



Digitising the Dissemination of Historical Legislation in Indonesia (Kitab Kutaramanawadharmasastra from Majapahit Kingdom)

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Abstract. Digitisation for the dissemination of historical laws and regulations in Indonesia, with a focus on the Kitab Kutaramanawadharmasastra from the Majapahit Kingdom created by Patih Gadjah Mada, refers to the process of converting and preserving historical legal texts into a digital format. Kitab Kutaramanawadharmasastra is a significant legal text from the Majapahit era that contains valuable information about the legal and regulatory system of the time. This research examines more deeply the Digitalisation of the Dissemination of Historical Legislation in Indonesia (Kitab Kutaramanawadharmasastra of the Majapahit Kingdom). The research method used is empirical method, with the type and source of data including primary data and secondary data. The results showed that digitisation of historical legal texts contributes to the preservation of Indonesia's legal heritage and encourages research and understanding of the country's legal history. It enables easier access, analysis and comparison of historical regulations, which facilitates a deeper understanding of the development and evolution of Indonesia's legal system.

Keywords: Digitalisation, History, Law, Regulation, System.

1 Introduction

In the civil law legal system, laws and regulations are the main source of law. Ardiansyah, Director of Enactment, Translation, and Publication of Laws and Regulations, explained about the Digitalisation of Laws and Regulations. One of the improvements made in Law No. 13 of 2022 on the Second Amendment to Law No. 12 of 2011 on the Formation of Legislation is the use of electronic legislation. This includes digital databases for regulation dissemination, public participation, and electronic signatures. Currently, the Directorate General of Laws and Regulations has several digital databases such as e-Drafting, Regulasio, e-Legislation, Official Translation Website, Laws and Regulations Litigation, and Laws and Regulations Information System Website [6].

Legislation has a very important role in regulating human life in society, both in the past, present and future. Law is something that always exists in society. These

regulations have binding power for certain individuals or groups. Therefore, it is important to disseminate these regulations through digital platforms. In addition to current regulations, it is also important to preserve past regulations as part of Indonesia's legal history, so as to maintain and sustain the nation's culture, especially in terms of legal civilisation.

Digitising the dissemination of historical laws and regulations in Indonesia aims to convert and preserve historical legal texts in digital format. The focus is on the *Kitab Kutaramanawadharmasastra* written by Patih Gajah Mada during the Majapahit Kingdom. It is an important legal text from the Majapahit era that contains valuable information about the legal and regulatory system of the time.

2 Discussion

2.1 History of Legislation in Indonesia

Law acts as an instrument to regulate the social life of society. To fulfil this role, the legal system cannot be separated from historical aspects. The process of law formation cannot be separated from materials derived from history, which are dialectically and reflectively determined socially [12].

Mahfud MD said that legislation refers to all forms of law in a broader context, which are formed through procedures determined by officials who have the authority, and are manifested in written form [9]. The existence of regulations in society is very important as a means of realising order and justice.

Some regulations have been found in various regions in Indonesia in ancient times, especially during the sultanate or kingdom period, among others:

1. The *Kutaramanawadharmasastra* of the Majapahit Kingdom in the 14th century
2. The Malacca Sea Laws of the Sultanate of Malacca in the 15th-16th centuries
3. *UU Simbur Cahaya Palembang* written by Ratu Sinuhun in the 17th century

The Hindu-Buddhist civilisation that reached its peak in the early 8th century until the end of the 16th century was closely related to the Majapahit Kingdom, which achieved glory during the reign of Prabu Hayam Wuruk with the help of Patih Amangkubhumi Gajah Mada. The vast territory of Majapahit is considered the first forerunner of the archipelago. To run the government smoothly, Mahapatih Gajah Mada compiled a book containing legal rules in both criminal and civil matters, known as the *Kitab Kutaramanawadharmasastra*. This book was made based on the *Manawadharmasastra* and *Kutarasastra* that prevailed during the Singasari Kingdom.

In the 14th century, Majapahit reached its peak based on the evidence contained in the *Nagarakretagama* written by Prapanca. The *Nagarakretagama* shows that Majapahit's sphere of influence covered the archipelago. Prapanca describes the social, political and cultural stability of the Majapahit kingdom [14].

The legacy of the Majapahit Kingdom includes statues, literary books, inscriptions, temples, and the *Kutaramanawadharmasastra*. The main historical sources mostly come from *Nagarakretagama* and *Pararaton*. There are several inscriptions that are

relics of the Majapahit Kingdom, among others: Kudadu inscription (1294 AD), Sukamerta inscription (1296 AD), Prapançasapura inscription (1320 AD), Parung inscription (1350), Cangu inscription (1358 AD). Majapahit was not a kingdom that stood without a clear legislative system. This statutory system became the benchmark and benchmark in social and state life, both for the King and all Majapahit people at that time [13]. The Kutaramanawadharmasastra is a book of legislation used by the Majapahit Kingdom which regulates various aspects of social life.

Prior to the use of the *Wetboek Van Strafrecht* or the Criminal Code, Indonesia had recognised the concept of criminal law during the Majapahit Kingdom. This is the result of past policies implemented to maintain public order. The Majapahit Kingdom that flourished from the 13th to the 14th century AD did not only have records of political achievements. There are many stories about various aspects of life, including the economy, urban planning, and social life. The glory of the Majapahit Kingdom was also followed by the creation of regulations related to criminal law that guided the lives of the people at that time. This regulation is known as Kutaramanawadharmasastra or also known as the Book of Religious Legislation [8].

The book of laws of the Majapahit period known as Kutara Manawa was published by Dr J.C.G. Jonker in 1885 and is referred to as *Agama* or law. The code mentions Kutara Manawa in articles 23 and 65. Therefore, it is certain that the Majapahit statute book Kutara Manawa still exists today. The statutory code of the Majapahit Kingdom, written in the ancient Javanese language and known as the *Kitab Kutaramanawadharmasastra*, is a legal document that regulates criminal law and civil law. In order to provide an overview of the matters regulated in the law, it was reorganised into various chapters. The following is the result of that rearrangement effort:

- Chapter I: General provisions on fines
- Chapter II: Eight kinds of murder, called *astadusta*
- Chapter III: Treatment of servants, called *kawula*
- Chapter IV: Eight kinds of theft, called *astacorah*
- Chapter V: Compulsion or *sahasa*
- Chapter VI: Buying and selling or *adol-tuku* Chapter
- VII: Pawn or *sanda*
- Chapter VIII: Debt or *ahutang-apihutang*
- Chapter IX: Entrustment
- Chapter X: Dowry or *tukon*
- Chapter XI: Marriage or *kawarangan*
- Chapter XII: Mesum or *paradara* Chapter
- XIII: Inheritance or *drewe kaliliran*
- Chapter XIV: Cursing or *wakparusya*
- Chapter XV: Hurting or *dandaparusya*
- Chapter XVI: Negligence or *kagelehan*
- Chapter XVII: Fight or *atukaran*
- Chapter XVIII: Land or *bhumi*
- Chapter XIX: Slander or *dwilatek* [2]

Majapahit's religious code or *Kutara-Manawa*, as it exists today, consists of 275 chapters. However, among these chapters there are chapters that are the same or

very similar. In the translation of the book, only 272 chapters are presented, because one chapter was damaged and two other chapters were duplicates of similar chapters [7]. Similar chapters were also translated and combined into one for comparison. The difference between the chapters lies in the formulation only; one of them is longer than the other and serves as a supplement or explanation of the shorter chapter. The criminal law contained in the Kitab Kutaramanawadharmasastra applies to all individuals from various walks of life in the Majapahit Kingdom, especially in the areas of East Java, Central Java, Madura and Bali.

The existence of the Kutaramanawadharmasastra in the field of legal scholarship, especially in the science and theory of legislation, has an important value as part of the history of legislation in Indonesia. Therefore, it is important to disseminate knowledge about the book to various groups, including academics, practitioners, and the general public.

2.2 Digitisation of the Kutaramanawadharmasastra

The dissemination of laws and regulations has a very important role and can be done through various methods, among others:

1. The dissemination of laws and regulations can be done through print media, electronic media, and other methods.
2. Dissemination of laws and regulations through print media can be in the form of loose sheets or sets.
3. The dissemination of the State Gazette of the Republic of Indonesia in the form of loose-leaf sheets, which is carried out by the Minister of Law and Human Rights through the Directorate General of Legislation, aims to convey laws and regulations to ministries / institutions that initiate or stipulate these regulations, as well as to the public who need them.
4. The dissemination of the State Gazette of the Republic of Indonesia in the form of a collection, which is carried out by the Minister of Law and Human Rights through the Directorate General of Legislation, aims to convey laws and regulations to State Institutions, Ministries / Non-Departmental Government Institutions, Regional Governments, Regional People's Representative Councils, and related parties.
5. Dissemination through electronic media is carried out through the website of the Ministry of Law and Human Rights, which can be accessed through the website: www.djpp.depkumham.go.id, or other platforms.
6. Dissemination through socialisation can be done by face-to-face or direct dialogue, such as lectures, workshops/seminars, scientific meetings, press conferences, and other methods [6]

In addition to the dissemination of applicable laws and regulations, as part of efforts to form national law and legal education for the general public, it is important to disseminate ancient legal books used by the community / kingdom at that time. As expressed by Bung Karno with the slogan "Jas Merah", history should not be forgotten at all, both good and bad history, from history we can learn to do better and from bad history we can find ways to avoid it.

The substance of various ancient law books that have existed in the royal era in the archipelago, especially the Kutaramanawadharmasastra, can be disseminated to the public at large through digital methods by making applications that can be downloaded via Android phones, so that the dissemination will be more optimal.

Advances in information technology have made the world borderless and led to rapid and significant social change [4]. Digitalisation in Indonesia in the last decade has experienced significant development. We are Social data in early 2021 revealed that there were 175 million internet users in Indonesia [5].

Digitalisation is the process of increasing availability of data in digital form made possible by advances in the creation, transfer, storage and analysis of digital data. It has the potential to significantly structure, shape and influence the contemporary world [3]. According to Parida, digitalisation is defined as the use of digital technologies to innovate business models and create new revenue streams and value-generating opportunities in industrial ecosystems [11]. In this case, the emphasis is more on understanding the application and utilisation of digitalisation rather than the introduction of new technologies [10].

In the era of digitalisation experienced today, technology has become a new platform for people to communicate with a wider audience. In mastering science and technology, people find it easy to develop knowledge, especially in the field of law that studies laws and regulations. According to Agus Sudibyo, the digital world is actually the result of collaboration and competition between mass media and digital platforms. This shows the transformation of global internet companies [1]. From just being computing hardware or software manufacturers as well as providers of web services, conversational services, or technical services such as internet service providers (ISPs), Google, Facebook, Microsoft, and others, have transformed into regulators and epicentres of the ever-evolving digital public sphere. They have become the must-pass connection points in the flow of information between producers and consumers of information around the world. In this position, the dissemination of legislative history relies heavily on the most productive digital platforms. The relationship between digital platforms and the dissemination of the history of laws and regulations will increase public activity in using digital media platforms to find information about the history of the development of laws and regulations. This is a form of collaboration and control mechanism created in an open and accessible learning process anytime and anywhere. The dissemination of legislative history also provides the public with an overview of what happened in the past and provides a view into the future. This creates a reciprocal relationship between digital platforms and the dissemination of legislative history.

3 Conclusion

The dissemination of legal products in ancient times, especially the Kitab Kutaramanawadharmasastra to the public, which regulates criminal law and civil law, is very important as a legal science material that shows that before Indonesia's independence there were already several regulations governing human life in society. Digitisation of

historical legal texts contributes to the preservation of Indonesia's legal heritage and encourages research and understanding of the country's legal history. It enables easier access, analysis and comparison of historical regulations, which facilitates a deeper understanding of the development and evolution of Indonesia's legal system.

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