

Fragmentation of Civil Law and the Crisis of Legal Certainty in the Era of Globalization Based on an Analysis of the Urgency of Establishing International Civil Law in Indonesia

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Abstract : *This study examines the fragmentation of civil law and its impact on legal certainty in Indonesia amid the growing complexity of cross-border legal relations in the era of globalization. The research focuses on the urgency of establishing an integrated Private International Law framework to address inconsistencies within the national legal system. Using a normative juridical method with statutory and conceptual approaches, this study analyzes the coexistence of colonial legal heritage, national regulations, and inconsistent judicial practices that contribute to legal fragmentation. The findings show that the absence of a comprehensive codification of Private International Law creates uncertainty in determining applicable law, jurisdiction, and recognition of foreign judgments in civil disputes involving foreign elements. This condition weakens the consistency and predictability of legal enforcement. Therefore, the study concludes that the establishment of a codified and integrated Private International Law system is urgently needed to strengthen legal certainty and support the harmonization of Indonesia's national legal system in responding to globalization.*

Keywords: *Civil Law Fragmentation; Legal Certainty; Globalization; Conflict of Laws; Private International Law*

Abstrak : Studi ini meneliti fragmentasi hukum perdata dan dampaknya terhadap kepastian hukum di Indonesia di tengah meningkatnya kompleksitas hubungan hukum lintas batas di era globalisasi. Penelitian ini berfokus pada urgensi pembentukan kerangka Hukum Perdata Internasional yang terintegrasi untuk mengatasi inkonsistensi dalam sistem hukum nasional. Dengan menggunakan metode yuridis normatif dengan pendekatan hukum statutori dan konseptual, studi ini menganalisis koeksistensi warisan hukum kolonial, peraturan nasional, dan praktik peradilan yang tidak konsisten yang berkontribusi pada fragmentasi hukum. Temuan menunjukkan bahwa tidak adanya kodifikasi Hukum Perdata Internasional yang komprehensif menciptakan ketidakpastian dalam menentukan hukum yang berlaku, yurisdiksi, dan pengakuan putusan asing dalam sengketa perdata yang melibatkan unsur asing. Kondisi ini melemahkan konsistensi dan prediktabilitas penegakan hukum. Oleh karena itu, studi ini menyimpulkan bahwa pembentukan sistem Hukum Perdata Internasional yang terkodifikasi dan terintegrasi sangat dibutuhkan untuk memperkuat kepastian hukum dan mendukung harmonisasi sistem hukum nasional Indonesia dalam menanggapi globalisasi.

Kata kunci: Fragmentasi Hukum Perdata; Kepastian Hukum; Globalisasi; Konflik Hukum; Hukum Perdata Internasional

PENDAHULUAN

Globalization has significantly transformed the pattern of legal relations across national borders, particularly within the sphere of civil law involving international commercial transactions, mixed marriages, transnational contracts, and ownership of assets located in different jurisdictions. The increasing intensity of these legal interactions requires a national legal system that is not only capable of regulating domestic legal relations but also responsive to transnational legal developments.¹ In the Indonesian context, the principle of the rule of law as mandated by the 1945 Constitution requires the realization of legal certainty, coherence, and consistency within the legal system. Furthermore, Law Number 12 of 2011 concerning the Formation of Laws and Regulations emphasizes that legislation must be established systematically and in an integrated manner. Consequently, legal certainty in cross-border civil relations can only be achieved through a harmonized legal framework capable of accommodating foreign legal elements within the national legal structure.²

Despite these normative expectations, previous studies concerning Private International Law in Indonesia have predominantly focused on descriptive and doctrinal discussions regarding conflict of laws, jurisdiction, and the recognition of foreign judgments. Himmah and Wibisono, for instance, examine the recognition and enforcement of foreign court judgments from the perspective of Indonesian Private International Law but primarily emphasize procedural and doctrinal dimensions without analyzing the structural fragmentation of the national legal system.³ Likewise, Gilda and Ghose discuss the relationship between intellectual property disputes and Private International Law within cross-border legal interactions, yet their study remains limited to sectoral conflict-of-laws analysis.⁴ Meanwhile, Mills explains the transformation of Private International Law in the context of globalization and privatization of legal relations but does not specifically address the implications of fragmented civil law structures for legal certainty within national legal systems. These studies generally explain the existence of colonial legal heritage and the absence of codified Private International Law without critically examining their systemic implications for legal certainty in Indonesia.⁵ As a result, there remains a significant research gap regarding the causal relationship between civil law fragmentation and the crisis of legal certainty in Indonesia. The novelty of this research lies in its analytical construction that places legal fragmentation as the principal structural factor causing systemic legal uncertainty while simultaneously positioning Private International Law as an integrative mechanism for reconstructing the coherence of the Indonesian legal system.

The urgency of this research becomes increasingly evident as globalization intensifies cross-border legal activities that continuously challenge the readiness of the Indonesian civil law system. The coexistence of colonial regulations such as *Burgerlijk Wetboek* and *Algemene Bepalingen van Wetgeving voor Indonesië* with modern national legislation, including Law Number 1 of 1974

¹ Mattia Collini, "The Role of Civil Society Organisations in the Integration of Migrants, Refugees and Asylum Seekers in the Italian Labour Market," *Voluntas* 33, no. 5 (2022), <https://doi.org/10.1007/s11266-022-00489-0>.

² Try Widiyono and Md Zubair Kasem Khan, "Legal Certainty in Land Rights Acquisition in Indonesia's National Land Law," *Law Reform: Jurnal Pembaharuan Hukum* 19, no. 1 (2023), <https://doi.org/10.14710/lr.v19i1.48393>.

³ Dinda Rizqiyatul Himmah and Justin Gabriel Wibisono, "Recognition and Enforcement of Foreign Court Judgments in Civil and Commercial Matters: An Indonesian Private International Law Perspective," *Indonesian Journal of International Law* 20, no. 3 (2023), <https://doi.org/10.17304/ijil.vol20.3.5>.

⁴ Aastha Gilda and Anuttama Ghose, "Decussating Aspects of Intellectual Property Rights and Private International Law in India," *Journal of Intellectual Property Rights* 28, no. 6 (2023), <https://doi.org/10.56042/jipr.v28i6.762>.

⁵ Alex Mills, "The Privatisation of Private (and) International Law," *Current Legal Problems* 76, no. 1 (2023), <https://doi.org/10.1093/clp/cuad003>.

concerning Marriage and Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, has generated overlapping legal norms and conflicting interpretations in civil disputes involving foreign elements. In practice, Indonesian courts frequently encounter difficulties in determining applicable law, jurisdiction, and the recognition of foreign judgments due to the absence of comprehensive and codified Private International Law standards. Such conditions weaken predictability and consistency in judicial decision-making, thereby undermining public trust in the national legal system.

The primary legal issue examined in this study concerns the fragmentation of Indonesian civil law and its implications for legal certainty in transnational civil relations. The problem is reflected in the persistence of plural legal sources that operate simultaneously without adequate harmonization, particularly the continued reliance on *Burgerlijk Wetboek* and *Algemene Bepalingen van Wetgeving voor Indonesië* alongside modern national legislation.⁶ This fragmented legal structure creates uncertainty regarding choice of law, judicial competence, and the enforcement of foreign judgments in international civil disputes. In addition, the absence of a codified and integrated Private International Law framework has resulted in inconsistent judicial reasoning and the emergence of case-based legal interpretations. Accordingly, the research analyzes whether the establishment of Private International Law can function as a structural solution for integrating the Indonesian legal system and restoring legal certainty in the context of globalization.⁷

METHOD

This research employs normative juridical legal research using statutory, conceptual, and comparative approaches to examine the fragmentation of Indonesian civil law and its implications for legal certainty in transnational legal relations. The statutory approach is conducted through an examination of constitutional provisions, national legislation, colonial civil law regulations, and legal instruments related to Private International Law in Indonesia, including the 1945 Constitution of the Republic of Indonesia, *Burgerlijk Wetboek*, *Algemene Bepalingen van Wetgeving voor Indonesië*, Law Number 1 of 1974 concerning Marriage, Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, and Law Number 12 of 2011 concerning the Formation of Laws and Regulations. This approach is intended to identify inconsistencies, overlaps, and legal fragmentation within the Indonesian civil law system.

The conceptual approach is utilized to analyze legal doctrines and theories relating to legal certainty, conflict of laws, legal harmonization, legal integration, and transnational civil relations. In addition, the comparative approach is applied to examine the development and codification of Private International Law in several countries in order to provide analytical references for the reconstruction of the Indonesian legal system. The legal materials used in this research consist of primary legal materials in the form of legislation and legal documents, secondary legal materials derived from books, scientific journals, legal opinions, and previous studies, as well as tertiary legal materials such as legal dictionaries and encyclopedias.⁸ The collection of legal materials is conducted through library research by systematically identifying, classifying, and reviewing legal

⁶ Dwi Atmoko and Noviriska Noviriska, "Kepastian Hukum Dalam Transaksi Online: Peran Asas Itikad Baik Berdasarkan Hukum Perdata Indonesia," *Binamulia Hukum* 13, no. 2 (2024), <https://doi.org/10.37893/jbh.v13i2.955>.

⁷ Muhammad Dahlan et al., "Electronic Traffic Law Enforcement Policy Within The Framework Of Legal Certainty," *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 8, no. 2 (2023), <https://doi.org/10.22373/petita.v8i2.176>.

⁸ Benny Hutahayan et al., "Investment Decision, Legal Certainty and Its Determinant Factors: Evidence from the Indonesia Stock Exchange," *Cogent Business and Management* 11, no. 1 (2024), <https://doi.org/10.1080/23311975.2024.2332950>.

sources relevant to the research issues. The collected legal materials are subsequently analyzed qualitatively using legal interpretation methods, including systematic interpretation and conceptual interpretation, combined with prescriptive analytical techniques. This analytical process is intended to identify structural weaknesses within the fragmented Indonesian civil law system, examine their implications for legal certainty, and formulate integrative legal solutions through the establishment of a codified and comprehensive Private International Law framework in Indonesia.⁹

This research analyzes the fragmentation of civil law in Indonesia and examines its impact on legal certainty within cross-border legal relations. The study also evaluates the urgency of establishing a codified and integrated Private International Law framework capable of harmonizing the national legal system with contemporary global legal developments. In addition to providing a theoretical contribution to the development of Private International Law studies in Indonesia, this research offers an analytical framework that connects legal fragmentation with systemic legal uncertainty. The findings of this study are expected to contribute practical recommendations for legal reform aimed at strengthening consistency, predictability, and integration within the Indonesian civil law system.

RESULTS AND DISCUSSION

Civil Law Fragmentation as the Root of the Legal Certainty Crisis in the Era of Globalization

The Indonesian civil law system currently reflects a fragmented legal structure characterized by the coexistence of multiple legal sources that operate simultaneously without adequate harmonization. Colonial legal instruments such as *Burgerlijk Wetboek* and *Algemene Bepalingen van Wetgeving voor Indonesië* continue to function alongside contemporary national legislation, creating overlapping legal norms within the national legal framework.¹⁰ This condition demonstrates that the Indonesian civil law system has not yet undergone comprehensive legal integration despite the increasing complexity of cross-border legal relations in the globalization era. The persistence of fragmented legal sources has produced inconsistencies in legal interpretation, particularly in disputes involving foreign elements. As a result, the legal system often fails to provide clear and predictable standards regarding applicable law, jurisdiction, and recognition of foreign judgments.¹¹

The existence of fragmented legal norms does not merely represent a historical legacy but reflects a structural weakness within the Indonesian legal system itself. In practice, judges frequently rely on case-based interpretations due to the absence of comprehensive codification governing Private International Law. Consequently, legal reasoning in transnational civil disputes becomes highly dependent on judicial discretion rather than systematic legal standards. This condition weakens the principle of legal certainty because similar legal disputes may produce different judicial outcomes depending on the interpretative approach adopted by the court.¹² In

⁹ I. Gede Agus Kurniawan et al., "IUS Constituendum Of Expert Advisor In Commodity Futures Trading: A Legal Certainty," *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 1 (2023), <https://doi.org/10.29303/ius.v11i1.1170>.

¹⁰ S. L. Poernomo, "The Legal Certainty for Resolving Consumer and Business Actor Disputes from the Perspective of Social Engineering Justice from Roscoe Pound," *Jurnal IUS Kajian Hukum Dan Keadilan*, 2023.

¹¹ Usep Saepullah, "Legal Certainty of Arbitration in the Settlement of Islamic Economic Civil Cases in the Perspective of Positive Law in Indonesia," *Al-Adalah* 19, no. 2 (2022), <https://doi.org/10.24042/adalah.v19i2.14384>.

¹² Sri Lestari, "The Legal Certainty for Resolving Consumer and Business Actor Disputes from the Perspective of Social Engineering Justice from Roscoe Pound," *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 3 (2023), <https://doi.org/10.29303/ius.v11i3.1309>.

this context, legal fragmentation has transformed from a technical regulatory issue into a systemic crisis affecting the coherence and consistency of legal enforcement.¹³

To illustrate the structural relationship between legal fragmentation and the crisis of legal certainty, the following table presents the primary forms of fragmentation and their implications within the Indonesian civil law system.

Table 1: Construction of Civil Law Fragmentation and Its Implications for Legal Certainty in Indonesia

Aspect of Fragmentation	Form of Problem	Implication for Legal Certainty
Legal Sources	Coexistence of colonial and national legal norms	Inconsistent application of law
Regulation	Absence of codified Private International Law	Uncertainty in determining applicable law
Judicial Practice	Case-based judicial interpretation	Lack of consistent legal standards
Globalization	Increasing cross-border legal disputes	Legal system unpreparedness

Source: Analyzed from the primary source

The table demonstrates that fragmentation within the Indonesian civil law system directly affects the realization of legal certainty. The plurality of legal sources creates normative overlap that complicates judicial interpretation and undermines consistency in law enforcement.¹⁴ Furthermore, the absence of codified Private International Law generates uncertainty in determining *choice of law* principles and judicial competence in transnational disputes. This condition becomes increasingly problematic as globalization accelerates the volume and complexity of legal relations involving foreign elements.¹⁵ Accordingly, the crisis of legal certainty cannot be separated from the fragmented structure of the Indonesian civil law system itself.

From a theoretical perspective, the principle of legal certainty requires law to provide clear, stable, and predictable legal standards capable of guiding judicial decision-making and public conduct.¹⁶ However, the fragmented structure of Indonesian civil law weakens these essential functions because legal norms frequently overlap and lack systematic integration. Unlike integrated legal systems that rely upon codified conflict-of-laws principles, Indonesia continues to depend on scattered regulations inherited from different legal periods and legal traditions. This fragmented condition creates a structural gap between normative legal expectations (*das sollen*) and practical

¹³ Naeimah Alkharafi and Mariam Alsbah, "Globalization: An Overview of Its Main Characteristics and Types, and an Exploration of Its Impacts on Individuals, Firms, and Nations," in *Economies*, vol. 13, no. 4, preprint, 2025, <https://doi.org/10.3390/economies13040091>.

¹⁴ Valerii Vlasenko, "Legal Reservations in Fulfilling the Purpose of the European Principle of Legal Certainty on the Example of Ukrainian Legislation," *Ūrindičnij Časopis Nacional'noi Akademii Vnutrišnih Sprav* 14, no. 3 (2024), <https://doi.org/10.56215/naia-chasopis/3.2024.33>.

¹⁵ Mosab I. Tabash et al., "Globalization and Income Inequality in Developing Economies: A Comprehensive Analysis," *Economies* 12, no. 1 (2024), <https://doi.org/10.3390/economies12010023>.

¹⁶ Thalia Dedicación Montenegro Neira et al., "From Paper to Screen: Towards Legal Certainty with the Digitization of Public Deeds in Peru," *Sapienza* 5, no. 2 (2024), <https://doi.org/10.51798/sijs.v5i2.777>.

legal realities (*das sein*). Therefore, the legal uncertainty emerging in transnational civil disputes is not incidental but structurally produced by the absence of integrated legal regulation.¹⁷

The findings of this research also reveal that globalization functions not merely as an external factor but as a catalyst that intensifies the weaknesses of fragmented legal systems. Increasing international commercial transactions, cross-border family relations, and foreign investment activities require adaptive legal mechanisms capable of accommodating legal diversity between jurisdictions. Nevertheless, the Indonesian civil law system demonstrates regulatory stagnation in responding to these developments. The inability of the legal system to adapt systematically has resulted in inconsistencies regarding applicable law, judicial competence, and enforcement mechanisms. In the long term, such conditions risk reducing public confidence and weakening Indonesia's credibility within international legal relations.¹⁸

These findings differ from previous studies that generally discuss Private International Law only from normative or descriptive perspectives. Earlier research predominantly explains the existence of legal pluralism and conflict-of-laws principles without analyzing their structural implications for legal certainty.¹⁹ In contrast, this study positions legal fragmentation as the central cause of systemic legal uncertainty within the Indonesian civil law system. This analytical approach provides a broader perspective by connecting internal legal disintegration with the external pressures generated by globalization. Consequently, this research not only identifies legal fragmentation as a regulatory issue but also conceptualizes it as a structural crisis requiring integrative legal reform. The analytical construction developed in this study therefore contributes a more comprehensive framework for understanding the relationship between fragmented civil law and legal certainty in Indonesia.

The Urgency of Establishing Private International Law as an Instrument for Integrating the National Legal System

The absence of a codified Private International Law framework in Indonesia reflects a structural gap within the national legal system in regulating cross-border civil relations. Although several legal principles concerning international civil disputes still refer to *Algemene Bepalingen van Wetgeving voor Indonesië*, those provisions are no longer capable of accommodating the complexity of contemporary transnational legal interactions.²⁰ In practice, the lack of comprehensive regulation has created uncertainty in determining jurisdiction, applicable law, and the recognition of foreign judgments. This condition contributes directly to inconsistent judicial decisions in disputes involving foreign elements. Consequently, the Indonesian legal system lacks a coherent mechanism capable of integrating domestic and international legal dimensions within a unified legal framework.

The urgency of establishing Private International Law becomes increasingly significant in the era of globalization, where cross-border legal interactions continue to expand in both quantity

¹⁷ Erik O. Eriksen, "Three Modes of Administrative Behaviour: Differentiated Policy Implementation and the Problem of Legal Certainty," *Journal of European Public Policy* 30, no. 12 (2023), <https://doi.org/10.1080/13501763.2022.2125047>.

¹⁸ Tina van der Linden and Tina Shirazi, "Markets in Crypto-Assets Regulation: Does It Provide Legal Certainty and Increase Adoption of Crypto-Assets?," *Financial Innovation* 9, no. 1 (2023), <https://doi.org/10.1186/s40854-022-00432-8>.

¹⁹ Hanna Ostapenko, "Role of Legal Certainty in Providing Economic Security: Ukraine's Experience," *Theoretical and Practical Research in the Economic Fields* 14, no. 2 (2023), [https://doi.org/10.14505/tpref.v14.2\(28\).02](https://doi.org/10.14505/tpref.v14.2(28).02).

²⁰ Oksana Shcherbanyuk et al., "Legal Nature of the Principle of Legal Certainty as a Component Element of the Rule of Law," *Juridical Tribune* 13, no. 1 (2023), <https://doi.org/10.24818/TBJ/2023/13/1.02>.

and complexity. International business transactions, foreign investment activities, mixed marriages, and transnational contractual relations require a legal system that is capable of providing legal predictability and procedural consistency.²¹ However, the current Indonesian legal framework still relies heavily on fragmented legal instruments and sectoral interpretations that often produce contradictory legal outcomes. In many cases, courts encounter difficulties in determining *choice of law* principles because no codified legal standard comprehensively regulates conflicts of laws in Indonesia. As a result, legal disputes involving foreign elements are frequently resolved through judicial discretion rather than through an integrated legal mechanism. This situation demonstrates that the urgency of Private International Law is not merely normative but fundamentally structural.²²

From the perspective of legal system theory, Private International Law should function as a connecting mechanism between different legal systems operating across jurisdictions.²³ Such a function is essential because globalization has created legal interactions that can no longer be adequately resolved through purely domestic legal approaches. Without an integrative legal framework, national courts will continue to experience procedural uncertainty and inconsistency in handling transnational civil disputes. Moreover, the absence of comprehensive legal regulation weakens Indonesia's ability to ensure effective legal protection for individuals and business entities engaged in international legal relations.²⁴ Therefore, Private International Law must be understood not only as a collection of conflict-of-laws principles but also as an institutional instrument designed to preserve coherence within the national legal system.²⁵

To clarify the integrative function of Private International Law within the Indonesian legal system, the following table illustrates its strategic role and legal implications.

Table 2: The Role of Private International Law as an Instrument of Integration within the National Legal System

Function of Private International Law	Role within the Legal System	Legal Impact
Legal Integration	Harmonizing multiple legal sources	Reducing legal fragmentation
Legal Certainty	Standardizing <i>choice of law</i> principles	More consistent judicial decisions
Harmonization	Aligning national law with global legal developments	Greater adaptability to globalization
Legal Protection	Providing certainty for legal parties	Increasing public and international trust

²¹ Vanja Carlsson, "Legal Certainty in Automated Decision-Making in Welfare Services," *Public Policy and Administration* 40, no. 2 (2025), <https://doi.org/10.1177/09520767231202334>.

²² Aastha Gilda and Anuttama Ghose, "Decussating Aspects of Intellectual Property Rights and Private International Law in India," *Journal of Intellectual Property Rights* 28, no. 6 (2023), <https://doi.org/10.56042/jipr.v28i6.762>.

²³ Sagi Peari and Marcus Teo, "Justifying Concurrent Claims In Private International Law," *Cambridge Law Journal* 82, no. 1 (2023), <https://doi.org/10.1017/S0008197322000897>.

²⁴ Aini Nurul Iman et al., "Legal Certainty in International Franchising: A Comparative Study between Indonesia and Singapore," *SASI* 31, no. 3 (2025), <https://doi.org/10.47268/sasi.v31i3.3039>.

²⁵ Graham Turnock, "Privatisation," in *Elgar Encyclopedia of Space Policy and Governance* (2025), <https://doi.org/10.4337/9781803925479.00038>.

Source: Analyzed from the primary source

The table demonstrates that Private International Law possesses broader functions than merely regulating technical procedural matters. Its existence contributes directly to the harmonization of fragmented legal norms while simultaneously strengthening legal certainty within transnational legal relations. The standardization of jurisdictional principles and applicable law would reduce inconsistencies in judicial reasoning and create more predictable legal outcomes. Furthermore, harmonization between national and international legal principles would improve the adaptability of Indonesian law to global legal developments. Consequently, the establishment of Private International Law carries strategic implications for strengthening the legitimacy and credibility of the Indonesian legal system.²⁶

The findings of this research indicate that the establishment of Private International Law must be conducted systematically and comprehensively in accordance with the principles embodied in Law Number 12 of 2011 concerning the Formation of Laws and Regulations. A fragmented codification process would risk reproducing new forms of legal inconsistency instead of resolving existing structural problems.²⁷ Therefore, legal reform in this field must prioritize coherence, harmonization, and compatibility with international legal developments. In addition, the codification of Private International Law should accommodate the practical realities of globalization while maintaining conformity with Indonesia's constitutional and legal principles. Through such an approach, legal reform would not merely produce regulatory changes but would also reconstruct the structural foundation of the Indonesian civil law system.²⁸

This study differs from previous research that generally treats Private International Law as a normative requirement limited to conflict-of-laws regulation. Earlier studies mostly emphasize doctrinal explanations concerning jurisdiction and applicable law without positioning Private International Law as an integrative legal instrument capable of reconstructing systemic legal coherence.²⁹ In contrast, this research analytically positions Private International Law as a structural mechanism for overcoming legal fragmentation within Indonesia's civil law system. This perspective broadens the theoretical understanding of Private International Law by connecting it to the realization of legal certainty and systemic legal integration. As a result, the novelty of this study lies in its analytical framework that reconstructs Private International Law as a foundational instrument for harmonizing Indonesia's national legal system in responding to globalization.

CONCLUSION

The fragmentation of Indonesian civil law reflects a structural weakness within the national legal system that has significantly contributed to the crisis of legal certainty in the era of globalization. The coexistence of colonial legal heritage, national legislation, and inconsistent judicial practices has produced overlapping legal norms and conflicting legal interpretations,

²⁶ Dinda Rizqiyatul Himmah and Justin Gabriel Wibisono, "Recognition and Enforcement of Foreign Court Judgments in Civil and Commercial Matters: An Indonesian Private International Law Perspective," *Indonesian Journal of International Law* 20, no. 3 (2023), <https://doi.org/10.17304/ijil.vol20.3.5>.

²⁷ M. Akbar Hadiprabowo et al., "Pancasila in Modern Indonesian Legal Reform: Addressing Current Cases and International Debates on Ideology and Law," *Journal of Law and Legal Reform* 5, no. 4 (2024), <https://doi.org/10.15294/jllr.v5i4.18922>.

²⁸ Alex Mills, "The Privatisation of Private (and) International Law," *Current Legal Problems* 76, no. 1 (2023), <https://doi.org/10.1093/clp/cuad003>.

²⁹ Ines Lovitya Trisnanti et al., "The Role Of Globalization In Legal Reform In Indonesia," *Journal of Law Theory and Law Enforcement*, ahead of print, 2025, <https://doi.org/10.56943/jlte.v4i1.746>.

particularly in transnational civil disputes involving foreign elements. This fragmented condition weakens the consistency, predictability, and coherence of law enforcement, especially in determining applicable law, judicial jurisdiction, and the recognition of foreign judgments. Consequently, the Indonesian civil law system has not yet demonstrated adequate institutional readiness to respond effectively to increasingly complex cross-border legal relations.

This study further demonstrates that the establishment of a codified and integrated Private International Law framework constitutes an urgent structural necessity rather than merely a normative legal demand. Private International Law should be positioned as an integrative legal instrument capable of harmonizing fragmented legal sources while simultaneously strengthening legal certainty within the national legal system. The novelty of this research lies in its analytical construction that connects civil law fragmentation with systemic legal uncertainty and reconstructs Private International Law as a foundational mechanism for legal integration in Indonesia. Through this perspective, legal reform is not only directed toward resolving technical legal conflicts but also toward rebuilding the coherence and legitimacy of the Indonesian legal system in facing the challenges of globalization.

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