

## THE ESSENCE OF COMPARATIVE LEGAL SYSTEMS IN THE DEVELOPMENT OF LEGAL STUDIES

Abdul Rokhim✉<sup>1</sup>

<sup>1</sup> Fakultas Hukum, Universitas 17 Agustus 1945, Samarinda



DOI:

Diterima: 10 Desember 2020; Direvisi: 18 Januari 2021; Dipublikasikan: Februari 2021

---

**Abstract:** *The breadth of the scope of the study of law can be seen from its discussion which includes the making of a rule, regulation or policy, practice and implementation of these rules, human rights, trade, economics, ownership, obligations, taxes, and ethics and rules in relations between countries (or other commonly known in international law), and many more. The broad scope of legal science is because this field of science (law) covers all aspects of human life and is needed in all sectors. Thus, there is no human activity that is not regulated in the study of legal science. Legal history has its own uniqueness, because in addition to informing about the stages of development of law or legal science in a country, legal history also has a focal point to discuss important events that factually occurred in the development of legal science. The history of law is a method and science which is a branch of historical science, which studies, analyzes, verifies, interprets, compiles arguments, and tends to draw certain conclusions about every fact, concept, rule, and rule relating to the law that has ever been in force. Both chronologically and systematically, as well as causes and effects and their touch with what is happening in the present, both as contained in literature, manuscripts, and even oral speech, especially the emphasis on the unique characteristics of these facts and norms, so that they can find symptoms, arguments, and legal developments in the past that can provide broad insight for those who study it, in interpreting and understanding the current law. With this approach, of course, the unique characteristics of facts and legal norms that occur in a society/country will be clearly recorded in the writings of legal scientists, this is nothing but an effort to compare law in the development of legal studies.*

**Keywords:** *comparative, development, essence, legal system, legal studies.*

<sup>1</sup> Abdul Rokhim✉

Email: [dr.abd.rokhim@gmail.com](mailto:dr.abd.rokhim@gmail.com)



## I. INTRODUCTION

The study of law is one of the studies that has a very broad scope in science, it looks simple when you see the two syllables of "science" and "law" that are strung together, but the essence of the two words when put together will become parts of the study that cover each. The study can be said to be quite extensive.

In international law, recognition is one of the legal elements of the formation of a State, in addition to the presence of elements of population, territory and government.<sup>1</sup> The breadth of the scope of the study of law can be seen from its discussion which includes the making of a rule, regulation or policy, practice and implementation of these rules, human rights, trade, economics, ownership, obligations, taxes, and ethics and rules in relations between countries (or other commonly known in international law), and many more. The broad scope of legal science is because this field of science (law) covers all aspects of human life and is needed in all sectors. Thus, there is not a single human activity that is not regulated in the study of this legal science. In addition to the very broad scope of legal studies, the study of law in a country is also not always the same in its study material from one country to another, this is because each country has a different legal system, even though several groups of countries have the same legal system, but it is generally influenced by the history of the founding of the country.

For example, the legal style of our country (Indonesia) is almost the same as the legal style that applies in the Netherlands (the Netherland), this is because our country (Indonesia) was colonized by the Dutch for 350 years so that when Indonesia became independent in 1945, Indonesia had not able to make their own legal institutions so that in

general the legal institutions that were applied by the Dutch at that time, were also carried on by Indonesia until after independence. By looking at this, of course, the development of the latest legal studies certainly requires a study of comparative legal systems.

Although in the literature there are many examples to prove that the various legal systems in the world did not initially recommend conducting comparative studies of law in other countries. Even Roman law did not provide the impetus for developing comparative law because Roman law was not the result of a process of comparison with the laws of other countries. The "*Corpus Juris Civilise*" which represents Roman law contains a phrase that came from the emperors. Likewise, the term "edicta" is the result of a direct gift from them as heads of state, or "*rescripta*" which is the answer given by the emperors when consulted on legal questions by various parties or by judges.<sup>2</sup> At that time (the Roman era) indeed made its laws from the orders of the emperors, so that what the emperors ordered, then that was the Roman law and the people obeyed automatically with these laws.

The Romans described their legal system according to two compositions, namely, first, "all nations", based on institutional Covenants, which were governed by law; and secondly, customs, determined partly by their own particular laws, and partly by laws generally applied to mankind. The law that binds the people is called civil law, but the law that was adopted for natural reasons for all mankind is called the law of the nations, because in this case the whole nation uses it. The "part of the law" made for natural reasons is the element where the edict or order

---

<sup>1</sup> Kadarudin, *Antologi Hukum Internasional Kontemporer*, Yogyakarta: Deepublish, 2020, p. 431

---

<sup>2</sup> Pan Mohamad Faiz, *Klasifikasi dan Nilai dari Perbandingan Hukum*, Published on March 3, 2007, accessed from <https://panmohamadfaiz.com/2007/03/03/perbandingan-hukum-2/>

contained should have functioned in Roman jurisprudence. Elsewhere it is discussed more easily through the term "Jus Naturale" or natural law, and the rules are based on natural aquitas as well as natural reasons.<sup>3</sup> Natural fairness is what is meant as God's laws (natural laws), so because these laws come from God, then of course their applicability can be universal, and wherever they are, these laws cannot be denied because they are based on the values espoused. by humans as God's creatures.

In this increasingly advanced age, where humans have believed in their own abilities to always strive to develop and advance themselves according to their fields of civilization, this ability is manifested by their courage to penetrate their world with new, critical thoughts in the form of sciences in various fields. The science cultivated by humans has reached a possible momentum brought about by discoveries in the field of technology that seem to overturn the views, concepts and rhythms of past lives. This kind of situation at the start of the 18<sup>th</sup> century was seen with the emergence of many new ideals and legal movements.<sup>4</sup> On the other hand, English common law as a whole has opened itself up to developments in comparative law. The first lawyer among other advocates was Leibnitz. He attempted to conduct research on various laws of civilized countries. Although in the end he was not very successful in his efforts, but it has had its own academic value. In England, Montesquieu is credited as the founder of comparative law because he was the first to realize that the rule of law should not be treated as an abstract thing, but should be placed against the backdrop of its history and matters relating to its environment which must also be adapted. with its function. In his famous book, "*Del Spirit des*", he argues that in

the end the laws of the world will fail to achieve their purpose. The origins of comparative law can be traced back to the mid-nineteenth century. The idea of studying the laws of other countries is discouraged by historians of jurisprudence. This applies not only to the development of legal codification but also to anything done in the name of studying the laws of other countries. Several attempts were made in France and Paris where spaces for the study of comparative law and comparative criminal law were established in 1832 and 1846.<sup>5</sup> This period was the beginning where the development of the law/legal system began to find its development.

Whereas in America itself there has been considerable hostility towards anything related to British law. Thus, the American legal system as a whole attempted to exclude the study of English law. However, they still have little help from the French legal system. Various results which pioneered the development of comparative law have been completed and can be found in England. Lord Bacon and Mansfield were important pioneers in this regard. The ancient law of Henry Maine (1861) has opened our eyes to the importance of the development of comparative law. He is also the one who has introduced the correlative method into the history of institutions. In 1984 the Professor in Comparative Law from Quain founded University College, London which was later founded in 1985 the British Community for Comparative Law Rule. The twentieth century marks the realization that the policy of isolating the law is not a good policy and if it is done it will be very unhelpful for the development of legal unification. In recent years various institutions have been established for research purposes related to comparative law. Efforts have also been made to promote this field, but the main breakthroughs related to the development

---

<sup>3</sup> *Ibid.*

<sup>4</sup> R. Soeroso, *Pengantar Ilmu Hukum*, Jakarta: Sinar Grafika, 2009, p. 319

---

<sup>5</sup> Pan Mohamad Faiz (2007), *Loc.Cit.*

of this field have not been clearly seen. However, its usefulness and importance have been felt by all of us and the doubts that once existed as to its existence are now almost completely gone. Even today, comparative law is actually separated as a branch for studying law and legal techniques.<sup>6</sup> Based on this description, this paper specifically discusses the urgency of comparative legal systems in the development of legal studies.

## II. METHOD

This type of research is normative research, which is legal research carried out by examining library materials or secondary legal materials.<sup>7</sup> Legal materials used in this research are primary legal materials consisting of legislation, and secondary legal materials is to provide an explanation of primary legal materials consisting of scientific opinions of scholars and literature books, legal dictionaries, encyclopedia and so on. The technique of collecting legal materials used in this writing is carried out by literature study of legal materials,<sup>8</sup> both primary legal materials and secondary legal materials were analyzed descriptively qualitatively.<sup>9</sup>

## III. DISCUSSION

Comparative law studies will be less interesting if they do not involve the inherent elements of each family legal system. The legal system or commonly called the legal tradition, has a wealth of scientific treasures that can be investigated in more depth through a holistic and comprehensive comparison process. The distinction is made by looking at or

assessing the particular character of each legal system, for example related to ideology, geographical location, historical similarities, ethnicity or race, legal sources, unique legal institutions or institutions and so on. This particularity is what makes the difference, which scientists use as the object of research. For example, if you look at the legal systems of Continental Europe, what comes to mind is that they have an anti-formalism character, as opposed to the Anglo-American legal system. Anglo Americans are more formalistic in character, as is often the case in the primitive legal system or earlier laws.<sup>10</sup>

Comparative law itself can provide practical and theoretical benefits. The practical benefits of comparative law include being able to assist reform efforts in the legal field. legal unification, and other benefits such as harmonization in the field of law and can foster mutual understanding between nations. The theoretical benefits of comparative law, among others, are being able to reveal elements of similarities and differences in objects being compared which can be in the form of a legal system or certain legal institutions being compared with other legal systems or certain legal institutions, providing a deeper understanding of the objects being compared and knowing the background, behind the similarities and differences.<sup>11</sup> Comparative law includes comparative foreign law, similarities and differences between the comparable legal systems. Comparative law is a science that systematically studies the law (criminal) of or more legal systems by using the

<sup>6</sup> *Ibid.*

<sup>7</sup> Soerjono Soekanto, *Metode Penelitian Hukum*, Jakarta: Rajawali Pers, 2012, p. 13

<sup>8</sup> Kadarudin, *Mengenal Riset dalam Bidang Ilmu Hukum, Tipologi, Metodologi, dan Kerangka*, Ponorogo: Uwais Inspirasi Indonesia, 2020, p. 151

<sup>9</sup> Kadarudin, *Penelitian di Bidang Ilmu Hukum (Sebuah Pemahaman Awal)*, Semarang: Formaci Press, 2021, p. 171

<sup>10</sup> Farihan Aulia and Sholahuddin Al-Fatih, *Perbandingan Sistem Hukum Common Law, Civil Law dan Islamic Law dalam Perspektif Sejarah dan Karakteristik Berpikir*, *Legality*, Vol. 25, No. 1, March - August 2017, p. 99

<sup>11</sup> Wahyono Darmabrata, *Perbandingan Hukum dan Pendidikan Hukum*, *Jurnal Hukum dan Pembangunan*, No. 4, Year XXX, October-December 2020, p. 320

comparative method.<sup>12</sup> To understand more deeply about comparative law, it is also necessary to look at the division or classification of comparative law itself according to several well-known experts. One of them is the classification proposed by Prof. Lambert's, which classifies comparative law into three parts:<sup>13</sup>

- a. Descriptive Comparison of Law
- b. Comparison of Legal History
- c. Comparison of Legal Rules

In the discussion of this paper, the author will focus on discussing the comparative history of law.

To define "History", it seems a bit difficult, because many etymological approaches that can be used. These approaches produce almost the same meaning. Judging from the etymology of the origin of the word, history in Latin is "Historical". In German it is called "Geschichte" which comes from the word *geschehen*, meaning "something that happens". The term "Historie" expresses a collection of facts of human life and development. In the area of Malay-speaking people, including Indonesia, the word history is simply defined as a story from past events known as legends, chronicles, stories, saga, and so on, the truth of which is not necessarily without evidence as a result of a study. Generally, the story is made into a fairy tale that is passed down from generation to generation. In addition, history can be interpreted as a disclosure of past events. There are those who interpret history as a systematic writing of certain phenomena that have an influence on a particular nation or social group with an explanation of the causes of the emergence of these symptoms. As a social science, history examines human experience in an attempt to reveal the truth about humans and society. Indeed, many meanings are given

to define history, but we must not forget that what is revealed in the research contains the following elements:<sup>14</sup>

- (a) recording (writing) of research results,
- (b) important (factual) past events,
- (c) real truth (concrete)

Legal history has its own uniqueness, because in addition to informing about the stages of development of law or legal science in a country, legal history also has a focal point to discuss important events that factually occurred in the development of legal science. Legal history is a method and science which is a branch of historical science (not a branch of legal science), which studies (studying), analyzing, verifying, interpreting, compiling arguments (setting the clause), and tendencies, to draw certain conclusions (hypotheses), about every fact, concept, rule, and rule relating to the law that has ever been in force. Both chronologically and systematically, as well as causes and effects and their touch with what is happening in the present, both as contained in literature, manuscripts, and even oral speech, especially the emphasis on the unique characteristics of these facts and norms, so that they can find symptoms, arguments, and legal developments in the past that can provide broad insight for those who study it, in interpreting and understanding the law currently in force.<sup>15</sup> With this approach, of course, the unique characteristics of facts and legal norms that occur in a society/country will be clearly recorded in the writings of legal scientists, this is nothing but an effort to compare law in the development of legal studies.

Law in the sense of science is called the science of law. The science of law came from the Romans, because this nation was considered to have the best and

<sup>12</sup> Romli Atmasasmita, *Perbandingan Hukum Pidana*, Bandung: CV. Mandar Maju, 1996, p. 6

<sup>13</sup> Pan Mohamad Faiz (2007), *Loc.Cit.*

<sup>14</sup> R. Abdoel Djamal, *Pengantar Hukum Indonesia*, Edisi Revisi, Jakarta: Rajawali Press, 1984, p. 6

<sup>15</sup> Munir Fuady, *Sejarah Hukum*, Jakarta: Ghalia Indonesia, 2009, p. 1

most perfect laws when compared to existing and developing laws in other countries. Consequently, the development and improvement of law in other countries was always influenced by Roman Law. Whereas, legal science is knowledge of human issues, knowledge of what is right and wrong according to human dignity. Formal science of positive law scientific synthesis of the basic principles of law. Legal science is the name given to the study of law an investigation that is abstract, general and theoretical in nature, which seeks to reveal the basic principles of law. The beginning of the emergence of the science of law originated from the tradition of western civilization. Western civilization originates from Greek civilization where the state is seen as more important than all human-made organizations. In Western civilization law is seen as the central principle of life. The incident occurred shortly after 1200 BC, which began when Dorian, who came from the north, occupied the center of power in Mysia (an area in Asia Minor). They did not bring their pattern of government, so they established city-states which in Greek are called Polis (from the word polis, the words policy, politics, and police arise, all of which are related to the police or the state).<sup>16</sup> In some literatures, it is stated that the development of legal science in Asia is allegedly also inseparable from the development of legal studies from the Romans and Greeks, therefore many legal terms come from the languages of the two countries.

The science of law has many terms or has different terms in each country. The first definition in Latin is called *ius*, in French it is *droit*, in Dutch it is *recht*, in German it is also called *Recht*, while in Indonesian it is called *Hukum*. Whereas in

the second meaning in Latin it is called *Lex*, French *loi*, Dutch *wet*, German *Gesetz*, while in Indonesian it is called *Law*.<sup>17</sup> The discovery of the law was born from the process of the struggle of two great understandings that mutually tug between the interests of legal certainty according to the law and justice according to the pulse of people's lives. In Indonesia, legal discovery has a pattern like that of countries that adhere to the Continental European legal system. However, in the historical development of legal discovery, the position of judges is no longer heteronomous in the sense that they do not carry out their roles independently. Judges can make legal discoveries (legal discoveries by Judge "*Rechtvindig*") autonomously by giving shape to the contents of the law according to legal needs. The history of jurisprudence is the history of science to reveal legal facts about the past in relation to the present. The above is a process, a unity, and a reality that is faced, the most important thing for historians of data and evidence is that it must be precise, tend to follow systematic steps, logic, honesty, self-awareness and strong imagination.<sup>18</sup> With the help of comparative legal systems from the study of legal history, the portrait of the development of the study of legal science can be recorded properly and clearly.

The development of comparative studies of legal systems is a science as old as the discipline of law itself. However, in its development the comparative study of the legal system only appeared in the 19th century as a special branch of the legal discipline. Historically, this comparative study of law has developed in Europe in the 19<sup>th</sup> century, spearheaded by Germany, France and England.<sup>19</sup> Among the legal

<sup>16</sup> Cut Mutiawati, *Menelisis Sejarah Perkembangan Ilmu Hukum di Dunia*, Published on September 15, 2020, accessed from <http://hukum.untan.ac.id/menelisis-sejarah-perkembangan-ilmu-hukum-di-dunia/>

<sup>17</sup> Peter Mahmud Marzuki, *Penelitian Hukum*, Jakarta: Kencana, 2010, p. 18

<sup>18</sup> Cut Mutiawati (2020), *Loc. Cit.*

<sup>19</sup> Andi Safriani, *Hakikat Hukum Dalam Perspektif Perbandingan Hukum, Jurisprudentie*, Vol. 5 No. 2 December 2018, p. 19

experts in the 19th century there was also an impetus to apply 'scientific' approaches (according to natural science methods) in conducting studies on the characteristics and nature of positive law and positive legal order which applies equally to all legal systems. Or in other words, a desire arises to find a 'kind of natural law of nature' but a positive scientific one, in order to fill the gaps that arise as a result of the collapse of belief in the existence of a universal natural law.<sup>20</sup>

Law as an object of scientific study has developed since its presence until now. So exotic is this "world" that it attracts the attention of many people to think about all things about its existence. Fundamental questions are tried to be sought and explained: its origin, the nature of its existence, its function, to the goal to be achieved. No doubt this thought about law gave birth to schools in the science of law. All of these ideas about law not only show the color of cosmology and the spirit of the era, but also bring about a shift in perspective. Therefore, apart from being able to find classical thinkers, medieval thinkers, modern thinkers and contemporary thinkers, generations of supporters can also be found, starting from the natural law generation, rationalism generation, socio-historism, positivism to the next generation. The rise and fall of the domination of thought at one time and replaced by thoughts that were born later, indicates that the science of law does not actually stagnate, it is open and flows according to the currents and rhythms of the society where the law exists and develops.<sup>21</sup> The development of legal science is in accordance with the development of human life. the complexity

of the problems experienced by humans, solutions are immediately sought and strengthened by binding rules and become life guidelines for humans in carrying out their daily lives (law).

The moral basis of this statement is that all human beings have the same and inalienable dignity and status, as formulated in article 1 of the Universal Declaration of Human Rights; "All human beings are born free and equal in dignity and rights".<sup>22</sup> At the beginning of its existence, jurisprudence was dominated by natural law thinking. In natural law thinking, law is understood as the embodiment of a higher legal order, which should be obeyed. The natural law approach is based on theological and secular views. Theological views are based on divine morality, while secular ones are based on morality that is based on human reason.<sup>23</sup> Law does not only change in space and location (American law, Belgian law and Indonesian law, for example), but also in the trajectory of time and time. Such as formal legal sources, namely the forms of self-appearance of legal norms, as well as the content of legal norms themselves (material legal sources). The modern legal order recognizes legal norms such as: (i) legislation (ii) jurisprudence (iii) doctrine (iv) conventions.<sup>24</sup>

Today's legal norms are often and often can only be understood through the history of law. For example Henri de Page in the book "Traite Eleentaire de Droit Civil" 1930-1950. that "the more he deepens the study of civil law", the more convinced that the history of law, ahead of logic and legal teaching itself, is able to explain why and how our legal institutions have emerged as they exist today. Holmes argues that "the path taken by law is not

<sup>20</sup> Muchyar Yara, Teori Hukum: Suatu Tinjauan Singkat tentang Posisi, Sejarah Perkembangan dan Ruang Lingkupnya, *Jurnal Hukum dan Pembangunan*, No. 1-3, Year XXVIII, January – June 1998, p. 4

<sup>21</sup> Bambang Sugiri, Ilmu Hukum Dalam Pusaran Perkembangan Ilmu Pengetahuan, *Risalah Hukum*, Vol. 4 No. 2, December 2008, p. 69

<sup>22</sup> Kadarudin, *Isu-Isu Hukum Kejahatan Internasional & HAM dalam Catatan Hukum Dr. Kadarudin*, Yogyakarta: Deepublish, 2020, p. 223

<sup>23</sup> Antonius Cahyadi and E. Fernando Manullang, *Pengantar ke Filsafat Hukum*, Jakarta: Kencana, 2007, p. 43

<sup>24</sup> Munir Fuady (2009), *Op.Cit.*, p. 2



the paths and sections of logic but the rails of experience".<sup>25</sup>

Legal science is certainly no different from other sciences. As a science, its task is to provide enlightenment to mankind when navigating this realm of life. Like science, legal science is also based on reality, in this case it is the reality that happens about and in law. Therefore, the science of law is not a thinking activity that comes suddenly because of the hard work of the human brain, but the work of the brain that follows and is guided by the reality of the law in front of it. A rule of law exists not because it was born by the science of law. Legal science does not create these regulations, but "only" discovers the reality that is happening around them and its task as science is to work on that reality to become a rule. What is meant by working here is trying to understand, explain, look for origins, and look for the meaning behind that reality. It has been stated that legal science is no different from other sciences. Apart from being tied to reality, it should also not be impermeable to the influence of other sciences. In his capacity as a science he has an obligation to be able to explain completely and honestly on all matters relating to the law. For this reason, it is very impossible when the science of law is understood narrowly as the science of regulations. The facts as objects of legal science are very complex and multi-dimensional. So when in the future the economic, psychological, sociological dimensions of law appear, it is not really because of the emergence of these social sciences, but those dimensions have emerged since the law itself. And to be able to explain it all, the choice is none other than the openness to borrow and accept the presence of these sciences into the science of law. Such awareness becomes very important when we want to

delve deeper into the heart of the law, not only the law that appears on its skin.<sup>26</sup> Thus, it can be said that the current development of legal science cannot be separated from the role of comparative law which also continues to be a discourse in the world.

#### IV. CONCLUSION

Comparative law can provide both practical and theoretical benefits. The practical benefits of comparative law include being able to assist reform efforts in the legal field. To understand more deeply about comparative law, it is also necessary to look at the division or classification of comparative law itself according to several well-known experts. One of them is the classification proposed by Prof. Lambert's, which classifies comparative law into three parts, namely: (1) Descriptive Comparative Law; (2) Comparison of Legal History; and (3) Comparison of Legal Regulations. Legal history has its own uniqueness, because in addition to informing about the stages of development of law or legal science in a country, legal history also has a focal point to discuss important events that factually occurred in the development of legal science. The history of law is a method and science which is a branch of historical science, which studies, analyzes, verifies, interprets, compiles arguments, and tends to draw certain conclusions about every fact, concept, rule, and rule relating to the law that has ever been in force. Both chronologically and systematically, as well as causes and effects and their touch with what is happening in the present, both as contained in literature, manuscripts, and even oral speech, especially the emphasis on the unique characteristics of these facts and norms, so that they can find symptoms, arguments, and legal developments in the past that can provide broad insight for those who study it, in interpreting and understanding the current

---

<sup>25</sup> Munir Fuady, *Teori-Teori Besar (Grand Theory) Dalam Hukum*, Jakarta: Kencana Prenada Media Group, 2012, p. 4

---

<sup>26</sup> Bambang Sugiri (2008), *Loc.Cit.*, p. 75

law. With this approach, of course, the unique characteristics of facts and legal norms that occur in a society/country will be clearly recorded in the writings of legal scientists, this is nothing but an effort to compare law in the development of legal studies.

## REFERENCES

- Andi Safriani, Hakikat Hukum Dalam Perspektif Perbandingan Hukum, *Jurisprudentie*, Vol. 5 No. 2 December 2018.
- Antonius Cahyadi and E. Fernando Manullang, *Pengantar ke Filsafat Hukum*, Jakarta: Kencana, 2007.
- Bambang Sugiri, Ilmu Hukum Dalam Pusaran Perkembangan Ilmu Pengetahuan, *Risalah Hukum*, Vol. 4 No. 2, December 2008.
- Cut Mutiawati, *Menelisis Sejarah Perkembangan Ilmu Hukum di Dunia*, Published on September 15, 2020, accessed from <http://hukum.untan.ac.id/menelisis-sejarah-perkembangan-ilmu-hukum-di-dunia/>
- Farihan Aulia and Sholahuddin Al-Fatih, Perbandingan Sistem Hukum Common Law, Civil Law dan Islamic Law dalam Perspektif Sejarah dan Karakteristik Berpikir, *Legality*, Vol. 25, No. 1, March - August 2017.
- Kadarudin, *Antologi Hukum Internasional Kontemporer*, Yogyakarta: Deepublish, 2020.
- Kadarudin, *Isu-Isu Hukum Kejahatan Internasional & HAM dalam Catatan Hukum Dr. Kadarudin*, Yogyakarta: Deepublish, 2020.
- Kadarudin, *Mengenal Riset dalam Bidang Ilmu Hukum, Tipologi, Metodologi, dan Kerangka*, Ponorogo: Uwais Inspirasi Indonesia, 2020.
- Kadarudin, *Penelitian di Bidang Ilmu Hukum (Sebuah Pemahaman Awal)*, Semarang: Formaci Press, 2021.
- Muchyar Yara, Teori Hukum: Suatu Tinjauan Singkat tentang Posisi, Sejarah Perkembangan dan Ruang Lingkupnya, *Jurnal Hukum dan Pembangunan*, No. 1-3, Year XXVIII, January – June 1998.
- Munir Fuady, *Sejarah Hukum*, Jakarta: Ghalia Indonesia, 2009.
- Munir Fuady, *Teori-Teori Besar (Grand Theory) Dalam Hukum*, Jakarta: Kencana Prenada Media Group, 2012.
- Pan Mohamad Faiz, *Klasifikasi dan Nilai dari Perbandingan Hukum*, Published on March 3, 2007, accessed from <https://panmohamadfaiz.com/2007/03/03/perbandingan-hukum-2/>
- Peter Mahmud Marzuki, *Penelitian Hukum*, Jakarta: Kencana, 2010.
- R. Abdoel Djamal, *Pengantar Hukum Indonesia*, Edisi Revisi, Jakarta: Rajawali Press, 1984.
- R. Soeroso, *Pengantar Ilmu Hukum*, Jakarta: Sinar Grafika, 2009.
- Romli Atmasasmita, *Perbandingan Hukum Pidana*, Bandung: CV. Mandar Maju, 1996.
- Soerjono Soekanto, *Metode Penelitian Hukum*, Jakarta: Rajawali Pers, 2012.
- Wahyono Darmabrata, Perbandingan Hukum dan Pendidikan Hukum, *Jurnal Hukum dan Pembangunan*, No. 4, Year XXX, October-December 2020.