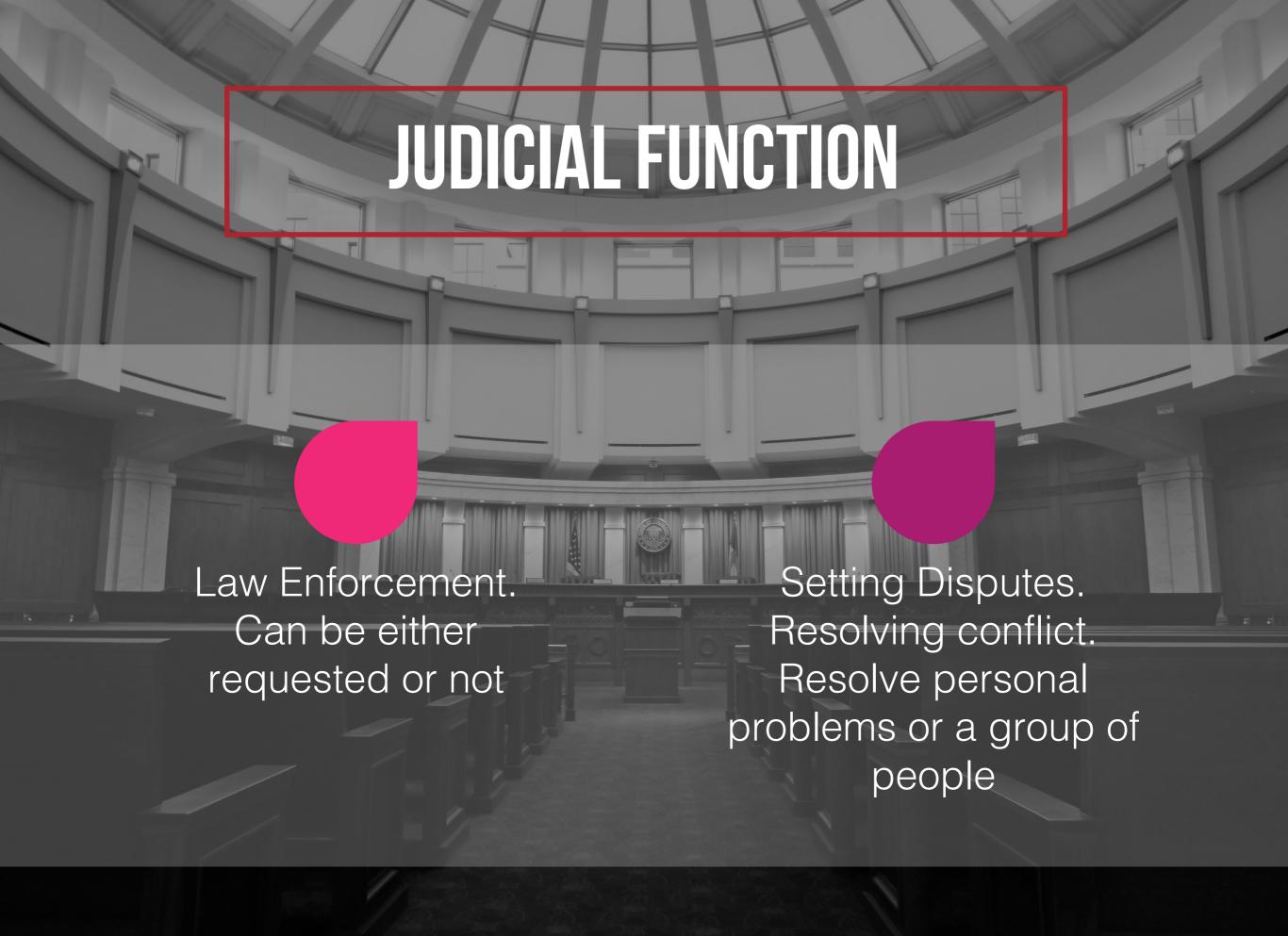


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# THE JUSTICE SYSTEM

Adversary. The judge is passive. The judge just listen to prosecutors and defense lawyers argue. Example: the United States.

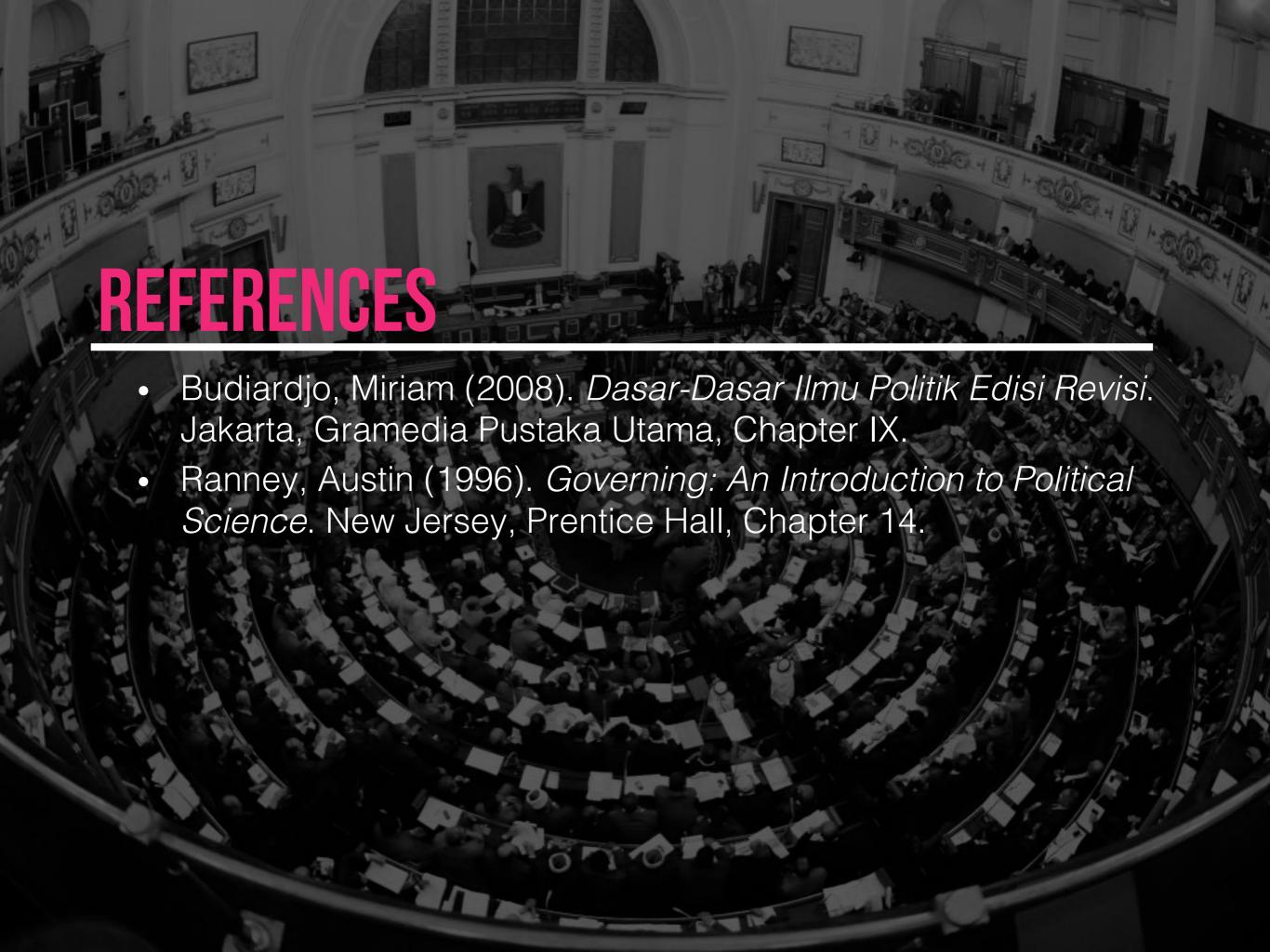
Inquisitorial. The court actively seek evidence and questioning witnesses. Example: France.

### RELATIONS BETWEEN THE JUDICIARY AND EXECUTIVE

Separation of judges and prosecutors.

Judges are free from political pressure. In a country that is democratic, executive officers should not affect or pressing decisions to be taken by the judiciary.





# SHORT BIO

Cecep Hidayat is a lecturer of Political Science at the Universitas Indonesia. He is also a researcher at the Universitas Indonesia. Prior to joining the Universitas Indonesia, he has been conducting some research towards Indonesian politics as well as politics in Southeast Asian countries, until now. Cecep Hidayat holds a Sarjana degree (equivalent with Bachelor degree)/B.Sc in Political Science from the Universitas Indonesia, Indonesia, as well as dual degree in IMRI (International Masters in Regional Integration) from the Asia-Europe Institute of Universiti Malaya, Kuala Lumpur, Malaysia and Centro Internacional Carlos V of Universidad Autonoma de Madrid, Spain.