[Kasi Stradley]

Legal System of Saudi Arabia and Indonesia

Introduction

This research paper is about the legal system of Indonesia and Saudi Arabia. Their legal systems differ accordingly and are compared in this research paper. The comparison of their legal system illustrates the court systems which are followed in both the countries. Indonesia is a group islands country as Saudi Arabia is country situated in the lower western side of Asia. Saudi Arabia is considered to be the centre of the world because it has been situated right in the centre of the world map. Both the countries are Islamic and follow a common law that is the Islamic law.

Indonesia and Saudi Arabia are both Islamic countries and follow the Islamic principles and jurisdiction. They have some legal rights that differ according to their country rules and regulations, policy and government. There are some judiciary rules which aren't acceptable in the governing and legislating of Indonesia and Saudi Arabia. The Saudi Arabia has been following a traditional policy since the birth of the Islamic law. They have strong policies that prevent the women and men to discriminate in many factors.

Indonesia does follow the Islamic law but it does have some dependence over the English common law too. Although they haven't accepted the compulsory ICJ jurisdiction but their legislative branches still follow the Khalifa system which was being followed in late 20th century. Though they have dual court systems which discriminate in running a civil and sharia

court system. Both the countries have strict rules in arbitrating the policies in matters such as the marriage, divorce and inheritance. The Islamic court law creates many discriminating legal laws that differ with the English common law in many ways due to religious perspectives.

This research paper will compare the legal system laws between the kingdom of Indonesia and the kingdom of Saudi Arabia.

Discussion

Legal System of Indonesia

Country in Southeast Asia, the islands of the Malay Archipelago and the western part of the island of New Guinea.

Territory - 1.9 million square meters. km. Capital - Jakarta.

Population - 216.1 million. (1999).

Official language - Indonesian.

Religion - 80% Sunni Muslim, 10% of Protestants and Catholics.

State on the territory of modern Indonesia appeared in the first centuries of our era. In the XIV century Indonesia enters Islam and formed a number of Muslim principalities. In the XVI century begin penetrating the archipelago European conquerors by the beginning of XX century. He appeared almost entirely by the Dutch. As a result of the national liberation struggle in 1945 was proclaimed an independent republic, whose first president was Sukarno (1945-1967 gg.). As a result of the armed conflict in 1965-1966gg leftist regime was replaced by a pro-Western military dictatorship (1966-1998 gg.).

Legal system

General characteristics

Indonesia's legal system is mixed. Most of the major branches of law have been codified in the colonial period on the corresponding Dutch laws and belong to the Roman-Germanic legal family. At the same time, family and marital relations and other issues of personal status for the majority of the population Islamized governed by customary law (adat). In relations between the Muslims in some cases also directly applicable Islamic law (Sharia in Indonesian - syariah). In many areas (and some people of the country) distributed proprietary system customary or religious law.

Formation of legal culture of modern Indonesia occurred against change of different religions and cultural influences. By the middle of the XVII century. in most parts of Indonesia was accepted Islam, having replaced Buddhism and Hinduism.

In pre-colonial Indonesia customary law (adat) was central; stood on the second written law (the law). In the community, almost all relations were regulated customs. Among Indonesians deeply ingrained idea that souls of the ancestors are watching community and avenge the slightest impropriety.

Domination customs and customary law led conservative state and legal system of the country. In addition, it has created the right particularism, as each region, each community had its own customs.

Precolonial history of Indonesia knows several attempts to codify the law.Constituted the basis of their customs, customary law and the Indian laws.The first codification, known as the "Shivashama", was held at the end of the tenth century. vostochnoyavanskim Raja Dharmavamtsoy codified laws Javanese. Another codification - "Kutaramanava" created in the

Majapahit empire and completed in 1350 shortly after it was followed by two Code, apparently supplementing it, - "Gadjah Mada" and "Adzhagama."

Dutch colonialists brought to the archipelago its right. From the beginning it was the Roman-Dutch Law, then, in the XIX century., It was replaced by a modern Roman-German law, based on the Napoleonic Code. Originally Dutch codes in private law applied only to relations between Europeans or with their participation. Gradually, the local population was also apply to the European legislation, especially in cases where there were no relevant rules in common law or required to settle the relations between the communities with different systems of law. Nevertheless, until the end of the colonial period, the Dutch private law and has not been seen mostly Indonesians. In contrast, in the field of criminal law Dutch Criminal Code was distributed (in 1918) to the entire population of the archipelago, regardless of their origin.

Basics of the legitimate framework autonomous Indonesia were laid with the reception of the Constitution in 1945 It fortified the rule of the state philosophy and theory "panchasila", which must hold fast to all gatherings and associations: the confidence in one God, which implies the balance of all religions existing in the nation, and flexibility of religion; simply and enlightened humankind; patriotism, significance the formation of a free country state, the development of a solitary country; majority rules system guided by sound arrangement exhortation and representation; social equity.

Fundamental demonstrations of the provincial period (counting GC and CC) and stayed in energy after autonomy. National powers centered chiefly on the enactment in the circle of the political framework, monetary arrangement, agrarian change.

For a few years after freedom (1945-1965) Country created through dynamic hostile to radical, against frontier governmental issues. Dutch and British organizations were nationalized, solid limitations experienced American capital. Endeavors were made to direct agrarian change and other vital socio-financial measures.

At the turn of 1950-1960-ies. Indonesia set mode "guided popular government", which implied in practice a huge build in the force of the President.

Intense investment and political disagreements prompted the unfortunate occasions of September 30, 1965 showdown between the Communist Party (the biggest in the creating nations) and the armed force finished with the triumph of the last and the ouster of Sukarno. Truth be told, the head of state got military world class. About 500 thousand individuals were executed without trial. Comrade Party and other left-wing associations banned. The new administration headed for a slow fortifying of the private industrialist area. Just in the 1998 mass challenges prompted the fall of the tyrant administration of President Suharto and started democratization of political life.

Principle wellspring of law in cutting edge Indonesia is the law. Pecking order of lawful acts are the Constitution, declarations of the People's Consultative Assembly, Acts of Parliament, regulations President, the Cabinet of Ministers, services and divisions. Constitution (Article 22) accommodates the organization of crisis enactment, actualized by the Cabinet subject to support by parliament.

The second most imperative wellspring of law is the custom of managing ordinary life of most Indonesians, particularly in rustic territories. Adatnoe right not arranged and bound together: there are 19 noteworthy regions with their own particular forms of the law.

Despite the fact that lawful point of reference has not authoritatively tying, in practice it is additionally one of the wellsprings of law in Indonesia. The Supreme Court has a paramount part in the understanding and unification befuddling arrangement of Indonesian law, and more level courts attempt to strictly take after the prior choice of higher courts.

Indonesia's lawful framework is blended. The majority of the real limbs of law have been classified in the pilgrim period on the relating Dutch laws and fit in with the Roman-Germanic lawful crew. In the meantime, family and conjugal relations and different issues of individual status for most of the populace Islamized legislated by standard law (adat). In relations between the Muslims in a few cases likewise straightforwardly relevant Islamic law (Sharia in Indonesian - syariah). In numerous regions (and some individuals of the nation) appropriated restrictive framework standard or religious law.Formation of legal culture of modern Indonesia occurred against change of different religions and cultural influences. By the middle of the XVII century. in most parts of Indonesia was accepted Islam, having replaced Buddhism and Hinduism. In pre-colonial Indonesia customary law (adat) was central; stood on the second written law (the law). In the community, almost all relations were regulated customs. Among Indonesians deeply ingrained idea that souls of the ancestors are watching community and avenge the slightest impropriety. Domination customs and customary law led conservative state and legal system of the country. In addition, it has created the right particularism, as each region, each community had its own customs.Precolonial history of Indonesia knows several attempts to codify the law. Constituted the basis of their customs, customary law and the Indian laws. The first codification, known as the "Shivashama", was held at the end of the tenth century. vostochnoyavanskim Raja Dharmavamtsoy codified laws Javanese. Another codification - "Kutaramanava" created in the

Majapahit empire and completed in 1350 shortly after it was followed by two Code, apparently supplementing it, "Gadjah Mada" and "Adzhagama."

Transition probability most of our army under the leadership of Russia, the U.S. forces to find a way to neutralize completely our SunOne method is to reduce dictated, as we are accustomed to hearing, economic difficulties.

Dutch colonialists brought to the archipelago its right. From the beginning it was the Roman-Dutch Law, then, in the XIX century., It was replaced by a modern Roman-German law, based on the Napoleonic Code. Originally Dutch codes in private law applied only to relations between Europeans or with their participation. Gradually, the local population was also apply to the European legislation, especially in cases where there were no relevant rules in common law or required to settle the relations between the communities with different systems of law.Nevertheless, until the end of the colonial period, the Dutch private law and has not been seen mostly Indonesians. In contrast, in the field of criminal law Dutch Criminal Code was distributed (in 1918) to the entire population of the archipelago, regardless of their origin.

Fundamentals of the legal system independent Indonesia were laid with the adoption of the Constitution in 1945 It strengthened the principle of the state ideology and philosophy "panchasila", which must adhere to all parties and organizations: the belief in one God, which means the equality of all religions existing in the country, and freedom of religion; just and civilized humanity; nationalism, meaning the creation of an independent nation-state, the construction of a single nation; democracy guided by sound policy advice and representation; social justice. Basic acts of the colonial period (including GC and CC) and remained in force after independence. National authorities focused mainly on the legislation in the sphere of the political system, economic policy, agrarian reform.

For several years after independence (1945-1965 gg.) Country developed through active anti-imperialist, anti-colonial politics. Dutch and British companies were nationalized, strong restrictions undergone American capital. Attempts were made to conduct agrarian reform and other important socio-economic measures. At the turn of 1950-1960-ies. Indonesia set mode "guided democracy", which meant in practice a significant increase in the power of the President. Acute economic and political contradictions led to the tragic events of September 30, 1965 confrontation between the Communist Party (the largest in the developing countries) and the army ended with the victory of the last and the ouster of Sukarno. In fact, the head of state got military elite. About 500 thousand people were killed without trial. Communist Party and other left-wing organizations banned. The new regime headed for a gradual strengthening of the private capitalist sector. Only in the 1998 mass protests led to the fall of the authoritarian regime of President Suharto and initiated democratization of political life. Main source of law in modern Indonesia is the law. Hierarchy of legal acts are the Constitution, decrees of the People's Consultative Assembly, Acts of Parliament, regulations President, the Cabinet of Ministers, ministries and departments. Constitution (Article 22) provides for the institution of emergency legislation, implemented by the Cabinet subject to approval by parliament.

Fundamentals of the legal system independent Indonesia were laid with the adoption of the Constitution in 1945 It strengthened the principle of the state ideology and philosophy "panchasila", which must adhere to all parties and organizations: the belief in one God, which means the equality of all religions existing in the country, and freedom of religion; just and civilized humanity; nationalism, meaning the creation of an independent nation-state, the construction of a single nation; democracy guided by sound policy advice and representation; social justice.

Basic acts of the colonial period (including GC and CC) and remained in force after independence. National authorities focused mainly on the legislation in the sphere of the political system, economic policy, agrarian reform.

For several years after independence (1945-1965) Country developed through active anti-imperialist, anti-colonial politics. Dutch and British companies were nationalized, strong restrictions undergone American capital. Attempts were made to conduct agrarian reform and other important socio-economic measures.

At the turn of 1950-1960-ies. Indonesia set mode "guided democracy", which meant in practice a significant increase in the power of the President.

Acute economic and political contradictions led to the tragic events of September 30, 1965 confrontation between the Communist Party (the largest in the developing countries) and the army ended with the victory of the last and the ouster of Sukarno. In fact, the head of state got military elite. About 500 thousand people were killed without trial. Communist Party and other left-wing organizations banned. The new regime headed for a gradual strengthening of the private capitalist sector. Only in the 1998 mass protests led to the fall of the authoritarian regime of President Suharto and initiated democratization of political life.

Main source of law in modern Indonesia is the law. Hierarchy of legal acts are the Constitution, decrees of the People's Consultative Assembly, Acts of Parliament, regulations President, the Cabinet of Ministers, ministries and departments. Constitution (Article 22) provides for the institution of emergency legislation, implemented by the Cabinet subject to approval by parliament.

The second most important source of law is the custom of regulating everyday life of most Indonesians, especially in rural areas. Adatnoe right not codified and unified: there are 19 historic areas with their own versions of the law.

Although legal precedent has not officially binding, in practice it is also one of the sources of law in Indonesia. The Supreme Court has an important role in the interpretation and unification confusing system of Indonesian law, and lower courts try to strictly follow the earlier decision of higher courts.

Indonesia's legal system is mixed. Most of the major branches of law have been codified in the colonial period on the corresponding Dutch laws and belong to the Roman-Germanic legal family. At the same time, family and marital relations and other issues of personal status for the majority of the population Islamized governed by customary law (adat). In relations between the Muslims in some cases also directly applicable Islamic law (Sharia in Indonesian - syariah). In many areas (and some people of the country) distributed proprietary system customary or religious law.

The second most important source of law is the custom of regulating everyday life of most Indonesians, especially in rural areas. Adatnoe right not codified and unified: there are 19 historic areas with their own versions of the law.

Although legal precedent has not officially binding, in practice it is also one of the sources of law in Indonesia. The Supreme Court has an important role in the interpretation and unification confusing system of Indonesian law, and lower courts try to strictly follow the earlier decision of higher courts.

Indonesia's legal system based on the combination of the law, or more famously called mixed legal system. mixed legal system may be due to the historical influence of the foreign law

in a local law adopted by the country or can also occur due to the influence of international law by a State as part of the international community (legitimate moving / relocation laws or transplant law / legal transplants).construction and development of the law in Indonesia is a mixed legal system, legal system, which is mostly continental European legal systems (Roman-Germanic legal system, or also known as civil law).Indonesia's legal system, which is more directed towards the continental European legal systems, supported by historical ties Indonesia as Dutch colonies, because the Dutch legal system adopted Continental European legal system. Indonesia's legal system is a mixed legal system due to some factors such as:

1. The principles and rules to date has a different legal system. System of customary law, religious legal system, legal systems of western and national legal systems. The first three systems - the result of colonial legal policy. Negative political laws were intended to allow people living in traditional law and limited entry into the legal system, it is necessary for a modern society.

2. Legal system is used in other forms of written laws, executive and law enforcement, legal minds constantly guide to the written rules.

3. Still have a lot of written laws established by the Government of the Netherlands Indies.

4. Entry of foreign law influence that comes from the common law. In this case, a lot of contact with the legal economy (economic law).

5. Use of mixed legal system of the Indonesian state, which in general civil law tradition of the original character (a civilian in origin) enriched with the principles of common law, Islamic law, and customary law.

Historically, the Indonesian national legal system, as it is known today, has long been obtained from the various subsystems of law, such as the Western system, the system of customary law and the Islamic legal system, together with the methods that are influenced by different national legal development since independence and achievements caused by the influence of the Indonesian association with international legal tradition.

Condition mixed legal system adopted in Indonesia is inseparable from the recognition and respect of the 1945 Constitution against legal pluralism, which is durable in the community.

Diversity of the nation, but one embodied in the state's famous motto. Unity in Diversity, which means many, but one nevertheless. With conditions that vary from one culture to another culture, it is difficult, if only one system of law apply. Therefore, regardless of the "for" and "against" the legal recognition of the efforts of pluralism in Indonesia still have to continue to be recognized and developed by the Government.

The judicial system. Control authorities

In accordance with the Constitution (Article 24) judiciary in Indonesia by the Supreme Court and other judicial bodies in accordance with the law.The judicial system includes four types of ships: general, religious, military and administrative. Details of the organization of courts determined by the rules of the Basic Law of the judiciary in 1970

Indonesian Supreme Court is in charge of the entire judicial system of the country. It consists of the chairman, vice chairman, secretary and four judges appointed by the President. Members of the Supreme Court may become Indonesian citizens who have a law degree. When the Supreme Court acts prosecutor general's office, headed by the Attorney General, appointed by the President.

The Supreme Court has the right supervision of the judiciary and other dispute resolution jurisdiction between courts of different species. As a court of last resort he is entitled to consider appeals against the judgments and decisions made by lower courts. The Supreme Court also has an advisory role. He gives opinions to the President and the Government on matters relating to the interpretation of the Constitution, laws and individual legal problems. Lacking the power of constitutional review, the Supreme Court may from 1985 to adjudicate only on the administrative regulations laws. By 1998, these powers have not been used even once.

In the largest cities of the country are the highest courts that are considering major criminal cases and some civil cases, the price of the claim which is a significant amount. Higher courts may consider appeals from district courts.

District courts consider minor criminal and civil cases, as well as deal with the divorce process and the reconciliation of the parties.

Judges and higher district courts appointed by the Minister of Justice.

Military courts have jurisdiction for military personnel and persons equated to them. During and immediately after the events of 1965-1966.special military courts in droves handed down sentences against civilians.

In some parts of Indonesia have religious courts that treat certain types of disputes between Muslims in matters of marriage, divorce, inheritance and gifts based on the norms of Islamic law (Sharia). To purchase the executive power, the religious court decisions must be approved by the appropriate district court of the secular. Manage religious system of the Department of Justice in Religious Affairs has final appellate jurisdiction. Despite the efforts of the Islamists, there is a tendency to reduce the number of religious courts. Adat courts abolished in 1951

Administrative justice is presented, in particular, the Supervisory Board of taxation, considering tax disputes. Several administrative courts was abolished by the government in the course to simplify the judicial system.

In Indonesia, formally proclaimed the independence of judges. However, in practice they are considered as civil servants and subject to the jurisdiction of the executive authorities (so depends on the Minister of Justice appointment, training, promotion and movement of judges).

Based on the Constitution (paragraph 5, article 23) and the law in Indonesia operates General Auditing Office, designed to control public finances. There are more than 80% of the population is Muslim, and Islam is enshrined in the Constitution as the state religion. The main source of law in Muslim countries and to this day are religious scriptures: the Sunnah, the Qur'an, etc. Islamic law as a system was formed back in VII - X centuries. in the Arab Hamefate. The main content of Islamic law arising from the rules of conduct of Islam believers and punishment (usually religious persuasion) for failure to adhere to regulations. Islamic law applies only to Muslims. But still, even in those countries where Muslims have a majority population, it is complemented by the laws and customs, modified in response to emerging new social relations. Because of this, performed religious Muslim law and Muslim states. In 1869 - 1877 years. as the civil code of the Ottoman Empire was published Al-Majali. She also acted in Turkey until 1926, Lebanon until 1932, Syria until 1949., Iraq until 1951 now its effect is partially preserved in Jordan, Israel and Cyprus. "In the second half of the XIX century in the Muslim countries were Applicability criminal, commercial, procedural and other laws, partly on the basis of legal reception of Western European countries. Islamic law played the role of a regulator family, inheritance and other relations." Hallmark of Islamic law is that it is one of the many sides of the religion of Islam, which sets the rules and to the beliefs and believers indicates

that you can do, and what not. The so-called path to follow ("Ball" or "Sharia") and is itself Islamic law, and it had already dictates Muslim behavior rules in accordance with the religion. The basis of Islamic law is four sources: 1. Holy book the Koran, Allah consisting of statements addressed to the last of the prophets and messengers of his Mohammed. 2. Sunnah collection of traditional rules relating to actions and sayings of Muhammad reproduced a number of intermediaries. 3. Ijma concretization of the provisions of the Koran in the presentation of major scientists musulmanistov. 4. Kiyas - reasoning by analogy to the phenomena of life of Muslims who are not covered by the previous sources of Islamic law.

Such judgments shall be made legal, social character. An interesting fact is that the Shariah performed a population of Muslim countries and are perceived as binding rules of conduct. It is also interesting that the "Muslim legal development of the Arab countries is carried out primarily through the legal ideology and psychology.

The scope of Islamic law as the ideological factor is much broader than the scope of its specific regulatory requirements." From the beginning, Islam was determined not only a religious ritual, dogma and religious features, but social institutions, forms of ownership, especially law, philosophy, political structure, ethics, morality and social psychology, although the spiritual side was still in first place. Unlike Christianity, which is separated from the state still XVI - XVII centuries after the bourgeois revolution, Islam, and to this day is the state religion. Islam as a system of social and religious views combines elements: a religious cult and a set of spiritual and ethical definitions; system of rules governing social and economic structure of society; general principles of government. In countries with Muslim law constitution is not considered the primary law, and the role played by the Quran, the Sunnah, the principles of consensus (Ijma ') and analogy (Kiyas). Muslim jurists and theologians believe that the

regulation of the Koran and Sharia rules are subject to both religious and ethical aspects of social life, the relationship of citizens, both among themselves and with the state. They also argue that these norms, lit the will of Allah, is much stronger in its effect than the constitutional norms, written by a person. Since this is just due to the fact that Saudi Arabia has no written constitution, and its place is taken by the Koran. Ever since the birth of the Muslims of medieval statehood it is based on two pillars: the deliberative (SDC when the rulers take decisions collectively), and the sovereignty of Sharia law. "The principle of consultation inherent in the Qur'an, has not received its legal institutions in securing the medieval state, and therefore not purchased binding. Regarding compliance with Shariah rules or" divine "law, it has always been a prerequisite of any legitimacy of state power."

All citizens of Muslim countries have the same rights in the election of the governor, but the basic principle is the principle of election "worthy representatives", ie elections - an ideal "especially gifted." Only "ohlyul-halval-acad" or special category of noble rulers of the right to advise and decide whether their legitimate policy towards Sharia burrows. Legislative function of this group is that they have to decide on the head of state laws, government regulations and other regulations Shariah. Their activities are similar to the activities of the Council of State in France, the U.S. Supreme Court, whose function is constitutional review.

Constitutional principles in Muslim countries began to take shape during the Anglo-French colonization, namely in 1861 was published the first constitution of the Bey of Tunis. Now there is a period of codification of Islamic law in many countries, including Pakistan, Indonesia, and Turkey since 1926 in general was abandoned. In many states, Islamic law is considered the foundation of constitutional law. It is used on many issues, but especially in civil relations, there are still sharia courts. In some countries of Central and East Africa used as

Islamic law, customary law. Although Islamic law and has a huge impact on the legal systems of Muslim countries, but still there is a tendency to use these sources of law and legal practice as a legal act or legislation. In almost all Muslim countries, the impact of Islamic law is limited to marriage and family and adjacent to them, which are those that are included in the concept of "personal status". Egypt was the first country that refused at the end of XIX century of Islamic law as the sole source of law. As an example, you can still lead to Saudi Arabia, which is considered a country of traditional Islam. Even here, are increasingly used in legal proceedings and legislation "double standards" and in commercial law priority is given to the "Anglo-American" law.

Key elements of the political system of modern Indonesia finally by the mid 80s. To this period emerged and features of the political system, predefined long-term influence of a targeted military leadership on the socio-political processes, from 1965 onwards, they are as follows:

1. Exist in the country, only those political parties whose activities are expressly permitted by law. However, they are forced to follow the principles of the official ideology.
2. Leading role in the political life of the organization is vested in the functional groups - Golkar, which takes precedence over the parties and relies on the support of the military.
3. Within the Government preferred executive, which plays a crucial role. Rejected the rule of parliament, who dutifully prepares decisions of the President and Cabinet in the form of laws.
4. Organizations operate under the strict control of the army and Golkar.
5. Military tend to depoliticize the maximum weight and prevent them from becoming a subject of politics.
6. Most significant factor in the political process are the armed forces.

7. Indonesia are illegal political parties, groups and movements that have a destabilizing effect on the "official political system."

Currently, the country officially allowed only two political parties (in 1965 there were nine). It Party Unity and Social Development and the Democratic Party of Indonesia.

Party unity and development (PER) was founded in 1973 it officially recognized as the only political alliance of Indonesian Muslims of all sects and trends. Ideological basis - the teachings of Islam, the principles of "punch power" (see below) and the Constitution of 1945 PER consists of four Muslim organizations that alcoholics in 1973, lost the status of political parties, but continue to operate as a socio-political organizations . These include: steam-making Nahdatul Ulama (Council of Ulema), established in 1926 as an orthodox Muslim social organization; "The Muslims of Indonesia" - an organization that relies on commercial bourgeoisie and petty-LUT; party "Union of Islam in Indonesia" - the oldest Muslim party. Its social base - the urban and rural bourgeoisie, some Muslim scholars and intellectuals.

Party bottoms PER require decentralization of power, respect for the Constitution and the rule of law, greater participation of Muslims in the government, the authorities did not desire to limit their ideology based on "Pancha vultures." Internationally PER tends to rely on conservative Arab states in particular. Saudi Arabia.

Indonesian Democratic Party (PDI) was founded in 1973 Its ideological basis - "Pancha force" constitutional in 1945, democracy, nationalism and social justice. Consisting of 3 and 2 Christian nationalist organizations that have retained some autonomy in all areas except political. In PDI-going in:

National Party of Indonesia, created in 1945 and is backed by the left wing of the national bourgeoisie; Murbach Party (proletariat). Was created in 1948, it was the social base of the

nationalist-minded youth of petty bourgeois. Fought with the Communist Party; Union defenders of freedom in Indonesia, founded in 1954 in circles near-Kimi to the armed forces, based on retired military; Christian Party of Indonesia - Indonesian Protestant political organization, founded in 1945; Indonesian Catholic Party - founded in 1925 political alliance of Catholics.

Parts included in the PDI could not achieve full organizational unity, formulate a common political platform. PDI still cannot get out of the crisis that began in 1965 with the military coup. Her constantly torn apart by internal contradictions; often separate groups dissatisfied with the results of the elections to the governing partying units, create parallel bodies in the central and local levels. This affects the results of the voting for the DPI. It has the smallest number of seats in parliament, giving Golkar and PER.

Despite the creation of PER and PDI in 1973, they still were not a single mechanism: the old save-games were in their composition as internal groups. This significantly weakens the position of both parties, and, in general, satisfied with the country's leadership and the armed forces, which rely solely on Golkar.

Leading role in the party system plays a political union Golkar (Joint Secretariat of the functional groups). Not formally being a political party, Golkar has an overwhelming majority in parliament, and (along with members of the armed vulture and provinces) in the People's Consultative Assembly.

Golkar was created by the military in October 1965 with the aim to combine their interests in functional groups that emerged in the period of "guided democracy". The objectives were declared Golkar: completion Indonesian revolution, the creation of a just and prosperous society based on the principles of "punch force," protection of the constitution in 1945 undertook the reorganization of the military soon Golkar, which SIPU existence of numerous functional

groups became unwieldy organization. All functional groups (there were about 300) were combined into seven basic groups (trade unions and other organizations controlled by the military). Each basic group headed by a special authority headed by the chairman, who also represented his group in the executive committee Golkar. In the mid-70s. for better governance was established Golkar Central Board of Trustees headed by President Suharto. The Council consists of cabinet ministers and under his auspices, 14 established a coordinating committee Golkar. In 1975 he completed registration Golkar formally leading political forces of the country.

Currently Golkar basic groups within and outside include over 200 organizations. Golkar influence extends to the bureaucracy, the military administrative staff, cooperative unions and other organizations, many of which are based in Golkar collective membership. The composition of Golkar force includes all government employees and public school teachers.

Essentially, Golkar is a kind of "transmission belt" means of influence on the state leadership of the population. His unit serves as a kind of "war party." It emphasizes the subordination of military Golkar ethyl. Indonesian observers are three main groups in the upper echelons of the Golkar: the most important leaders of mass organizations, the generals of the entourage of the President and senior officials of the military apparatus.

The legal basis for PER, Golkar and PDI is currently the law in 1985 on political parties and Golkar.

A number of political groups, including the Communist Party was banned after the coup in 1965 Belonging to him Karaetsya law.

During the first ten years of the "new order" 1965-1975 were eliminated almost all large public organization that existed, and created new under the effective control of the military regime.

In 1973 was established Workers' Federation (1985 - workers federation - VFT) as the union of trade unions. The official line of the authorities in relation to the trade union movement is that workers' organizations should be subordinated to the needs of capitalist development of the country, not to oppose the entrepreneurs abandon confrontation and reconciliation to take a stand and amicable settlement of emerging issues. VFT is under the direct control of the Ministry of labor.

Created in the same 1973 Indonesian Peasant Union (CSI) acts effectively as a body restraint Cross-yang movement.

Since 1973 there is also a National Committee of Indonesian Youth (NKIM). Policy regime in relation to young people by the fact that, on the one hand, it seeks to engage in the process of capitalist development, and on the other - is afraid of its initiatives. Government favors "the normalization of life campuses", which in practice means the elimination of their traditional autonomy and complete submission to the rectors of the universities."The involvement of the younger generation in the development process conceived through depoliticization spoofing social ideals professional careerist aspirations-tions."

The country has also Indonesian Women Congress (established in 1946).

All public organizations established "new order" are elitist in nature, does not have a large impact on the general population. They operate under the control of the military, their leadership consists of members throughout Golkar. These organizations are formally regulated by law in 1985 on public organizations.

The most important place in the political system of Indonesia occupy the armed forces. Already after 5 years of military coup-gate Australian scientist Colin Mason came to the conclusion that "the Indonesian army has turned into a huge administrative organization that primarily seeks to impose its will through effective mechanisms impact reduction, and only then - to provide defenses the country. " Under the regime of "guided democracy" to the army in 1965 as la and its goal is to completely subjugate the state in economic and political terms, to create a situation justifying the army stay in key positions in the country, so before he came to power, it is not was interested in the political and economic stability.After a complete mastery of the state mechanism is the same army sees stability and economic development the main condition of their peace, so trying not to undermine this stability.

It carries the army leadership in Indonesia all political power, and does this by relying on extra-constitutional and constitutional bodies. Army has clearly exaggerated representation in parliament. Thus, each member of the faction of the armed forces to delegate only 4 thousand people, and the "price" one parliamentary mandate Golkar representatives and political parties in various districts ranged from 91 to 275 thousand votes.

Civil and allied branch of law

Private law in Indonesia is still dualistic. Operate in parallel legislation based on the Dutch Civil and Commercial Code, and the various systems of customary and partly religious law. Following independence, the government is making efforts to Unification of Private Law. So, the National Institute for Legal Development prepared a draft code of contract law rules which should apply to the entire population regardless of their origin. At the same time it is

recognized that in the field of marriage and family relations complete unification is impossible because of multi faith society.

Borrowed from the Dutch law applies in full to the few Europeans mainly living in the country, ethnic Chinese and some other communities.

The main source of civil law is still the Civil Code, introduced by the Dutch in 1848 he reproduced in whole relevant code of the metropolis, based in turn on the Napoleonic Code. Certain provisions of the Civil Code, viewed as contrary to the letter and spirit of the Constitution in 1945, no longer in force. In particular, the Supreme Court in its circular dated September 6, 1963 announced the 8 articles of the Civil Code violates the spirit of the Constitution.

Among the most common Muslim community adatnoe right which does not distinguish between public and private, as well as between civil and criminal law. Particularly strong position in the field of adat takes marriage and family relations. In pre-colonial and colonial times, even in common law, and then the laws do not impede the conclusion of child marriage. Marriage in the Indonesian state was a bargain sale. It consisted of her parents or guardians consent of the young was not required, to whatever social stratum they belong. Condition of the marriage was a ransom, awarded groom or bride's parents his parents. If the groom or his parents had no money, was allowed to work ransom. Customary law prohibiting polygamy. The family, as a general rule, dominated by a husband and father. Despite the progressive changes that have occurred in the twentieth century. Many of the above practices are used to this day, especially in rural areas. In some areas with a strong Muslim influence marital relationship is not subject to adat and Islamic law. In Indonesia officially recognizes polygamy.

Their regulatory systems of marriage and family relationships exist among the Chinese community, Hindus, Buddhists and Christians. Europeans and some communities are guided matrimonial legislation Dutch sample. National Institute for Legal Development has prepared draft laws on marriage and divorce for the major religious communities in the country (Muslims, Christians, Hindus Balinese).

Adatnoe right of inheritance was influenced by Islamic legal doctrine.

New land relations were established in the Basic Agrarian Law of 1960, one of the most progressive legal acts of the independence period. With the entry into force of Indonesia moved from legal dualism (land rights in European and customary law) to a common regulation of land relations across the country. While the new law and is based on adat norms given in the last line with modern economic needs of the country. New land rights include: the right of ownership (hak milik), the right long-term lease (hak guna-usaha), the right to development, or perpetual lease (hak guna-bangunan). In addition, there are more personal rights such as the right content and the right to use land that is not subject to registration. Only Indonesian citizens can own land on the right of private property; while it is limited to the social function of land. As a general rule, the owner of agricultural land should handle it personally. Recorded maximum and minimum land holdings (20 and 2 hectares), which can be owned by one person (v. 17). To automatically enter the rural community of the right to uncultivated land. Non-members of the community can rent communal land without purchase or inheritance.

Commercial Code was, as well as the Civil Code, introduced by the Dutch in 1848 and substantially revised in 1938, and in 1905 it was added to the Bankruptcy Ordinance. TC applies mainly to Europeans and natives of foreign Asian countries, while most indigenous Indonesians still guided by their own customary laws. However, since the adat is certainly not adapted to the

management of international economic relations, especially foreign, in this case the use of the Commercial Code and European legislation based on it is actually no alternative. National Institute for Legal Development has drafted a new Commercial Code, the same for all residents.

Intellectual property law has appeared in Indonesia in 1912, when it was adopted the Regulations on Industrial Property, reproduce the relevant legislation of the Netherlands, and the Copyright Act (Act replaced in 1982). The first patent law was introduced only in 1991.

In 1990, err. Indonesia adopted new company laws, trademark, copyright, stock market, banking, insurance, amendments to the Law on Bankruptcy.These acts basically meet modern international standards.

Economic legislation Indonesia repeatedly changed depending on the socio-economic - "liberal economy" (1950-1957), "Directed economy" (1957-1965) And "economic democracy", the government proclaimed a "new order" in 1966.

Since the late 1950s, government of President Sukarno actually pursued a course for the socialist transformation of the country. The Constitution of 1945, restored in 1959, enshrined the broad limits of state property. According to Section XIV land, water and natural resources belong to the state; in the hands of the state are also important sectors of the economy. In the late 1950s - early 1960s was conducted extensive nationalization of foreign property, introduced stringent state economic development planning. The role of the economically dominant class won the state bureaucracy.

With the establishment in 1966 the regime of the "new order" the military began to encourage private enterprise, although the process of liberalization of economic life took about 30 years and is far from complete. Since 1967, the government pursued a policy of attracting foreign investment, which play an important role in the economy. Law on foreign capital

investment in 1967 to the present time is the basis of the legal framework in this area. The process of empowering foreign investors continued in 1980-1990-ies. In 1988, foreign capital was admitted to the banking, insurance and securities market in 1994-1995. for him were opened for such industries as electricity, telecommunications, maritime and air transport, railways, etc.

Employment Law in Indonesia began to arise in the first quarter of XX century. Politics Dutch colonial authorities in the field of labor relations was very tough: local workers unions are not recognized, strikes were forbidden Special Act of 1923, and labor law was reduced to several acts on labor protection.

Criminal justice is carried out through a system that includes courts, appellate courts, prosecutors and independent legal profession. But actually this kind of legal infrastructure exists only in Java and in other major cities of the archipelago. In rural Indonesians prefer to settle criminal conflicts through community institutions, without recourse to public authorities. In the role of the judge in this case is usually the village chief. In addition, in many remote areas of the archipelago saved practices analogous institution vendetta. Even in urban population tries to settle minor criminal cases, if possible, without recourse to the authorities, not trusting the corrupt police and justice, as well as in the interest of saving time and money.

Cases of crimes punishable by death are treated in the ordinary criminal courts or, if the defendant is a military or police officer in the ordinary military court (special military tribunals established after the coup in 1965, is currently not functioning). Code of Criminal Procedure requires that in all cases where the punishment can be defined as the death penalty, ensured participation of counsel.

The judicial system control authorities

In accordance with the Constitution (Article 24) judiciary in Indonesia by the Supreme Court and other judicial bodies in accordance with the law. The judicial system includes four types of ships: general, religious, military and administrative. Details of the organization of courts determined by the rules of the Basic Law of the judiciary in 1970

Indonesian Supreme Court is in charge of the entire judicial system of the country. It consists of the chairman, vice chairman, secretary and four judges appointed by the President. Members of the Supreme Court may become Indonesian citizens who have a law degree. When the Supreme Court acts prosecutor general's office, headed by the Attorney General, appointed by the President.

The Supreme Court has the right supervision of the judiciary and other dispute resolution jurisdiction between courts of different species. As a court of last resort he is entitled to consider appeals against the judgments and decisions made by lower courts. The Supreme Court also has an advisory role. He gives opinions to the President and the Government on matters relating to the interpretation of the Constitution, laws and individual legal problems. Lacking the power of constitutional review, the Supreme Court may from 1985 to adjudicate only on the administrative regulations laws. By 1998, these powers have not been used even once.

In the largest cities of the country are the highest courts that are considering major criminal cases and some civil cases, the price of the claim which is a significant amount. Higher courts may consider appeals from district courts.

District courts consider minor criminal and civil cases, as well as deal with the divorce process and the reconciliation of the parties.

Judges and higher district courts appointed by the Minister of Justice.

Military courts have jurisdiction for military personnel and persons equated to them. During and immediately after the events of 1965-1966.special military courts in droves handed down sentences against civilians.

In some parts of Indonesia have religious courts that treat certain types of disputes between Muslims in matters of marriage, divorce, inheritance and gifts based on the norms of Islamic law (Sharia). To purchase the executive power, the religious court decisions must be approved by the appropriate district court of the secular. Manage religious system of the Department of Justice in Religious Affairs has final appellate jurisdiction. Despite the efforts of the Islamists, there is a tendency to reduce the number of religious courts. Adat courts abolished in 1951

Administrative justice is presented, in particular, the Supervisory Board of taxation, considering tax disputes. Several administrative courts was abolished by the government in the course to simplify the judicial system.

In Indonesia, formally proclaimed the independence of judges. However, in practice they are considered as civil servants and subject to the jurisdiction of the executive authorities (so depends on the Minister of Justice appointment, training, promotion and movement of judges).

Based on the Constitution (paragraph 5, article 23) and the law in Indonesia operates General Auditing Office, designed to control public finances.

Legal System of Saudi Arabia

Saudi Arabia’s legal system is dependent upon Islamic law (known as Sharia) determined from the Qu'ran as well as from the Sunnah-the conventions of the Islamic prophet Muhammad (Sallullaho Alaihe Waa’lehe Wasallam) (KSA). The resources of Sharia likewise incorporate

scholarly consensus of Islam advanced after the death of Muhammad (SAW) and analogical thinking by Muslim judges and scholars. Interpretation of Sharia by the authorities in Saudi Arabia is impacted by the medieval contents of the Hanbali School of Islamic jurisprudence. Remarkably in Islamic World, Saudi Arabia adopted Sharia in an unmodified structure (Vogel, pp. 18-27). This, and the absence of legal point of reference, has brought about impressive questionable matter in the degree and substance of the laws of country.

The legislature thusly declared its expectation to systematize Sharia in the year 2010; however this is yet to be actualized. Sharia has likewise been complemented by regulations issued by illustrious pronouncement blanket current issues, for example corporate law as well as intellectual property (Farran, pp. 11-12). By and by, Sharia remains the essential law resource, particularly in fields, like family, criminal, contract, commercial law and the Qu'ran as well as the Sunnah is pronounced to be the constitution of country. In the zones of energy and land law the far reaching proprietarily privileges of the Saudi state constitute a noteworthy characteristic.

The present Saudi court framework was made by the renowned King of Saudi Arabia Abdul Aziz, who established the KSA (Kingdom of Saudi Arabia) in the year 1932, and was acquainted with the nation in stages between the years 1927 and 1960. It includes general and summary Sharia courts, with few authoritative tribunals to manage questions on particular cutting edge rules (Farran, pp. 11-12). Saudi Arabian courts watch not many conventions and the first criminal procedure code, issued in the year 2001, have been all in all disregarded. Choices are made without juries and generally by a solitary judge. In the year 2007, King Abdullah presented various noteworthy legal changes, in spite of the fact that they are yet to be completely executed.

Punishments of criminal law in Saudi Arabia incorporate stoning, public beheading, lashing and amputation. Genuine criminal offences incorporate not just globally distinguished crimes, for example rape, robbery and theft, additionally adultery, apostasy, witchcraft as well as sorcery (Powell, J. E. pp. 203-217). Notwithstanding the customary police force, Saudi Arabia has a service of secret police, known as the Mabahith, and the service of "religious" police, the Mutawa (KSA). The recent upholds Islamic social and ethical standards. Western-based human rights associations, for example Amnesty International and Human Rights Watch, have blasted the exercises of both the Mutawa and the Mabahith, and in addition various different factors of human rights in Saudi Arabia. These incorporate the offences range which is liable to the penalty of death, the amount of executions; the absence of protections for the blamed in the criminal justice framework, homosexual's treatment, the utilization of torture, the absence of religious flexibility, and the exceptionally disadvantaged ladies position. Also, Albert Shanker Institute and Freedom House consider that the practices of Saudi Arabia deviate from the idea of the principle of law (Vogel, pp. 18-27).

Background of Legal System of Saudi Arabia

In 1992, the legal system of Saudi Arabian was dependent upon the Islamic law or Sharia. The sharia was connected all around the kingdom in strict agreement with the Hanbali school of Sunni Islam's interpretation (Farran, pp. 11-12). On the grounds that devout Muslims accepted that the sharia was a law which is sacred, they acknowledged as qadis or judges, just men who had used various years examining the acknowledged sharia sources: the Quran and the authenticated conventions (hadith) of the Prophet Muhammad's decisions and practices (Powell, J. E. pp. 203-217). Truly, the choices of qadis were liable to survey by the ruler, whose essential

part was to guarantee that the Islamic community existed in similarity with the sharia. Basically, the legal was not a free organization yet a development of the political power. This accepted association between the king and qadis still predominated in the Kingdom of Saudi Arabia.

The Justice Ministry, made by King Faisal in 1970, was answerable for managing more than 300 sharia courts of country. The minister of justice, named by the ruler from around the most senior Ulama of the country, was the genuine chief justice (Powell, J. E. pp. 203-217). He was aided by the Supreme Judicial Council, a comprised of eleven members selected from the leading Ulama (Farran, pp. 11-12). The Supreme Judicial Council directed the courts work, audited all legal choices alluded to it by the minister of justice, communicated lawful opinions on judicial inquiries, and affirmed all sentences of expiration, amputation (means the order of cutting fingers or hands as theft punishment), and stoning (for the crime of adultery) (Vogel, pp. 25-80). Since the year 1983, the minister of justice has additionally served as Supreme Judicial Council chief, a place that further upgraded his status as the chief justice (Lippman & Thomas, pp. 177-210).

Sharia courts incorporated appeals court and first instance courts. Minor criminal and civil cases were arbitrated in the first instance summary courts. One summary court type managed solely with issues of Bedouin (Farran, pp. 11-12). A solitary qadi directed all hearings of summary court. The first instance general court took care of all cases beyond the summary court jurisdiction. One judge generally managed cases in the general courts, however three qadis sat in judgment for genuine criminal acts, for example major theft, murder or sexual misbehavior.

Choices of general and summary courts could be spoke to the sharia appeals court. The cassation court or appeals court had three branches: personal status suits, penal suits and all

different sorts of suits (Powell, J. E. pp. 203-217). The appeals comprised of two seats, one in Mecca and one in Riyadh. The penal of a few qadis and chief justice directed all cases. The ruler was at the zenith of the legal framework, working as an appeal last court and as a source of exculpation (Vogel, pp. 18-27).

Judicial code of Saudi Arabia stipulated that particular courts may be built by regal decree to manage government regulations infractions not secured by the sharia (Vogel, pp. 25-80). Since Abd al Aziz rule, rulers have made different mainstream tribunals that are outside the sharia court framework to manage administrative rules violations (Farran, pp. 11-12). The Grievances Board, for instance, worked under the power of the Bureau of the Presidency of the Council of Ministers. It checked on protestations of improper conduct carried against both government authorities as well as qadis (Lippman & Thomas, pp. 177-210). The Interior Ministry was responsible for the specially designed police who authorized regulations of motor vehicles (Powell, J. E. pp. 203-217). The Ministry of Commerce directed mediation and appeals board built to settle business questions, particularly those including foreign organizations. Announcements relating to work were authorized by special boards inside the Ministry of Labor and Social Affairs.

Sources of Law

Islamic law (or Sharia), the essential law source in modern Saudi Arabia, was created progressively by Muslim judges and researchers between the 7th and 10th centuries. In 8th century (the time of the Abbasid caliphate), the advancing Sharia was acknowledged as the foundation of law in the Muslim world towns, incorporating the Arabian peninsula, and maintained by local leaders, eclipsing urf (or pre-Islamic local customary law) (Vogel, pp. 18-

27). In the country regions, urf pressed on to be transcendent for some time, and, for example, was the principle law source around the Nejd beduin in central part of Arabia until the early twentieth century.

By the eleventh century, the Islamic world had advanced four major Islamic jurisprudence (or fiqh) Sunni Schools, each with its own particular elucidations of Sharia: Maliki, Hanbali, Hanafi and Shafi. In Arabia, an inclination for the Hanbali School was pushed by the Wahhabi movement, established in the eighteenth century (Farran, pp. 11-12). Wahhabism, a strict type of Sunni Islam, was backed by the Al Saud (Saudi royal family) and is presently prevailing in Saudi Arabia. From the eighteenth century, the Hanbali School thus prevailed in central part of Arabia and Nejd (Lippman & Thomas, pp. 177-210). In peninsula west, more cosmopolitan Hejaz, both the Shafi and Hanafi schools were followed.

So also, distinctive court frameworks existed. In Nejd, there was a straightforward single judges system for each of the major towns. The judge was named by the local governing body, with whom he worked nearly to discard cases. In the Hejaz, there was a more refined framework, with courts involving boards of judges (Powell, J. E. pp. 203-217). In 1925, Abdul Aziz Al Saud of Nejd prevailed over the Hejaz and united it with his existing domains to structure the Kingdom of Saudi Arabia in the year 1932 (Lippman & Thomas, pp. 177-210). In 1927, the ruler acquainted another court framework with the Hejaz including summary and general courts and requested that Hanbali fiqh ought to be utilized. However, traditional judges system of Nejd was left set up despite moderate resistance from the religious establishment of Nejd.

In the accompanying decades, after becoming aware with the Hejaz court framework, the religious establishment permitted first experience with the rest of the nation between the years 1957 and 1960 (Farran, pp. 11-12). Moreover, from the 1930s, Abdul Aziz made government

committees or tribunals to arbitrate in territories secured by imperial decrees, for example labor or commercial law. The Sharia courts system and government tribunals made by Abdul Aziz to a great extent stayed until the judiciary reforms of 2007. The legal system was the avocation of the Grand Mufti (the most senior religious authority of the nation) until the year 1970. When the officeholder Grand Mufti passed away in 1969, nonetheless, then ruler, Faisal chose not to name a successor and took the chance to exchange authority to the recently created Ministry of Justice.

The Eastern province Shia community areas have a different and separate legitimate tradition. Although they accompany Sharia, they apply the rules and regulations of Shia Jafari School of jurisprudence to it. When Abdul Aziz vanquished the area in the year 1913, he allowed the Shia's a separate legal system for managing the family and religious law cases: one judge in Al-Hasa and one in Qatif (Lippman & Thomas, pp. 177-210). This remained the position, with the two judges serving a populace of around 2 million, until the year 2005 when the amount of judges was expanded to seven (Powell, J. E. pp. 203-217). For all different law areas, the Shia communities are under the Sunni courts jurisdiction.

The judicial system of Saudi Arabia

In Saudi Arabia until the mid-1970s, the Islamic court system had three levels. The decisions of these courts for the most serious cases were approved by the Supreme Judicial Council, which played the role of the supreme appellate court (Wilcke, 2008, 35).
Currently, Saudi Arabia has several different judicial systems that are introduced by Nizam in Courts, in 1975. It includes courts of first instance of a kadi; this court decides the matrimonial cases and minor civil disputes. The appellate court has the Chamber of Criminal, matrimonial and other matters are being discussed here (Vogel, 2000, 120). The Supreme Judicial Council is

exercising control over all Muslim courts and serves as the final court of appeal for most serious criminal cases. The Supreme Judicial Council consists of 11 members chosen from leading scholars (Vogel, 2009, 66). Judges are appointed by the King from among persons those having the highest religious and legal education.

Different jurisdictions

During the Shari'a: Supreme Judicial Council: Oversees the course provides a review of special cases, reviewing death sentences, amputation or stoning. Court of appeal has three panels dealing with criminal cases, personal, and general.

Special Courts : Resolves disputes in specific areas such as commercial law or work. These specialized courts are among the various departments outside the Department of Justice.

Grievance Board: It is not part of the Ministry of Justice but is directly responsible to the King. The Board of Grievances consists of the Administrative Division of the Commercial Division and the Criminal Division. This includes audit panels that act as a court of appeal. Complaints are filed with the Chairman of the Board of Grievances, which selects the expert panel that will hold the hearing.

The court of justice applies to the Office of Complaints, which serves as the administrative court, as well as, considers any and all disputes (Wilcke, 2008, 35). The system of justice was led by the Ministry of Justice and the Supreme Judicial Council.

Civil Law of Saudi Arabia

In the area of civil rights the central role belongs to the Islamic law and the Nizam, and not inconsistent with the provisions of the Shari'a. Islamic law is very strictly protects the right of private property, establishes the principle of sanctity of the contract (Wilcke, 2008, 35). At the same time, it prohibits the charging of interest on cash loans. Compensation for damage caused to the individual, based on the general principle of "buy-out for blood."

According to the Muslim law doctrine, that endorses polygamy, husband is allowed to marry with four women and live with them at them, but this scene is not with the women of Saudi Arabia. She cannot have more than one husband at a time (Vogel, 2000, 120).

Nizam on Foreign Investment was passed in 1978, foreign and local entrepreneurs have the right to establish private businesses and not engage in any prohibited or subject to special permission business activities (Vogel, 2009, 66). National treatment does not apply to foreign investors in a number of areas i.e. catering, electricity production, trade, transport and businesses related to national security. Non-Saudis are not allowed to buy property in Saudi Arabia, except for extremely rare events. In general, the Saudi government encourages foreign investment, especially joint ventures (Vogel, 2000, 120). The Saudi partner should have such facilities at least 25% of the capital. With the development of foreign economic relations in Saudi Arabia are gradually having the modern forms of economic life. In 1985, the kingdom got its own stock market. Since 1997, it began to admit aliens.

Saudi labor law forbids unions, strikes, and collective bargaining agreements. Nizam of Labor and Workers in 1969 in Article 48, proclaims the right to work for men only (Vogel, 2009, 66). However, statutory conditions are favorable enough for the workers. Saudi Arabia has not acceded to ILO Convention on the protection of labor rights.

Labor law is based on the norms of Shari'a law. For example, in the injury cases, the workers have to get the amount of compensation from the organization (Wilcke, 2008, 35). One of the main labor policies is a priority to employment of indigenous Saudis, who account for only a quarter of the total workforce in the country.

Criminal Law of Saudi Arabia

Criminal Law of Saudi Arabia remains largely unmodified and is used mainly in the form of traditional Muslim legal doctrine (Vogel, 2009, 66). Muslim jurists developed a classification of offenses, which is based on two main criteria:

1. The degree of certainty of punishment for a particular offense
2. The nature of the violated rights and interests.

With this in mind all the offenses are divided into 3 groups. The first includes crimes that pose the greatest danger to the public, undermined "the rights of Allah" (i.e. the interests of the entire Muslim community) and shall be punished by a well-defined sanctions (Wilcke, 2008, 35). The second combines the crimes that are also associated with a fixed penalty as it is the violation of the rights of individuals. Finally, the third group consists of all other offenses known as tazir; this includes violations of religious duties, as well as, private interests.

The first category is known as hadd, this includes crimes such as adultery, drinking, stealing, and robbery, unproven accusation of adultery, apostasy, and rebellion (Vogel, 2000, 120). The second crime category known as qisas (retaliation) includes killing and injury irreversible. All other offenses are classified as tazir. It is believed that the state has the discretion to impose sanctions for these offenses (Vogel, 2009, 66). This opens up the possibility of adopting modern legislation, not affecting the first two categories of crimes.

A number of Nizam has been promulgated based on this approach, which are regarded as acts of fixing the punishment tazir for crimes for which the Shari'a provides precise unchanging measure of responsibility (Wilcke, 2008, 35). These include acts of the Nizam of responsibility for homosexuality, forgery, counterfeiting, and commercial fraud, and abuse, bribery. In 1961, the country entered into force on the act of punishment for the attempt on the life of the King and his family with death or imprisonment for a term of 25 years (Vogel, 2000, 120). These lower classes along with the applicable provisions of Shari'a hadd crimes categories and rules qisas implement the Basic Law of Governance, under which the punishment is personal. The crime and punishment are determined solely on the basis of Islamic Shari'a and the requirements of Nizam. Based on Shari'a criminal law of Saudi Arabia extends to non-Muslims, including foreigners.

Death penalty in Saudi Arabia is widely used for a number of categories of crime. These penalties vary from one crime category to other (Vogel, 2009, 66). The death penalty for murder is applied at the request of relatives of the victim, who can replace this sentence with "ransom for the blood" (Wilcke, 2008, 35). For injuries of varying severity requires payment of a certain part of the victim of this amount. This principle is also the employment and transportation laws of Saudi Arabia.

Corporal punishment is used for certain crimes hadd category (e.g., alcohol or drugs are punishable by 80 lashes), as well as, a number of crimes tazir categories in accordance with the provisions of the Nizam (Vogel, 2000, 120).

Criminal proceedings in Saudi Arabia in general is based on the norms of Islamic law enshrined Nizam. Following these acts of Shari'a do not make a clear distinction between criminal and civil process (Wilcke, 2008, 35). It was built on the principle of the Nizam of court

in 1975, Nizam of Shari'a during 1989 and some other acts that establish a set of principles that coincide with the generally accepted democratic foundations of the proceedings (Vogel, 2000, 120). However, a feature used in Saudi Arabia, the rules of criminal procedure is to maintain a system of formal proofs of claim and the private prosecution on a number of serious crimes (e.g. murder). Allegation (claim) must be confirmed by two witnesses, men, preferably Muslims, or one man and two women. In cases of proven crime categories hadd pardon is impossible (Vogel, 2009, 66). However, because the confession is sufficient even in the absence of witnesses and other evidence, the refusal to accept at any stage of the judicial process and may lead to the rejection of punishment hadd.

Works Cited

Damian E., (1972), Indonesia's Formal Legal System: an Introduction, American Journal of Com-parative Law. Vol. 20. P. I492-530.

Gautama S., (1974), Introduction to Indonesian Law: Unity in Diversity. Colorado, 1974.

Hooker MB Adat Law in Modern Indonesia, (1978), Kuala Lumpur, 1978.

Hooker MB Islamic Law in South-East Asia, (1984), Singapore, P. 248-278.

Farran, S., Historical Development of Different Legal Systems, Legal Imperialism and Global Reach of Legal Families, pp. 11-12, data retrieved from http://www.vanuatu.usp. ac.fj/courses/LA318_Comparative_LegalSystems/LA318_3_historical_dev.html#Introduction

Kingdom of Saudi Arabia, Washington University Law (2011), data retrieved from http://law.wustl.edu/WUGSLR/CitationManual/countries/saudiarabia.pdf

Lippman, T.W., Saudi Arabia on the edge, Potomac Books Inc. (2012) pp. 177-210, data retrieved from http://books.google.com.pk/books?hl=en&lr=&id=bmJsfmqb-j0C&oi=fnd&pg=PP2&dq=judiciary+of+Saudi+arabia&ots=d8WdOM7u-d&sig=lg2QsH-83Rw0yHqw1yQ52v8C9Gk#v=onepage&q=judiciary%20of%20Saudi%20arabia&f=false

Powell, J.E., Islamic law states and the International Court of Justice, Journal of Peace Research 50.2 (2013) pp. 203-217, data retrieved from http://jpr.sagepub.com/content/50/2/203.short

Vogel, E.F., Islamic Law and the Legal System of Saudi, Studies of Saudi Arabia (2000) pp. 25-80, data retrieved from http://books.google.com/books?id=-PfDuvnHMGoC&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false

Vogel, E.F., Shari ‘a in the Politics of Saudi Arabia, The Review of Faith & International Affairs 10.4 (2012) pp. 18-27, data retrieved from http://www.tandfonline.com/doi/abs/10.1080/15570274.2012.739892

Vogel, F., Islamic law in the modern world: the legal system of Saudi Arabia., London: xx (1999) pp. 160-170

Vogel, F., Islamic law in the modern world: the legal system of Saudi Arabia, Leiden: Brill (2009) pp. 66-76

Vogel, F.E., Islamic law and legal system: studies of Saudi Arabia, Leiden: Brill (2000) pp. 109-120

Wilcke, C., Precarious justice: arbitrary detention and unfair trials in the deficient criminal justice system of Saudi Arabia, New York: Human Rights Watch (2008) pp. 35-45

Appendix

Laws and Legislations

The following is an exhaustive list of laws of the Kingdom of Indonesia:

Legislations related to the Courts and the Judiciary:

- Code of Civil and Commercial Procedures and its amendments n° 12/1971
- Code of the legal professions and its amendments n° 26/1980
- Code of the Court of Cassation n° 8/1989
- Code of evidence in Civil and Commercial matters n° 14/1996

Legislations related to political life:

- Code of political associations n° 26/2005

Legislations related to Economic affairs:

- Code of commercial registry n° 1/1961
- Code of the special rules of joint stock companies n° 12/1984
- Commercial code n° 7/1987
- Code of international commercial arbitration n° 9/1994
- Decree n° 39/2002 on the General Budget
- Code of commercial secrecy n° 7/2003
- Bankruptcy code n° 11/1987
- Corporate and insurance code and its amendments n° 17/1987

Legislations on nationality and passports:

- Code of nationality and its amendments of 1963

Legislations related to criminal affairs:

- Code of criminal procedures n° 46/2002
- Code of the prohibition of human trafficking n° 1/2008

Legislations on Islamic affairs:

- Code of Islamic affairs and the organization of the Sunni and Jaafari Councils n° 6/1985

Legislations with regard to Health:

- Code of general health n° 3/1975
- Decree on the prevention of contagious diseases n° 14/1977

Legislations related to education:

- Code of higher education n° 3/2005
- Code of education n° 23/2005

Legislations on protection and civil defense:

- Decree n° 3/1982 on the General Security Forces

Legislations on property and real estate:

- Code of expropriation for the general interest and its amendments n° 8/1970

- Code of construction n°13/1977
- Code of real estate selling contracts n° 16/1979

Legislations on civil matters:

- Civil code n° 19/2001
- Code of civil aviation n° 6/1995
- Code of civil defense n° 5/1990
- Code of guardianship on minors n° 7/1986

Legislations governing the Industry:

- Decree n° 28/1999 Respecting the Establishment & Organization of Industrial Estate