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The Contribution of Legal Semiotics in Unveiling Traditional Legal Texts: A Case Study of Structural Analysis of The *Simbur Cahaya* Law

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Abstract: This study discusses the contribution of legal semiotics in uncovering the meaning of traditional legal texts through a case study of the Simbur Cahaya Law (UUSC), a 17th-century codification of Palembang customary law. This study begins with the gap between the written norms resulting from the codification of tradition and the reality of the application of customary law in society. The study aims to explain the position of the UUSC codification text in the Indonesian legal system, analyze its philosophical, sociological, and juridical validity, and interpret the codification process through a legal semiotic perspective. The method used combines philological research—including manuscript inventory, description, comparison, and text editing—with normative legal research and the support of the semiotic theories of Saussure and Peirce. The results show that the UUSC is a normative artifact that reflects the combination of customary law and Islamic values and is relevant in understanding the social construction of traditional law. Through semiotic analysis, it is found that the UUSC text is not simply a written rule, but a system of signs that reflects the social structure, cultural values, and legal dynamics of the Uluan Palembang community. This study emphasizes the importance of an interdisciplinary approach to interpreting traditional legal texts in the context of modern law.

Keyword: Legal Semiotics, Traditional Legal Texts, Simbur Cahaya Law, Philology, Customary Law.

INTRODUCTION

Along with the emergence of the postmodernism philosophical movement, which was preceded by discourses of poststructuralism and postcolonialism amidst the sometimes incomprehensible and absurd human existence, semiotic studies have entered as a tool that initially became one of the discourses in law and literature. Postmodernism, which first appeared in the field of architecture (the behavior of an architect who strangely misplaces a window, leading to the demolition of a building), indicates an anti-establishment stance by using binary opposition methods, which also creates a sense of uncertainty.

In this regard, the use of postmodernist thinking needs to be addressed wisely and judiciously. This paper elaborates on the contribution of legal semiotics in elucidating traditional legal texts. The term traditional law is used to replace the term customary law, which in various literatures is interpreted as 'unwritten' law. Once it is written down, these norms become static texts and turn into a corpse (*layon*) referencing M.M. Dojodigoeno's opinion.

This study also presents that legal semiotics is the interaction between the science of signs and law as signs that are interpreted by scholars, lawmakers, and law enforcers. Legal semiotics contributes to the understanding and analysis of law in the following ways:

1. Analyzing meaning and interpretation: Legal semiotics helps to understand the meaning and interpretation of signs and symbols in law.
2. Identifying ambiguities: Legal semiotics can identify ambiguities and uncertainties in legal texts.
3. Understanding social construction: Legal semiotics helps to understand how law is socially constructed and how legal signs and symbols influence society.
4. Developing legal theory: Legal semiotics can assist in developing a more comprehensive legal theory by considering the symbolic and semiotic aspects of law by using linguistics.

Among linguists, literary scholars, and cultural experts, it may be perceived that law is a metaphor (law is a metaphor). This can be demonstrated in Ludwig Wittgenstein's play on words in *Tractatus Logico-Philosophicus* and *On Certainty*. In the thoughts of Immanuel Kant and his followers (such as C.G. Radbruch, Hans Kelsen, and Hans Nawiasky who were later placed within the stream of legal positivism in law), the issue arose between *Das Sollen* (what ought to be) and *Das Sein* (what is). Law must inevitably be placed as a balance (*ius constituendum)*.

The following is a brief overview of the UUSC (hereinafter referred to as UUSC), which is: a customary law that applies to the Uluan community (the Ulu area community, Palembang). UUSC was established during the Palembang Sultanate by Queen Sinuhun during the reign of Prince Sido Ing Kenayan – which likely refers to the prince who died in Kenayan (1629-1636). UUSC originated from local customs that were compiled and codified by the Palembang Sultanate through the initiative of Queen Sinuhun. This UUSC began to be implemented in 1630 AD with limited enforcement only in the interior areas, not within the Sultanate's jurisdiction.

The gap between norms (with other norms) or with reality becomes the object of legal studies for jurists trying to trace the footsteps of Neo-Kantianism. Here is a brief account of the Law of Simbur Cahaya (henceforth abbreviated as UUSC), which is customary law that applies to the Ulu Region Community, Palembang). The UUSC was formed during the Sultanate of Palembang.

In this context, there is a gap between the norms of codified tradition and legal reality. Thus, there exists a gap between the codified norms of traditional law of UUSC, which are recorded in various scripts as cultural heritage (normative artifacts) in Indonesia, and the dynamic application of traditional law that is recognized as a transformation of legal concepts (*rechtsidee*) within a diverse legal system and serves as a source of law. Based on this gap, three research questions are identified, namely:

1. What is the position of the UUSC codified text of traditional legal manuscripts that have been philologically transliterated in the legal system of Indonesia?
2. What are the philosophical, sociological, and juridical implications of the codified texts of the traditional legal manuscripts of UUSC?
3. How is the codification of traditional legal manuscripts interpreted using legal semiotics studies?

After presenting the background and issues, this paper outlines the following objectives:

1. to show the position of the codified text of UUSC traditional legal manuscripts that have been philologically transliterated within the legal system in Indonesia.
2. to demonstrate the philosophical, sociological, and legal validity of the codified texts of UUSC traditional legal manuscripts.
3. to illustrate the interpretation of the codification of traditional legal manuscripts using legal semiotics studies.

THEORETICAL FRAMEWORK

In order to answer the first research question, the theory used in this study is the interaction between the discipline of philology. From a philological perspective, the stages used are manuscript inventory, manuscript description, manuscript comparison (if multiple manuscripts with the same title are found), text edition determination (using stemma, text foundation, or a combination), and transliteration. From a legal perspective, positive legal theory is used to explain the context of the legal system.

In addition, this research uses theories related to the validity of law proposed by Carl Gustav Radbruch in *Hoft Linen van Rechtsfilosofie*, namely the validity of the codification of legal texts of tradition from philosophical, sociological, and juridical aspects in addressing the second issue. Philosophical validity is linked to the legal principles of Pancasila stated in Section III of the General Explanation of the Constitution of the Republic of Indonesia, which heuristically flows from Pancasila, the foundational thoughts of the state, the functions of the state, to guidelines in the formation of fundamental law, both written and unwritten. To elaborate on the third research question, a theory related to legal semiotics proposed by Anne Wagner and Jan M. Broekman in their book titled Prospect of Legal Semiotics is used. There are two traditions in semiotics (the study of signs), namely (1) the Vienna School (Austria) developed by Ferdinand de Saussure. (2) The school of thought of Charles S. Pierce elaborates on the distinction between 'signified' and 'signify' by analyzing the relationships of indexicality, iconicity, and symbol.

Some of the literature used in this research includes the study conducted by Peter J. Burns titled *The Leiden Legacy Concepts of Law* in Indonesia, which elaborates on the protagonist's thoughts and main issues, the essence of the problem, the polemic of land rights and land ownership, the recognition of provisional rights, the elaboration of the Leiden I Doctrine, the elaboration of the Leiden II Doctrine, the elimination of myths, the internal structure of the Leiden ideology, as well as the roots of vulnerability and Indonesianness. The factual condition regarding the codification of legal texts has not been extensively studied. Some philologists (such as Hollander, van Ronkel, Windstedt, Liaw Yok Fang, and Sudjiman) have paid attention to traditional legal texts (formerly referred to as indigenous law). However, these philologists have tended not to place these normative texts within positive law. at that time.

On the other hand, several experts in customary law (such as R. Soepomo, Djojodiguno, Mochamad Koesnoe, Bushar Muhammad, Imam Sudiyat, Hilman Hadikusuma, and Soekanto) paid less attention to the normative texts written in the manuscripts. In other words, observers of customary law tended to ignore *the codification of traditional legal* ***texts***, as this was part of the past. Among scholars of customary law, a doctrine has developed that customary law is unwritten customary law.[1] If there is something written, it is merely a documentation of customary law in the form of legislation (*gedocumenterd wet*).

[1] The term traditional law is used to replace the term indigenous law because the meaning of tradition is more nuanced towards something that is continuous. In addition, the term indigenous was revoked by President B.J. Habibie with Presidential Instruction Number 26 of 1998.

Furthermore, customary law follows the dynamics of society, making customary law a dynamic (non-statueter) law.

This research can contribute to demonstrating an interdisciplinary study between philology and customary law. Philologists provide normative texts through textual criticism or the publication of critical editions. Observers of customary law can place normative texts within the constellation of positive law by examining their relevance and actualization. In addition, this research briefly discusses the codification of traditional legal texts (replacing the term indigenous law), starting from the understanding of codification, customary law, the historical background of the codification of customary law, the position of traditional law in positive law in Indonesia, and a semiotic study of the codification of traditional legal texts in Indonesia.

METHOD

In this paper, two research methods are interacted, namely philological research and normative legal research supplemented with semiotic explanations. Philological research is conducted in the following stages:

1. Inventory of manuscripts by using of catalogue in some libraries which USSC manuscript was available),
2. Description of manuscripts (both physical and content),
3. Text comparison (if several manuscripts are found),
4. Determination of the text edition method.
5. Manuscript editing.

In normative legal research, several studies can be conducted and literary focused, namely:

1. Inventory of positive law,
2. Research of legal principles,
3. Research on legal systematics,
4. Research on the levels of vertical and horizontal synchronization,
5. In concreto legal research,
6. Legal history,
7. Legal comparison.

In addition to the combination of two methods, philology and normative legal research, this paper outlines a semiotic study (the science of signs). Beyond the most basic definition as 'the study of signs, there is a great deal of disagreement among leading semioticians over what semiotics are. Umberto Eco's definition, which reads, "semiotics encompasses everything that may be called a sign," is among the most expensive. Semiotics is the study of everything that 'liberates' anything else, not just what we call ‘signs' in ordinary speech. Signs can be objects, sounds, images, phrases, and bodily motions in a semiotic sense. Modern semioticians examine signals as components of a semiotic "sign system" (like media or genre) rather than as isolated entities. They look into how reality is portrayed and how meaning is created.

RESULTS AND DISCUSSION

Since ancient times, the theory of signs, or "symbols," has been a part of philosophy. John Locke's Essay Concerning Human Understanding (1690) was the first to specifically mention semiotics as a field of philosophy. Nonetheless, American philosopher Charles Sanders Peirce (pronounced "purse") (1839–1914) and Swiss linguist Ferdinand de Saussure (1857–1913) are the founders of the two major lineages in modern semiotics. The term "sémiologie" was coined by Saussure in an 1894 manuscript. It is feasible to envision a science that examines the function of signs in social life, according to the first version of his

Course in General Linguistics, which was released posthumously in 1916. Social psychology, and thus general psychology, would include this. Semiology is what we would call it (from the Greek se ̄meîon,'sign').

Many people consider Peirce and Saussure to be the pioneers of what is now more popularly referred to as semiotics. Two primary theoretical traditions were developed by them. The Saussurean tradition is often referred to as "semiology," whereas the Peircean tradition is occasionally referred to as "semiotics." These days, though, the word "semiotics" is frequently employed as a catch-all to refer to the entire discipline. In the following chapter, we will outline and discuss the Peircean and Saussurean models of signs. A simplified version of Saussure's definition, semiotics, is defined by some observers as "the study of signs" by Charles W. Morris. The word "science" is deceptive. Currently, there are no commonly accepted theoretical presumptions, models, or empirical techniques in semiotics.

Many theorists are working to define the broad principles and scope of semantics, which tends to be a theoretical field. For instance, both Peirce and Saussure are interested in the basic meanings of signs. Peirce created a taxonomy of signs based on logic. Numerous later semiotic researchers have made an effort to recognize and classify the codes or norms connected to regulated signs. Building a solid theoretical foundation is obviously necessary for a subject that is currently characterized by a variety of conflicting theoretical presumptions. In terms of technique, different structuralist approaches to text and social practice analysis have been developed from Saussure's theories.

According to Roman Jakobson, semiotics "relates to the specifics of numerous sign systems and the diverse messages using those types of signals, as well as to the basic principles underlying the structure of all signs and to the character of their use in messages." Many cultural phenomena have been analyzed using structural methodologies. They are not, however, widely accepted; socially conscious thinkers have attacked them for concentrating only on structure, and no substitute approach has gained traction.

Despite having its own associations, conferences, and journals, as well as a department at some universities, semiotics is not a well-recognized academic field. Numerous theoretical stances and methodological instruments are used in this field of inquiry. Linguists, philosophers, psychologists, sociologists, anthropologists, literary theorists, aestheticians and media scholars, psychoanalysts, and educators are among those who work in semiotics, despite the fact that some people identify as "semioticians.".

One might concentrate on structuralist semiotics (and their post-structuralist critiques) in textual approaches. It can be challenging to distinguish the roots of European semiotics from structuralism in some situations. The main proponents of linguistic structuralism are Saussure, Hjelmslev, and Jakobson. In 1929, Jakobson was the first to use the word "structuralism." An analytical approach known as structuralism applies linguistic models to a far wider variety of social phenomena. Since language is a pure semiotic system—that is, the study of signs—Jakobson demonstrated that it is necessary to take into account applied semiotic structures like architecture, dress, and culinary arts. Each of these structures serves as both a form of shelter and a unique message. In a similar vein, all apparel satisfies specific functional needs while also displaying a variety of semiotic qualities. After identifying the "basic functions of language," he contends that "analogous studies of other semiotic systems" should follow.

Since language is a pure semiotic system—a study of signs—Jakobson shows that it must also take into account the semiotic structure that is being used, such as in building, attire, or food. Every building conveys a particular message while also serving as a form of security. In a similar vein, all apparel exhibits a variety of semiotic qualities while simultaneously meeting specific utilitarian needs (1968, 703). He claims that this should result in "analogous investigations of other semiotic systems" after identifying the "main role

of language" (see Chapter 6). (ibid.). The "deep structure" that lies beneath the "surface features" of the sign system is what structuralists look for: Lacan in the unconscious; Barthes and Greimas in the "grammar" of narrative; Levi-Strauss in myth, kinship norms, and totemism.

Lacan studies the subconscious; Barthes and Greimas study the "grammar" of narrative; Lévi-Strauss studies myths, kinship rules, and totemism; and structuralists look for the "underlying structure" that lies beneath the "surface features" of the sign system. According to Julia Kristeva, "the basic restrictions impacting any social behavior, or the law that regulates, if one wants, rests in the fact that it represents laws," is what semiotics has uncovered. that it is expressed in a language-like manner. "Nothing is more accurate than the study of language to disclose the nature of semiological difficulties," according to Saussure. "What semiotics has found is that the rules controlling or, if one wishes, the major restrictions impacting every social behavior lay in the fact that it symbolizes laws," says Julia Kristeva. It is expressed similarly to language.

According to Saussure, "the study of language is the most precise way to disclose the nature of semiological difficulties" (Saussure 1983, 16). Because of its importance and the fact that linguistics is a more established field than the study of other signaling systems, semiotics makes extensive use of linguistic notions. Language, whose model is voice, was described by Saussure as "the most important" of all sign systems. Language is crucial to many other thinkers. "Language is the central and most important among all human semiotic systems," according to Roman Jakobson.

Claude Lévi-Strauss stated that "language is the semiotic system par excellence; it must signify, and lives only via signification," whereas Émile Benveniste said that "language is a system for understanding all other systems, both linguistic and non-linguistic." Most people agree that language is now the most effective means of communication. Dual articulation, sometimes known as "duality of patterning," is one of the most potent "design elements" of language. Using a limited number of low-level units that have no significance by themselves, dual articulation enables semiotic codes to create meaningful combinations in an endless number of ways (e.g., phonemes in speech or graphemes in writing). One aspect of media in general that has been called the "semiotic economy" is the utilization of a small number of components to produce the infinite'.

Only human languages are taken into account by traditional definitions, which view double articulation as a key "design element" (Hockett 1958). According to Louis Hjelmslev, it is a crucial and distinctive aspect of language (Hjelmslev 1961). "Language is the only system that comprises elements that are signifiers and at the same time mean nothing," Jakobson emphasized. The creative economy of language is thought to be largely due to double articulation. For instance, English may form hundreds of thousands of words with just forty or fifty double articulation parts (phonemes).

Likewise, we can create an infinite number of phrases from a small vocabulary (subject to the syntactic constraints that regulate structurally valid pairings). We might try to portray the individuality of experiences by combining words in different ways. If each specificity were represented by a separate word, the number would be infinite, surpassing our capacity to learn, retain, and work with them. Animals other than humans do not appear to have dual articulation in their natural communication systems. Whether or whether semiotic systems like photography, video, or painting have dual articulation is the primary semiotic argument. According to philosopher Susanne Langer, visual media like paintings, photographs, and photos contain "abstractable and combinatory" lines, colors, shadows, shapes, proportions, and other elements, but they are also "equally capable of articulation, namely, complex.'

It is possible to apply Saussure's influential sign study model to normative texts as well, but first one must have a basic understanding of the framework in which he situates it. The now-famous distinction between language (language) and parole (speaking) was made by Saussure. While parole refers to its application in certain situations, langue refers to the set of norms and customs that predates and is independent of individual users. The distinction is between system and usage, structure and occurrence, or code and message when this concept is applied to semiotic systems in general rather than just language.

Although Saussure is credited with founding semiotics, during the 1970s, semiotics has become less and less Saussurean. We shall examine pertinent criticisms and later developments, even though structuralist forms are the main emphasis of contemporary semiotic explanations. However, before delving into this intriguing topic, let us examine why studying semiotics is even worthwhile. The reputation of semioticians' books as being heavy on jargon makes this an urgent subject. One critic shrewdly observed that "semiotics tell us things we already know in a language we will never understand." Nobody who cares about representation can overlook an approach that examines and emphasizes the representation process. Studying semiotics can make us more conscious of the mediating function of signals and the part that we and others play in creating social reality, even while we are not required to embrace the postmodernist view that there is no external reality outside the system of signs. Nobody who cares about representation can overlook an approach that examines and emphasizes the representation process. Studying semiotics can make us more conscious of the mediating function of signals and the part that we and others play in creating social reality, even while we are not required to embrace the postmodernist view that there is no external reality outside the system of signs.

This may cause us to question whether reality is wholly independent of our interpretation. We may come to understand that meaning or information is not "contained" in the physical world, books, computers, or audio-visual media by investigating semiotic viewpoints. We actively build meaning based on intricate interactions between codes or conventions that we are typically unaware of; meaning is not "broadcast" to us. It is naturally fascinating and intellectually stimulating to become aware of such codes. Semiotics teach us that we live in a world of signs and that the only way we can comprehend anything is by looking at the signs and codes that are used to organize them. By studying semiotics, we learn that these codes and signs are typically transparent and make it difficult to comprehend them.

The Simbur Cahaya Law is a rule of customary law that governs Palembang residents' daily lives, written by Queen Sinuhun in the 17th century, and reflects a blend of customary law and Islamic teachings. The Simbur Cahaya Law (UUSC) came into effect in the Palembang Sultanate in the 17th century, precisely during the reign of Prince Sido Ing Kenayan (1629-1636). This book was written by Queen Sinuhun, the wife of the king, and is known as one of the first written laws based on Islamic law in the Nusantara.

The Book of Simbur Cahaya consists of six chapters covering 178 sections, which govern various aspects of community life, including:

1. Rules for Courtship and Marriage (*Aturan Bujang dan Gadis Kawin*): Regulate norms and ethics in interactions between young men and women, as well as the marriage process.
2. Rules for Clans (*Aturan Marga*): Govern the rights and obligations of clan heads (Pesirah) and members, as well as relations between clans.
3. Rules for Villages and Farming (*Aturan Dusun dan Ladang*): Regulate agricultural practices and life in the village
4. Rules for Community Groups (*Aturan Kaum*): Govern relationships between groups within the society.

The Simbur Cahaya Law is a customary law that applies to the Uluan Palembang community in South Sumatra. This law consists of six chapters with a total of 178 articles, covering various aspects of community life, such as:

1. Customs of Courtship and Marriage: The first chapter consists of 32 articles discussing the rules of interaction between men and women, as well as the procedures for marriage. -
2. Clan Rules: The second chapter contains 29 articles regulating social and communal life within a clan
3. Village and Farming Regulations: The third chapter consists of 34 articles discussing the management of the village and agricultural activities

Community Rules: The fourth chapter contains 58 articles regulating social and religious life within a community. - Rules on Fines: The final chapter contains six articles discussing sanctions and fines for violators of customary law.

CONCLUSION

It is thought that the Simbur Cahaya Law was the first written law derived from Islamic law that was applied to the Nusantara people. This law also regulates

1. Protection of women's rights: The Simbur Cahaya Law guarantees women's rights and regulates interactions between men and women.
2. Environmental management: This law also regulates the management of natural resources and environmental conservation.
3. Dispute resolution: The Simbur Cahaya Law encourages dispute resolution through deliberation and mediation.

The Simbur Cahaya Law was compiled during the reign of Prince Sido Ing Kenayan (1629-1636) and began to be implemented in 1630 AD. Although this law was created centuries ago, the principles contained in it remain relevant to this day.

REFERENCE

Ashwin, Clive (1989) Drawing, design and semiotics', in Victor Margolis (ed.) (1989) *Design Discourse: History, Theory, Criticism*. Chicago: University of Chicago Press, pp. 199–212.

Aston, Elaine and George Savona (1991) *Theatre as Sign-system: A Semiotics of Text and Performance*. London: Routledge. Baggaley, Jon and Steve Duck (1976) Dynamics of Television. Farnborough: Saxon House.

Bakhtin, Mikhail (1981) *The Dialogic Imagination: Four Essays* (trans. C. Emerson and M. Holquist). Austin, TX: University of Texas Press.

Barnard, Malcolm (2005) *Graphic Design as Communication*. London: Routledge.

Barthes, Roland (1953/1967) *Writing Degree Zero* (trans. Annette Lavers and Colin Smith). London: Jonathan Cape.

Jakobson, Roman and Morris Halle (1956) Fundamentals of Language. The Hague: Mouton.

Peirce, Charles Sanders (1931–58) Collected Papers (8 vols: vol. 1, Principles of Philosophy, ed. Charles Hartshorne and Paul Weiss, 1931; vol. 2, Elements of Logic, ed. Charles Hartshorne and Paul Weiss, 1932; vol. 3, Exact Logic (Published Papers), ed. Charles Hartshorne and Paul Weiss, 1933; vol. 4, The Simplest Mathematics; ed. Charles Hartshorne and Paul Weiss, 1933; vol. 5, Pragmatism and Pragmaticism, ed. Charles Hartshorne and Paul Weiss, 1934; vol. 6, Scientific Metaphysics ed. Charles Hartshorne and Paul Weiss, 1935; vol. 7, Science and Philosophy, ed. William A. Burks, 1958; vol. 8, 286 BIBLIOGRAPHY Reviews, Correspondence and Bibliography, ed. William A. Burks, 1958). Cambridge, MA: Harvard University Press.

Saussure, Ferdinand de (1916/1967). *Course in General Linguistics* (trans. Wade Baskin). London: Fontana/Collins.

Yamin. (2002) "Kodifikasi Naskah Undang-Undang Palembang: Suatu Tinjauan Filologis dan Penelitian Hukum Normatif. Tesis Magister Humaniora. Universitas Indonesia.