

LAW IN THE MAJAPAHIT KINGDOM DURING THE REIGN OF KING HAYAM WURUK (1350-1389) AND ITS RELATION TO THE DEVELOPMENT OF NATIONAL LAW IN INDONESIA

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Abstract

Legal research in the Majapahit era can be an important thing to know the laws used, especially in Indonesia related to the development of national law, the law book found in the Majapahit era that was used to regulate people's lives was Kutaramanawa. can the law in the Majapahit kingdom during the reign of King Hayam Wuruk (1350-1389) be used as a reference for the development of National Law in Indonesia? is the problem under study. This research applies normative research, namely research on legal norms and principles with conceptual approach related to law at the time of Hayam Wuruk The data collected are secondary data obtained through literature research, which consists of primary legal materials in the form of laws and regulations in the field of law, and also through a historical approach. The nature of the research is descriptive which describes perna hukum di kingdom majapahit, which is then analysed qualitatively to obtain answers that can be scientifically accounted for, by drawing conclusions deductively. The results illustrate that basically the legal law in the Majapahit kingdom during the reign of King Hayam Wuruk (1350-1389) cannot be applied just like that, because the guidance of the times is different and the living conditions of the people are also different. What needs to be thought about is that his soul can live the national law that has not been realized until now.

Keywords: Law in Majapahit Kingdom, Development of National Law.

INTRODUCTION

In the course of ancient Indonesian history, it is known that the Majapahit kingdom is a greeting to a great kingdom that has existed in the past. This kingdom reached the peak of its greatness and golden in the XIV century, namely during the reign of king Hayam Wuruk with his mahapatih Gajahmada from 1350-1389¹. At that time the power and greatness of the Majapahit kingdom was very broad and influential throughout the archipelago, even affecting countries in Southeast Asia, such as Malaysia, Singapore, Brunei, except in the West Java area of the Sunda kingdom², as a large and influential kingdom, records on legal issues, especially how the law was applied, in the writing of Majapahit history was never mentioned, because most scholars of history in the field of Southeast Asia, do not understand matters related to legal issues, while scholars in the field of Ancient Java do not pay attention. As a result, the old field of law was neglected³ therefore in this study, the main issue is whether the law in the Majapahit kingdom during the reign of King Hayam Wuruk (1350-1389) can be used as a reference for the development of National Law in Indonesia.

RESEARCH METHOD

This research applies normative research, namely research on legal norms and principles⁴ with conceptual approach related to law during the Hayam Wuruk period in particular related to legal relations during the reign of Hayam Wuruk in the Majapahit Kingdom. The data collected are

¹Slametmulyana, *Perundang-undangan Majapahit*. Bharata: Jakarta, 1967:181

²*Ibid.*

³*Ibid.*

⁴Seorjono Sukanto dan Sri Mamudji, *Penelitian Hukum Normatif, Suatu Tinjauan Singkat*. Jakarta: Rajawali Press, 2021, hal.62.

secondary data obtained through literature research, which consists of primary legal materials in the form of laws and regulations in the field of law, dan juga melalui pendekatan sejarah⁵. Secondary legal materials in the form of books and journals as well as tertiary legal materials obtained through websites. The data studied is data of history Kerajaan Majapahit. The nature of the research is descriptive⁶ which describes the role of law during the Majapahit kingdom, which is then analysed qualitatively to obtain answers that can be scientifically accounted for, by concluding deductively⁷ that is concluding about **was the law in the Majapahit kingdom during the reign of King Hayam Wuruk (1350-1389) can be used as a reference for the development of National Law or not.**

RESULT AND DISCUSSION

Government Structure and Bureaucracy of Majapahit Kingdom

The history of the Majapahit kingdom began to be brought to the fore at the end of the XIX century when a Dutch expert named J.L.A Brandes published a paper entitled *Pararaton (Ken Arok) or the Book of Kings of Tumapel and of Majapahit*, which is loaded in *Proceedings of the Batavian Society of Arts and Sciences* (VBG) vol. XLIX. The fiber, which is thought to have been written in 1478 and 1846, contains information about the history of the Singhasari and Majapahit kingdoms⁸. Since the publication of J.L.A. Brandes' work, people began to be interested in the history of Majapahit, especially when in 1902, Brandes published his paper entitled *Nagarakretagama*⁹, *Poem of Prapanca to King Rajasanegara, Hayam Wuruk of Majapahit, published after the only known manuscript found in the puri at Tjakranegara on Lombok*, contained in VBG volume LIV¹⁰. After Brandes, then came Prof. H. Kern's writing entitled *Nagarakretagama Old Javanese Praise of King Hayam Wuruk of Majapahit*, which is loaded in *Verspreide Geschriften* (VG) Volumes VII and VIII in 1917¹¹. Then in 1919, Prof. N. J. Krom published an article entitled *The Old Javanese Lofdiht Nagarakretagama of Prapanca in 1365 AD*. This paper is actually a correction to the translation and interpretation that has been done by H. Kern. the response then came from Prof. R.M.Ng. Poerbatjaraka, with his writing *Drawings on the Nagara Cretagama* contained in *Contributions to the Language, Land, and Ethnology of the Dutch East Indies* (BKI) volume 80 in 1924. His writing is also a sign¹² of the writings of H. Kern and N.J. Krom. The last was done by Prof. Dr. Slamet Muljana, with his writing *Nagarakretagama* and its Historical Commentary, which was translated from Dutch into Indonesian in 1953 and then updated again in 1979. by adding interpretations here and there in his writing.

Nagarakretagama itself is a book about the state of the Majapahit kingdom in the XIV century. *Nagarakretagama* although not the only historical source about the Majapahit kingdom, *Nagarakretagama* is still the main work in the history of Majapahit works compared to other historical sources, and even the oldest historical work in the history of Ancient Java, besides *Nagarakretagama*, is the first Old Javanese manuscript that combines historical and literary elements at once¹³. *Nagarakretagama* refers to the history of the development of the state. However, there are also those who define it as a kingdom ruled according to sacred tradition. *Nagarakretagama* is written on palm leaves using O luid Ja letters and language, arranged in the

⁵*Ibid*, hal. 88.

⁶*Ibid*, hal. 43.

⁷ *Ibid*.

⁸*Ibid*.

⁹<http://luk.staff.ugm.ac.id>. *Nagarakretagama* is also called *Kakawin Desawarnana*, which is an Old Javanese Kakawin created by Empu Prapanca, found in Puri Cakaranagara- Lombok-West Nusa Tenggara in 1894.

¹⁰*Ibid*.

¹¹*Ibid*.

¹²<http://kkbi.portal.id>, an emandation is a change that is an improvement to the text or text.

¹³*Ibid*.



form of *Kakawin*¹⁴ and presented in 98 *pupuh*.¹⁵ The specialty of the manuscript written by Mpu Prapanca is that Mpu Prapanca is a person who is in the middle of history, that what he wrote about the picture of the Majapahit kingdom during the time of King Hayam Wuruk was the result of what he had experienced himself, so this manuscript seemed to contain the author's daily report. So the *Nagarakretagama* text basically gives us information about the picture of the state of the Majapahit kingdom during the reign of King Hayam Wuruk (1350-1389), which covers various aspects, such as social, political, cultural, customs, technology, law and so on. The author has certainly done something important and valuable for those of us who lived hundreds of years later, his work has become a work that remains recognized for all time, as long as our nation desires to know its past history.

The Majapahit Kingdom is an ancient kingdom that can be known as a complete government structure and bureaucracy. During the reign of King Hayam Wuruk, the Majapahit kingdom reached its golden age. At that time, the Majapahit kingdom had an orderly government and bureaucratic structure. The government structure of the Majapahit kingdom reflects the existence of territorial power and is centralized with an orderly, complete, and detailed bureaucracy. The king holds the highest political authority and tops the royal hierarchy. In running the government, the king was assisted by a number of bureaucratic officials. The princes and close relatives of the king were given the highest positions in bureaucratic posts. Under the king, there were a number of regional kings (*paduka bathhara*), each of whom ruled a region, usually a relative or close relative of the king. In carrying out their royal duties, they were given the task and responsibility of collecting royal revenues, paying tribute to the royal treasurer, and also covering the function of defending their territories¹⁶. The regional rulers, in running their local government, were assisted by a number of local officials, with the same structure as that in the center of the kingdom, but on a smaller scale. Therefore, local officials also have the right to appoint bureaucratic officials under them. In the Majapahit kingdom during the reign of King Hayam Wuruk, there were known *Pahom Narendra institutions*, namely the Royal Advisory Council, which was tasked with giving consideration to the king and his members who were relatives of the king. In addition, there are also high-ranking government officials who carry out religious jurisdictional functions called *Dharmmadhyaksa ring Kasaiwan* for Shiva religious affairs and *Dharmmadhyaksa ring Kasogatan* for Buddhist affairs. In carrying out their duties, they are assisted by a number of religious officials called *Dharmmadhyaksa Upapatti* or *Sang Pamegat (Samgat)*. There are 7 (seven) *Upapatti* called *Sang Upapatti Sapta*¹⁷. In addition to their position as religious officials, the *Upapatti* were also known as a group of scholars and *bhujangga*. In addition to the bureaucratic officials already mentioned, there were also a number of civil and military officials who served as the king's advisors and as royal court officials. All this can be found in the *Nagarakretagama manuscript*.

Harmonization between the center and regions continues to grow to maintain the integrity of power that covers the entire archipelago, except Sunda in the western part of Java¹⁸. In the manuscript are also known the names of Majapahit royal government officials during Hayam Wuruk, the temples visited by Hayam Wuruk, the state of the capital of Majapahit. Thus, the *Nagarakretagama* manuscript is a very important historical source to reveal the state of the Majapahit kingdom, as well as evidence that Majapahit really exists and is a kingdom that once stood, once existed, and had triumphed in the XIV century and that time. The entire archipelago began to be united.

¹⁴<https://isi.dps.ac.id>. Poems composed using Old Javanese.

¹⁵<https://www.detik.com>. According to the Journal of Primary Education, *Pupuh* is an old poem that is bound by rules consisting of syllables in each line, vowel sounds in each line, number of lines and character of *pupuh*. September 18, 2022.

¹⁶Th. G.Pigeaud, *Java in the Fourteenth Century IV*, 1962, hal.525.

¹⁷*Nagarakretagama*, *pupuh X:3*. The seven *upapatti* are *Sang Pamegat i Tirwan*, *i Kandamuhi*, *i Maghuri*, *i Pamwatan*, *i Jambi*, *i Kandangan Atuha* and *i Kandangan Rare*.

¹⁸Th. G.Pigeaud, *op.cit.*, hal. 525.



Law during the Reign of King Hayam Wuruk

Research on legislation in the Majapahit era can be an important thing to know the history of legislation in Southeast Asia, especially in Indonesia, related to the development of national law; this is based on the fact that the Majapahit Legislation Book was written in the XIV century¹⁹. Majapahit, as a large kingdom, of course, regulates people's lives and has guidelines that are used as a benchmark to ensure legal certainty for people who want to get justice. Data sources related to legal problems found are very limited, so in describing legal problems in the Majapahit kingdom including data sources in the form of *Kakawin Nagarakretagama*, Chinese News *Ying-Yai Seng-Lan* from the general report of the coast of Samudra and inscriptions originating from the Hayam Wuruk government.

Kakawin Nagarakretagama is a historical and literary work from the golden age of Majapahit. The manuscript was found in Puri Cakranegara on Lombok Island in 1894. The original manuscript was kept in Leiden until mid-1971, when Queen Juliana handed it over to President Suharto upon his arrival in Indonesia. Currently, *Kakawin Nagarakretagama* is in the Jakarta National Museum²⁰. The Chinese *Ying-Yai Sheng-Lan* news is a very important historical source for knowledge about the behavior in the daily lives of the Majapahit people. This Chinese news was first recorded in 1946 by Ma-Huan, who had followed the Chinese fleet led by Admiral Cheng Ho, who came to Indonesia in 1413. It also mentions the island of Java, especially port cities on the coast of East Java. Also, it describes the condition of Majapahit a little²¹, while the inscriptions originate from the reign of Hayam Wuruk, including the Bendosari inscription and the Trowulan inscription (1358). These inscriptions provide factual data that can be used as a reference to describe the state of law, especially during the reign of Hayam Wuruk.

Majapahit was a great kingdom that ever existed and reached its golden age during the reign of King Hayam Wuruk, so to manage its vast territory, of course, there was a guide in running his government. **During the reign of King Hayam Wuruk, there was already a law that regulated the lives of his people, known In PUPUH 79/3 line 1, and it is determined that "laws and regulations are very important in regulating people's lives."** Deep *Prashasti Bendasari*, O.J.O LXXXV on plate 6a, mentioned the name of the Majapahit legislation, which is used as a guideline to regulate people's lives: "Guided by the content of the venerable book of *Kutaramanawa* and others, according to the example of the wisdom of the priests in deciding disputes in ancient times." Furthermore, in the *Trowulan inscription* in 1358, on plate III rows 5 and 6, the Majapahit era law book was also found, which states:

"All the experts aim to interpret the law books of *Kutaramanawa* and others. They are said to interpret the meaning of the books of prawns such as *Kutaramanawa*".

Based on these two inscriptions, it can be seen that the Majapahit era laws used to regulate people's lives are *Kutaramanawa*²². All decisions taken on the basis of the book are issued by the so-called judge *Rajadhikara*. Decisions taken on behalf of the king are called *Sang Amavabhumi*, which is the person who owns or controls the state. For court matters, the king is assisted by 2 (two) people: Dharmadyaksa Kasaiwan, the head of Shiva's religion, and Dharmadyaksha Kasogatan, head of Buddhism, with the title *dang acarya*, because both religions are the main religions in the Majapahit kingdom. Their position is equated with that of the high judge, and they are assisted by *upapatti* (helper *Dharmadyaksa*), yan is also his title *dang acarya*. They in the inscription are called *Pamegat* or *sang pamegat*, or abbreviated *Samgat* which means the severer or judge.

The *Kutaramanawa* Constitution was published by Dr. J.C.G Jonker in 1885 and called religion meaning law. The name *Kutaramanawa*, or religion, indicates the influence of India because, in the Majapahit era, the influence of India was very strong in all people's lives, including in the field of

¹⁹*Ibid.*

²⁰*Ibid.*

²¹Chinese news source *Ying-Yai Sheng-Lan* has been published and translated into English.

²² *This Kutaramanawa* is still preserved in Leiden.



legislation. The content of *Kutaramanawa* is an adaptation of the Indian law book *Manawardharmasastra*, but it has been adapted to local conditions in the Majapahit kingdom. Both *Kutaramanawa* and *Manawardharmasastra* emphasize the structure of society, which consists of four colors for the good of society.

Kutaramanawa consists of 275 articles, but among them, there are the same or similar chapters, so in translation, only 272 articles are presented because 1 article is broken and 2 other chapters are repetitions of similar articles. The Book of *Kutaramanawa* mainly contains provisions regarding criminal or *criminal law* because its content is directly related to the explanation of criminal law imposed with fines or penalties in the form of money, goods, or the death penalty. However, the book of *Kutaramanawa* also regulates civil law, such as buying and selling, inheritance, and divorce. The Majapahit *Kutaramanawa* Code is a national treasure that can be used to compile national laws in the context of developing national laws.

Thus, it can be known that although during the reign of King Hayam Wuruk, there were guidelines governing people's lives in the form of the book of *Kutaramanawa*, it was still very simple; there was no strict separation between criminal law and civil law. Historically, civil law legislation evolved from criminal law. So the mixture of civil law and criminal law is not an oddity when viewed from the history of the law. At first, the composition of the *Kutaramanawa* book was mixed incoherently, so to get an idea of matters related to the law, it was compiled and rearranged into various chapters. Each chapter contains similar chapters, so it looks systematic. At least the arrangement is close to the original structure, which is as follows:

- Chapter I : General Provisions on Fines, Article 1 and Article 2;
- Chapter II : Eight kinds of murders (*AstaduPassal* 3 - Pasal 23);
- Chapter III : Treatment of servants (*PeoplePassal* 24 - Pasal 51);
- Chapter IV : Eight kinds of theft (*astacorahPassal* 52 - Pasal 80);
- Chapter V : Coercion (*SahasaPassal* 81 - Pasal 93);
- Chapter VI : Jual-Beli (*adol atuku*), *Passal* 94 - Pasal 97;
- Chapter VII : Gadai (*sandaPassal* 98 -- Pasal 116);
- Bab VIII : Payables (*ADEBT APIHUTANGPassal* 117 - Pasal 153);
- Bab IX : Entrustment, Article 154 - Article 166;
- Bab X : Mahar (*tukonPassal* 167 - Pasal 175);
- Bab XI : Marriage (*kawaranganPassal* 176 - Pasal 197);
- Bab XII : Mesum (*ParadaraPassal* 198 - Pasal 214);
- Bab XIII : Warisan (*Drewe KaliliranPassal* 215 - Pasal 219);
- Chapter XIV : Caci maki (*WakparusyaPassal* 220 - Pasal 225);
- Chapter XV : Hurt (*dandaparusyaPassal* 226- Pasal 246);
- Chapter XVI : Negligence (*kagelehanPassal* 247 - Pasal 253);
- Chapter XVII : Fights (exchange), Article 254 - Article 257;
- Bab XVIII : Land (*BhumiPassal* 258- Pasal 262);
- Chapter XIX : Fitnah (*Dwilatek*), *Pisal* 263 - *Pisal* 272;

The book consists of 19 chapters and 272 chapters. According to Slamet Mulyana, one of the characteristics of Majapahit law is that it does not recognize imprisonment or imprisonment. Suspects, after being found guilty, are immediately dealt with in accordance with the express law²³. Ma-Huan quoted him as saying: "The Majapahit state does not recognize caning with rattan or pounding with bamboo. All wrongdoing is only one punishment, which is death". A guilty person is shackled to both hands with rattan rope and then pierced with a kris or *pulak* to death.

In *pupuh* 25/2, it states:

"All foreign ministers present in *Pakuwan*, as well as prosecutor *Panyata Sang Wangsadiraja*, joined the impeccable *up patti*, religious dignitaries of the Shiva Banner and Buddha Banner, jurists, and others."

²³Slametmulyana, *Nagarakertagama dan Tafsir Sejarahnya*, Bharata: Jakarta, 1979, hal. 23.



Furthermore, in *Negarakretagama*, *pupuh* 73/1, it is affirmed that:

"In court matters, prabu Hayam Wuruk does not act as he pleases, but obeys and follows the law, so that it is fair that every decision he takes makes the satisfaction of all parties" until the people are satisfied and *quake wilwatika* Majapahit.

Thus, this book more or less reflects the condition of Majapahit society. Even though it only contains 275 chapters, it is proven that this book has a good impression on society. This impression arises because of the ability of law implementers and the intelligence of government officials to create prosperity and peace in society. In *pupuh* 81 of the *Negarakretagama* book mentioned the condition of society during the reign of Hayam Wuruk, namely:

"Great, ask him to enforce *tripaksa* in Java. All inscriptions regarding the land of gifts are well-kept and heeded. He wants all those who have received the gift of land not to forget the main behavior, manners, and all teachings, which is why the *caturdwidja* pursues goodness. *Pra Wipra*, Shiva priests, and Buddhist priests diligently embraced their respective teachings, and all *cata* dormitories, especially chess *basma* throughout the country, were subject to *asceticism* and wisely carrying out ceremonies. All four members of the caste were subject to the orders of his ministers and the arias, both capable of controlling the government. The dignitaries with *rakyan* titles and knights are all polite and firm-hearted. *Sudara* and *Vaishya* throughout the country take pleasure in their respective work. The four chosen groups born from *Hyang Widi*, as said in literature, can live thanks happily to the wisdom of the prabu, who resides in the *temple*, all of whom are firm in their behavior, even the three layers of society who are low namely *jokes*, *mleca*, and *tuca* are orderly in carrying out the moral system".

How great the authority of King Hayam Wuruk and how decisive his efforts to maintain the well-being of the people can be known from *the 92 books of Negarakretagama*:

"That's how his majesty in the palace achieved what was desired, but don't think only there; he did not forget to strive to organize the welfare of the State. He was very young and also very busy, but his Buddha-like behavior was incarnate, mainly because he had perfect knowledge. Extinguish because of the evil intentions of criminals and thieves. Continue to soar into the sky, the whole and the officership of his majesty. Indeed, *Batara Shiva* dripped into him to take care of the world. Surely wretched whoever disobeys his command or whoever deviates from the truth. Lost is the sin of whoever is looked upon. Siran all lies the servant who is addressed. That is why all of his fame is commendable in the universe. All the high, medium, and low people uttered words of praise, praying that he would remain fertile, like a mountain of shelter, live long as the moon and the sun that revolves while illuminating the earth". Although Mpu Prapanca's praise was a bit excessive, it was undeniable that the Majapahit kingdom, during the reign of King Hayam Wuruk, experienced glorious glory, both in the fields of politics and law and in the field of state welfare. In the field of law, thus the law in the Majapahit era was the commander.

Majapahit Law in Relation to the Development of National Law in Indonesia

Indonesia has now been almost 79 years since independence from colonialism in 1945; what is still widely used is the regulations in the Dutch colonial era that are still used by Indonesia, including the Civil Code (*KUHPercivil*). However, in the Netherlands itself, the Civil Code has been changed. Indonesia still uses the old Civil Code and the Commercial Law Code (*KUHD*). At the same time, the Criminal Code (*KUHPidana*) left by the Netherlands has been repealed and replaced with Indonesia's code, namely Law No. 1 of 2023 concerning the Criminal Code, which will take effect in 2026. Many articles have been omitted and added to adapt to the conditions of the times. However, no matter how big the changes were, of course, the legislation of the colonial era was certainly not in accordance with the national spirit. The current law, in relation to the development of the national legal system, is based on its history. The law is divided according to groups in its field. For this reason, the National Legal Development Agency (BPHN) needs to work hard to draft national laws based on the values of local wisdom in Indonesian society. Prof. Djokosutono, a customary law expert at the University of Indonesia, who was once tasked with drafting national law, once stated that:



"If the laws and regulations in the Majapahit era that were used to regulate the lives of its people were recorded and the records reached us, then Indonesia would already have a national legal basis, unlike today"²⁴. He expressed this desire by conducting research and producing a book entitled. Majapahit legislation was issued in 1967.²⁵ Based on his opinion, it can be interpreted that he wants to use Majapahit legislation as a basis for national law. This desire is related to the national character of the Majapahit kingdom, which now has reached the age of 7 centuries or more than 700 years, which has been able to prosper and calm its people as a result of the implementation of laws and regulations by capable implementers. However, what is clear is that Majapahit laws and regulations cannot be applied just like that because the guidance of the times is different. The living conditions of the people are also different²⁶. What needs to be thought about is that his soul can live the national law that has not been realized until now. Of course, in the context of national legal development, it is necessary to build a national legal system through the improvement of legal substances consisting of legal structure, legal substance, and legal culture that lives in society while still paying attention to local wisdom and all elements of society must have high legal awareness to fully support the development of national law which until today has not been realized.

Historical documentation, specifically documenting Majapahit's legal principles, may be difficult to find directly. However, the principles of Majapahit law have been documented in various historical sources, including ancient manuscripts, inscriptions, and historical records from that period. Although there is no direct documentation that explicitly mentions the principles of Majapahit law, the values of justice, protection of individual rights, and good governance that are integral to the principles of Majapahit law can be found in various historical records regarding the Majapahit period.

References that specifically refer to the principles of Majapahit law may be difficult to find directly. Nevertheless, the principles of Majapahit law have been documented in various historical sources, including ancient manuscripts, inscriptions, and historical records from that period. Although there is no direct documentation that explicitly mentions the principles of Majapahit law, the values of justice, protection of individual rights, and good governance that are integral to the principles of Majapahit law can be found in various historical records regarding the Majapahit period.

Based on the theory of justice and legal certainty although the Majapahit era did not have a theory of legal certainty and justice, in every legal matter, it always refers to justice and legal certainty so that the community feels comfortable and justice and legal certainty in solving legal problems can be arranged by Indonesia to apply the theory of justice and legal certainty so that law enforcement between *Das Sein* and *Das Sollen* is maintained. Law plays an important role in maintaining the balance and order of the community. The legal system during the Majapahit period was based on Hindu-Buddhist teachings influenced by *Dharmasastra*, its laws governing various aspects of life, including civil law, criminal law, and government administration. One of the characteristics of law during the Majapahit period was the existence of a centralized legal system in the palace, known as *Kepatihan* law, while customary law prevailed in the local community. This customary law is often carried out by the village head or customary figure and is respected, while the Criminal Law is quite strict and enforces strict laws and violates the law. Meanwhile, civil law regulates various matters related to the development of land, marriage, and inheritance.

Business law also has an important role in regulating economic and trade activities. Business Law not only covers the regulation of trade and economic activities but is also related to the structure of government, the division of economic regions, and economic factors that affect the continuity of the government. That is why, although information about business law during the Majapahit empire cannot be known in detail, it can be known from the structure of government and

²⁴Nana. *The period of the Majapahit Kingdom also has a law lo...* Malangtimes, May 1, 2017.

²⁵*Ibid.*

²⁶Ricklefs, M. C. *Sejarah Indonesia Modern: 1200-2008.*



economic policies at that time. The Majapahit Kingdom had extensive trade relations with other kingdoms, such as the kingdoms of Campa, Cambodia, Siam, Southern Burma (present-day Myanmar), Vietnam, and China. This shows the importance of trading activities at that time. Likewise, the customary law of the Majapahit period has a strong position as a positive law that applies in various kingdoms that live and develop on several islands between the Pacific Ocean and the Indian Ocean. Royal or sultanate regulations were issued by various kingdoms that had been in power, including Kediri, Singosari, Mataram, Majapahit, and others. In those days, Westerners or other foreigners did not pay attention to customary law. In addition, the developing legal values are passed on and adjusted by indigenous peoples in an effort to maintain the civilizational values of their ancestors. Indigenous peoples at that time viewed law not solely as an instrumental means but progressively and holistically by prioritizing spiritual and cultural aspects. Therefore, indigenous peoples during the Majapahit period have at least shown a judicial structure accompanied by a foundation of values and local legal foundations so that they have high effectiveness and legal obedience in the community.

Legal sanctions for parties who violate the trade may vary depending on the agreement of the parties involved in the trade agreement. The agreement of the parties must be based on the free will of each party without any coercion or pressure. In addition, in the context of trade during the Majapahit period, legal sanctions can also include aspects of the competence of the parties involved in trade agreements. For example, an incompetent person to make agreements, such as an immature child, a person placed under guardianship, or a woman who has married in matters prescribed by law, is not considered to have the capacity to make agreements. In the context of trade during the Majapahit period, violating legal sanctions for the parties can be determined based on the agreement of the parties involved in the trade agreement, as well as considering aspects of the competence of the parties involved. Legal sanctions are applied through various rules stipulated in the Religious Code, also known as Kutaramanawadharmacastra. The Majapahit Kingdom has legal rules governing acts of *astalie* or killing, where the sanctions imposed can be in the form of money, goods, or the death penalty. This legal sanction was part of a policy to create public order, which became a guideline for people's lives at that time. In addition, during the Singhasari and Majapahit periods, curse sanctions and fines were maintained, but corporal punishment also began to be applied. Certain forms of violations are regulated in legal laws, including those contained in Kutaramanawa, Purwadigama, and Rjapatigundala. Legal sanctions for *astalie* or murder are regulated in the Religious Code or Kutaramanawadharmasastra. The sanctions imposed can be in the form of money, goods, or the death penalty. This law was similar to today's penalties and contained punitive sanctions for murderers and those around them.

Trade activities are very broad, covering not only the archipelago but also countries on the continent of Asia and Africa. The peak of the glory of the Majapahit Kingdom occurred during the reign of Prabu Hayam Wuruk (1350-1389 AD). Based on the information found, during the Majapahit period, there were trade regulations regulated in the context of extensive trade expansion and relations with various countries in the Asian to African regions. In addition, there are also ancient law books of the archipelago, such as the Book of Kutaramanawa Darmasastra of the Majapahit Kingdom, which is held and used as a basis for deciding various customary disputes in the community. However, specific information regarding the legal basis of business during the Majapahit period may be difficult to find in detail due to limited written sources from that period. Majapahit's territory includes Sumatra, the Malay Peninsula, Kalimantan, Sulawesi, Nusa Tenggara Islands, Maluku, Papua, Tumasik (Singapore), and parts of the Philippine Islands. In addition, the kingdom also has relations with Campa, Cambodia, Siam, southern Burma, Vietnam, and China. However, the law at that time was not as complex as it is now; it is still very simple; based on historical records, commercial law is presented as one that has now developed as widely as possible, but it may be used as a comparison material. Djokosutono's opinion on Majapahit Law was made into National Law in a book entitled "Majapahit Legislation". In Djokosutono's opinion, he had regrets because he hoped that Indonesia at that time had a national legal basis with reference to Majapahit legislation called Kutaramanawa Dharmasastra. He stated that if the rules of the



Majapahit era applied by Gajah Mada were recorded and the records reached us, then we already had a basis for national law.

In terms of national legal development, it is contained in the National Long-Term Development Plan (RPJPN) as a direction and priority for overall development carried out gradually and sustainably, which not only covers juridical aspects but also involves social, cultural, and national interest aspects. For this reason, the laws of the Majapahit era can be a valuable source of inspiration, which is related to the element of legal certainty, even though it cannot be applied directly. At least the principles of justice, protection of personal rights, good governance, and the values of local wisdom that have been applied in the Majapahit era can be the basis for the development of the national law that is currently in force. To adapt the laws of the Majapahit era in the context of the development of national law, it can be considered that the laws of the Majapahit era in the form of traditional legal values and principles or customary law, which lived during the Majapahit era can continue to be maintained.

Thus, it can be seen that the principles of Majapahit law include the principles of justice, protection of individual rights, and good governance, showing a high awareness to create rules for all levels of society to obey the rules. In fact, at that time, the king was forbidden to avoid or refuse to give punishment to anyone if he found the type of error that had been written in the criminal code. This shows a high awareness of making rules for every level of society, as well as paying attention to the principle of equality before the law. Although not directly applicable, these principles can be a valuable foundation in the development of more modern national law. Based on the legal principles applied during the Majapahit period, there is a high awareness of creating rules for all levels of society. The principles used in making these rules began to pay attention to the principle of equality before the law. In fact, in the criminal code during the Majapahit period, there were only four main types of criminal laws that applied to all groups, namely the death penalty, cutting off guilty body parts, fines, and compensation. In addition, there is also an additional crime, namely ransom. This condition shows that during the Majapahit Kingdom, there was a high awareness of making rules for every level of society. These principles, such as those of justice, protection of individual rights, and good governance, still have relevance in today's legal context. Although not directly applicable, these principles can be a valuable foundation in the development of more modern national law.

Majapahit's legal principles are still relevant in the current legal context. During the Majapahit period, there was a high awareness of creating rules for all levels of society, with the principles of justice and good governance. In fact, at that time, the king was forbidden to avoid or refuse to give punishment to anyone if he found the type of error that had been written in the criminal code. This shows a high awareness of making rules for every level of society, as well as paying attention to the principle of equality before the law. Therefore, Majapahit's legal principles are still relevant in the current legal context. While not directly applicable, these traditional legal values can provide insights relevant to the current legal context.

CONCLUSION

Based on the results of the analysis, it can be illustrated that during the reign of Hayam Wuruk, the law played a very important role, and the law was advanced. In fact, during the Majapahit era, there was no strict separation between criminal law and civil law; this is not unusual when viewed from legal history. The law is used as a guide in regulating the lives of the people so that the people feel satisfied. Suppose it is related to the theory of justice and legal certainty. In that case, the enforcement of law during the reign of Hayam Wuruk is in accordance with the theory and implementation. Because this is inseparable from the social, cultural, and political-economic aspects that support it so that the people get legal certainty, the Majapahit Kingdom is a kingdom that has broad powers, and the laws used run well in law enforcement. The State of Indonesia should be able to make the law during the Majapahit period an example for law enforcement so that there is legal certainty in solving legal problems.



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