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BOOK REVIEW

UNDERSTANDING THE CONTENTS OF INDONESIAN
CIVIL LAW: A BOOK REVIEW *PERKEMBANGAN HUKUM
PERDATA DI INDONESIA*, SUDIKN0 MERTOKUSUMO,
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Reyhan Nabillah Azhari

Faculty of Law, Universitas Negeri Semarang, Indonesia

✉ reyhannazhari@students.unnes.ac.id

🆔 <https://orcid.org/0000-0002-0650-4766>



Title of Book : Perkembangan Hukum Perdata
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OVERVIEW

The Book titled is *Perkembangan Hukum Perdata di Indonesia* (Development of Civil Law in Indonesia). Written by Sudikno Mertokusumo, published by Genta Publishing in 2019. The book mainly talk about How far is the Civil Law Evolve from times to time in Indonesia.

SUBJECTS & TOPICS

In this book it contains about the Civil law deals with behavior that constitutes an injury to an individual or other private party, such as a corporation. Examples are defamation (including libel and slander), breach of contract, negligence resulting in injury or death, and property damage. In civil cases, by contrast, cases are initiated (suits are filed) by a private party (the plaintiff); cases are usually decided by a judge (though significant cases may involve juries); punishment almost always consists of a monetary award and never consists of imprisonment; to prevail, the plaintiff must establish the defendant's liability only according to the "preponderance of evidence"; and defendants are not entitled to the same legal protections as are the criminally accused. From the outset, it can be said that civil law is a law that regulates the rights and obligations of individuals between one person and another in a family relationship or even in association; within society, the offense hangs along with a violation. In the context of placing the legal function as a community, one of them is that there are still many legacy products from the colonial era or the spirit of the old order which are still enforced as positive laws. But we must remember that positive law not only covers Constitution. Law is a protection of human or community protection.

Then there is a Legal Agreement. The first is the Development of the Legal agreement. Law is the protection of the interests of humans or society. humans are living, developing, so human interests are developing both macro and micro. Article 1313 BW reads: "*Eene overeenkomst is ene handeling waarbij een of meer personen zich jegens een of meer andere verbinden*" which means "An agreement is an act between one or more persons who bound themselves with one or more others". Article 1313 BW also stated that "An agreement is an act between two or more people who tie themselves together".

After then development of the legal agreement, this book Explain about *Capita Selecta* note legal agreement such as The Validity of BW, based

on article 131 paragraph 2 IS BW applies to Europeans. What is meant by Europeans according to article 163 verse 2 IS are: 1. Dutch people, 2. Those who are not Dutch, who are from Europe, 3. Japanese and subsequently those who are not included in 1 and 2, which in the country includes subject to family law based on the same principles as the Netherlands, 4. Those born in the Dutch East Indies, both legitimate and recognized and their descendants included in 2 and 3. According to article 11 AB jo Article 131 paragraph 4 IS for native Indonesians to basically implement customary law, but native Indonesians are permitted to voluntarily submit.

After *Capita Selecta* this book cover about Usury Agreement, that contain about Agreement, *Woeker* (Making history), History of the Usury Agreement, and the last is The Usury Agreement itself. This this chapter it mainly talked about the definition first of the sub chapter then it talks about how it effected in Indonesia.

There is Exoneration. Exoneration occurs when the conviction for a crime is reversed, either through demonstration of innocence, a flaw in the conviction, or otherwise. Attempts to exonerate convicts are particularly controversial in death penalty cases, especially where new evidence is put forth after the execution has taken place. The transitive verb, "to exonerate" can also mean to informally absolve one from blame. Then the last is the default that basically explain the meaning of default is self.

Then there is Health Law. A person with a mental disability can own property can have movable or permanent property, he must be protected against the dangers that threaten his property, theft, fraud and so on. Basically, the protection of civil rights for people with mental disabilities has provisions in the Civil Code. but if it is desirable that there are special rules that are more detailed for people with mental disabilities it would not hurt if the things mentioned above are contained in it.

The role of a notary public in this book it explains about it. The notary duties such as those listed in Article 1 of the Notary Public Relations (S 1860 No.3) are as general officials who are solely authorized to make an optical deed regarding all deeds, agreements and stipulations that are required by the public law or as requested by the public which is concerned. Then we have the Development of the Civil Law itself.

WRITING

The explanation in this book is quite easy to read. This book contains the basic of Civil Law, Health Law, The role of a notary public, then the Development of the Civil Law in Indonesia. In this book, with that in mind, this book great to people who doesn't really understand about Civil Law, because in this book you will get the basic Idea first.

This book has so much Conclusion or the Writers opinion and the example of the case that occurs in Indonesia that make a new reader or even people who doesn't understand about the the Legal Agreement, Health Law, The role of a notary public, The development of Civil Law can Understand can Know understand it because it covers the basic idea then it has an example case that occurs in Indonesia.

SOURCES & CITATIONS

This book seems to have been written using a normative writing method in which the author gives his opinion on what developments have taken place in Indonesia. because it uses a normative method or which takes data from various of source then put it the conclusion, in this book you can say that it has a few errors because of the Normative writing method that give various of sources.

CONCLUSION

This book content is quite easily understandable because The writer tell the basic of the topic such as The Legal Agreement, Health Law, The role of a notary public, The development of Civil Law and the sub topic from different source then put its own thinking or conclusion and an example of the case that occurs in Indonesia at the end.

ABOUT AUTHOR

Reyhan Nabillah Azhari is Undergraduate Law Student at Faculty of Law, Universitas Negeri Semarang Indonesia. He is student at International Program at Faculty of Law. Besides as student, Author also involved in some research projects concerning to legal studies, as well as actively publishes his paper on some conferences both national and international. In 2019, He presented his paper on International Conference in Malaysia.