

Abstract

A just law is a law that is in accordance with the law that lives in the community (living law) and in accordance with the reflection of the values prevailing in the community and in its development, living law has been accommodated in Article 2 paragraph (1) of the National Criminal Code. This research analyzes the formulation of community living law provisions in the National Criminal Code and its implications for judges in making legal considerations in their decisions. This research uses normative juridical research methods with statutory, conceptual, and analytical approaches. The results showed that the formulation of Laws Living in community in the National Criminal Code contained 15 provisions with five variations of terms such as “laws living in community”, “norms of decency”, “values of law and justice”, “local customary obligations”, and “fulfillment of customary obligations”. The implications of laws living in the community in the National Criminal Code have consequences for Judges, who can be a reference for adjudicating cases involving customary law and additional obligations in criminal considerations. Although there are no follow-up rules in the form of Government Regulations and Regional Regulations regarding laws that live in the community, Judges are still obliged to explore legal values and a sense of justice that live in the community.

Keywords: Judicial Decisions; Living Law; National Criminal Code.