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**Comparison of Legal Systems in ASEAN Countires  
From a Regional Legal Perspective**

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Article	Abstract
<p><i>Received: Des 02, 2025; Reviewed: Jan 07, 2026; Accepted: Feb 09, 2026; Published: Feb 26, 2026</i></p>	<p>This article examines the comparative legal systems of the member states of the Association of Southeast Asian Nations (ASEAN), emphasizing the diversity of legal traditions, institutional structures, and their implications for national and regional legal development. ASEAN consists of countries with heterogeneous historical, political, and cultural backgrounds that significantly influence the formation of their respective legal systems. Using a normative and conceptual comparative legal approach, this study analyzes civil law systems, common law systems, mixed legal systems, and legal systems influenced by religious and socialist law traditions. The discussion focuses on constitutional law, state administrative law, criminal law, civil law, and human rights protection within the ASEAN region. The findings show that despite fundamental differences among ASEAN legal systems, there are shared legal values that can serve as a foundation for regional legal harmonization. Comparative legal studies in ASEAN are not only academically relevant but also play a strategic role in supporting regional integration, cross-border cooperation, and the development of a more coherent ASEAN legal framework.</p> <p><b>Keywords:</b> comparative law, legal system, ASEAN, regional law, legal harmonization</p>

## **A. INTRODUCTION**

Comparative law is an important branch of legal science aimed at understanding similarities and differences among legal systems across countries. In the context of globalization and regional integration, comparative law has evolved from a purely theoretical discipline into a strategic instrument supporting cooperation among states. The ASEAN region represents a particularly relevant subject of study due to its diverse legal traditions shaped by different historical, political, and cultural backgrounds.

ASEAN member states have experienced various colonial influences, including Dutch, British, French, Spanish, and American legal traditions, as well as socialist and monarchical systems. These experiences have resulted in pluralistic legal systems incorporating civil law, common law, mixed systems, and legal norms influenced by religious and customary law.

Consequently, ASEAN serves as a complex laboratory for comparative legal studies. Increasing regional cooperation in trade, investment, labor mobility, and cross-border law enforcement has intensified the need for legal certainty and mutual understanding among ASEAN countries. Differences in legal systems often create obstacles in cross-border legal relations, making comparative legal analysis essential for identifying areas of convergence and potential harmonization.

## **B. MATERIALS AND METHODS**

Comparative law is theoretically understood as a scientific method used to compare legal norms, institutions, and systems across different jurisdictions. Its primary objective is not to determine the superiority of one system over another, but to gain a deeper understanding of how law functions within diverse social and political contexts.

This study employs a normative and conceptual comparative legal approach, combining functional, structural, historical, and sociological perspectives. The functional approach examines how different legal systems address similar legal issues, while the structural approach analyzes institutional arrangements and the hierarchy of legal norms. Historical analysis is particularly important in ASEAN due to the region's diverse colonial and political experiences, while a sociological approach assesses the effectiveness of law in practice.

## **C. RESULT AND DISCUSSION**

ASEAN legal systems demonstrate significant diversity resulting from differences in colonial history, state ideology, and social structure. Countries such as Indonesia, Thailand, and Vietnam generally follow civil law traditions emphasizing codified legislation, while Singapore and Malaysia adhere to common law systems that prioritize judicial precedent.

The Philippines adopts a mixed legal system combining civil law and common law elements, while Brunei Darussalam applies Islamic law alongside national positive law. In addition, legal pluralism is evident in several ASEAN countries where state law coexists with customary and religious law. Although this pluralism reflects respect for cultural diversity, it also presents challenges in ensuring legal certainty and consistency.

In constitutional law, ASEAN countries vary significantly in their forms of government and constitutional arrangements. Indonesia and the Philippines adopt presidential systems, while Malaysia and Thailand follow constitutional monarchies. Differences are also evident in state administrative law, particularly in mechanisms for judicial oversight of government actions.

Criminal law policies vary widely across the region. Singapore applies strict punitive measures, particularly for serious crimes, while the Philippines has abolished the death penalty and emphasizes a human-rights-oriented approach. Civil law systems also differ, with civil law countries relying on codification and common law countries emphasizing judicial interpretation and contractual freedom.

Human rights protection remains uneven across ASEAN. While some countries constitutionally guarantee human rights and establish national human rights institutions, others prioritize political stability and security. At the regional level, the ASEAN Intergovernmental Commission on Human Rights (AICHR) represents an effort toward cooperation, although its effectiveness remains limited.

Comparative analysis reveals that legal diversity in ASEAN is shaped by historical, political, and social factors that cannot be eliminated but must be managed constructively. Legal harmonization in ASEAN does not require uniform laws, but rather the alignment of fundamental legal principles acceptable to all member states.

Economic and trade law present the greatest potential for harmonization, while criminal law and human rights require gradual approaches based on dialogue and cooperation. Strengthening national legal institutions and fostering academic collaboration are essential for advancing ASEAN legal harmonization.

#### **D. CONCLUSION**

This study demonstrates that ASEAN legal systems have developed within a complex framework of diversity reflecting historical experience, social values, and political structures. Comparative legal analysis shows that legal effectiveness depends not only on normative completeness but also on institutional quality and legal culture.

Legal harmonization in ASEAN is a strategic necessity in the context of globalization and regional integration. However, harmonization should respect national legal identities while promoting shared legal principles. Comparative law therefore plays a crucial role as both an

academic discipline and a practical instrument for strengthening legal cooperation, improving law enforcement, and promoting justice in the ASEAN region.

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