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Editorial Foreword IJSLs Volume 1 Number 2

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Editorial Foreword IJSLS Vol. 1 No. 2

This edition of Volume 1 Number 2 presents articles that demonstrate how socio-legal studies approach is able to analyze the diversity of legal issues. Fachrizal Affandi explained how the study of criminal law, that is usually envisioned as a study of legal doctrines and being in the realm of legal positivism, can be enriched with socio-legal methodologies. In fact, historically, criminology and victimology were developed from criminal law studies. Affandi explains how socio-legal research can benefit and help to explain various issues in criminal law and criminal procedural law. In his research, Affandi used ethnography, a research method used in Anthropology, which now have developed into legal ethnography by scholars of socio-legal studies. Ethnography has generally been used as a method to deep dive into the culture of a community or society. It helps to understand the system of thinking, system of knowledge, and system of doing law that humans apply in groups in order to survive. The system of doing law in this sense is agreeing on what is allowed and not allowed within a society. By using a microscopic lens, a legal ethnographer would be able to look for a very detailed data from one legal event, or between legal events and its relation to other political, economic, social, cultural events in society. As such, various problems in the implementation of criminal law and criminal procedural law in society can be explained through research by utilizing legal ethnography. Particularly when it relates to legal culture and the performance of law enforcement agencies (i.e. police, prosecutors, judges, and community advisors).

Bernardinus Steni's article explains the existence of legal pluralism through his research on palm oil farmers in Central Kalimantan, particularly in the villages of Pangkalan Tiga and Pembuang Hulu I. Palm oil from Indonesia has to comply with the standards of Roundtable on Sustainable Palm Oil (RSPO) in order to be accepted in the global market. Nowadays, Legal Pluralism approach is used as an analytical tool to be able to show the meeting between various laws that are constantly moving from one direction to another. As mutual negotiations occur, the adoption of laws gives birth to new laws. In this era of globalization, it is very visible how international law influences national law, especially in the humanitarian field, as well as on the issues of good governance and environmental sustainability. Thus, citizens of the world adhere to universal values that are embraced globally (F & K Benda-Beckmann, Griffiths, 2005, 2009). Steni demonstrates how global market standards are adopted by smallholders for



the purpose of sustainable resource management. They must manage the plantations to standards set in line with the principles of human rights, land rights, and deforestation prevention. Legal Pluralism has opened the eyes of Indonesian legal scholars to legal changes that occurred due to the meeting between laws in various arenas, including the management of local plantation commodities that are in contact with global markets.

Amalendu Jyotishi and Deepika M. G. explains about the cooperative movement in India. The case study is on the Central Areca Nut and Cocoa Marketing and Processing Co-operative Limited (CAMPCO). As a cooperative that derived from the cooperation between the states of Karnataka and Kerala, it aims to organize a market structure, especially when the prices of areca nuts and cocoa fall, so that they can compete with the prices of similar commodities from other countries. In this case, it can be explained how the issue of certain commodities are not only pertinent within the economic realm of a specific country, but instead, can also relate and interact with the economic and legal issues of a globalized world. The paper further explains more clearly how legal exchange occurs from one country to another through trade; and how laws at the micro level of Indian states meet laws of other countries on a transnational basis. Economic law was analyzed through interdisciplinary and transdisciplinary lenses, and thus, enriches the explanation of how a cooperative community works with all the challenges it faces.

Gisella Violin and Yvonne Kezia D. Nafi conducted research on the social and legal impact of the Covid-19 pandemic on the increasing number of online gender-based violence cases, especially against women. Digitalization in various fields has many faces. In fact, the abuse of technology can endanger women. This paper analyzes how legal instruments in Indonesia is lagging compared to the evolvement of digital crimes and may result in the double victimization of victims. The disregard of consent arises from the inequality of power relation between the victim and the perpetrator. However, the notion of sexual violence as an act without the consent of the victim is still difficult to accept by many in Indonesia, including the people's representatives in parliament (which has resulted in the Draft Law on the Crime of Sexual Violence being stagnant for the last nine years). Feminist Legal Theory approach is used to explore the experiences of women, where it has made it possible to connect legal, political, and cultural aspects that exist in society even within the context of the most deplorable humanitarian situations.

Iva Kasuma wrote a piece on marital rape issue which has caused endless debate in the realm of Indonesian law. Women victims often feel discouraged to bring their cases to court, as they are likely to end in divorce. Using the feminist legal method, the article



explains that it becomes the expectation of the victims to have their partners, the perpetrator, repent from their behaviors so the marriage can last. Furthermore, it also analyzes how law enforcement officers who handle such cases often do not have the knowledge and ability to understand such needs. Based on the research, the paper argues the importance of solutions in the form of counseling and rehabilitation for perpetrators. It comes with the critical perspective that sexual violence against women, especially in marriage, does not necessarily have to be a subject to criminal law and criminal procedures that are more concerned with procedures and technicalities, rather than the victims' substantial needs.

Socio-legal studies is a home for to legal studies on various themes, that are not only limited to doctrinal studies but also includes empirical research studies on how the law works in society. It offers an approach that goes beyond doctrinal studies (Banakar 2019). All the authors had creatively and innovatively developed their empirical methodology in their research. They managed to obtain detailed and in-depth data in order to find explanations for important issues that may not have been discovered by those who do research on the same topics but do not take an empirical approach. We hope that this edition will demonstrate how the socio-legal approach has truly enriched legal studies.

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Editor



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