

A Study of Pluralism in Developing Legal Anthropology Study

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Abstract

A study of legal anthropology are constantly changing which implies the existence of a paradigmatic change from positivism paradigm to constructivism paradigm. These changes occur because of constructivism approach or interpretation/hermeneutics, in anthropology, law is judged that have ability to express the reality, in legal pluralism and philosophical implications that arised. Pluralism is synonymous with life, even to understand the reality this world, recognition of plurality is the first step that needs to be built at first. Implications in a study of legal pluralism as the attention, can describe a form of research that put more emphasis on finding and extracting meaning given by the subjects of the existence of laws that regulate themselves in the plural, means that there is an interaction between a researcher associated with the study subjects. On this side, the interaction between researcher and research subjects used more transactional, where the subject of research by the researchers themselves linked interactively, the findings are the result of creation or construction joint between the researcher and the research subject itself.

Keywords: Pluralism, legal anthropology, the paradigm, constructivism.

A. BACKGROUND

A study of Legal anthropology is a study that studied about the legal pluralism and the implications that arised. In this study obviously can be done if the use is not a paradigm of positivism. That is because in the paradigm of positivism ontology alone reject or deny the existence of pluralism, because of ontology positivism is naive realism, and real, which is pluralism object does not have a place in this positivism paradigm. Similarly, at the level of epistemology, positivism shows more dualism between researcher with studied, this happens because of objectivity is a value that takes precedence in a study. While at the level of methods prefer the quantitative approach. A Study pluralism as well as the implications became the object of legal anthropology, where the main concern is how everyone was doing the interpretation of the law enforcement that comes from outside, and in a situation like this where the paradigm of positivism does not have the ability to see the object. Therefore, it would be said that the shift in anthropology object occurs when a shift or change of the object that is paradigmatic in view of positivism to constructivism, although it is not stated explicitly.

If the legal pluralism is the object of legal anthropology, this means that the ontology of law is not the only one as ontology in the paradigm of positivism. Ontology pluralistic, diverse, and based on the experience of social-individual, local and specific, and the "construction" of mental/human intellect, is only recognized in constructivism. Similarly, the implications of legal pluralism that its concerned, this represents a research that put more emphasis on finding and extracting meaning given by the subjects of the existence of laws that regulate themselves in the plural, meaning that there is an interaction between a researcher associated with the study subjects. On this side of the interaction between researcher and research subjects used more transactional, where the subject of research by the researchers themselves linked interactively, the findings are the result of creation or construction joint between the researcher and the research subject itself.

The emphasis in finding of the meaning of every law that regulates itself become the method that used can not be achieved by simply quantifying the problem that search, but it is necessary through an interpretation attempt any reality found. This means that the thermeneutic method has important in analyzing the data obtained. This interpretation not only be menopoli of a researcher, but it is a joint construction purposes between researcher and research subjects that are likely to be obtained resultant hermeneutics, in order to avoid accusations of subjectivity in research. For example, research conducted by Bernard Tanya against Sabu community that shows the use of constructivism in the implications of the enactment of national laws on society are still dominated by local law³. As the changes in the object of study of anthropology of law, in fact these changes also have implications on their paradigmatic change in the paradigm of positivism to constructivism. These changes occur because of constructivism approach or interpretation /hermeneutics, in anthropology law is judged to have the ability to express the reality, in the form of legal pluralism and philosophical implications that arised⁴.

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³ Bernard L. Tanya, "Beban Budaya Lokal Menghadapi Hukum Negara: Analisis Budaya Atas Kesulitan Sosio Kultural Orang Sabu Menghadapi Regulasi Negara", Disertasi (Tidak Diterbitkan) 2000.

⁴ Achmad Fedyani Saifuddin, Antropologi Kontemporer: Suatu Pengantar Kritis Mengenai Paradigma, Penerbit Prenada Media, Jakarta 2005., lihat pula Otje Salman dan Anton F. Susanto, *Teori Hukum, Mengingat, Mengumpulkan Dan Membuka Kembali*, Penerbit Rafika Aditama, Bandung, 2005. Hal 81

B. Construction Pluralism as Discourse and Ideology

A study of pluralism recently, in a various life has evolved from discourse, dialogue or conversations¹ into ideology. Pluralism is synonymous with life, even to understand the reality this world, recognition of plurality is the first step that needs to be built at first.² In a concept of discourse, discussing of pluralism is not only a conversation without meaning, but precisely therein is loaded with meaning events³. Full of meaning and refers to an event, because the discourse is a dialectic between langue and parole in the linguistic system in which not only contained the ideal form to say something (to say something), but also have a reference pointing on something (to say about something), either objects or events, which are outside the rules of the linguistic system.⁴ Thus meaning within a discourse is objective, whereas the reference in the discourse leading to a subjective side.⁵

Thus the construction of pluralism, as it contains the meaning of the discourse that objective, as well as the ideal value of an order of life. Meaning that this objective references in the level of real-life reality of a plural, whether ethnic, religious, cultural, political and legal. Meanwhile, in the meaning that is ideal, pluralism as a discourse, which also includes a follow illokusioner form of the obligations arising, and must be realized in order of social life.⁶ The concept of the meaning and ideals contained in pluralism is what makes the shift from the beginning just to ideological discourse.⁷ From just a regular conversation, come to a conviction, that pluralism is a value and a society that needs to be realized. Not only at the level of social life, pluralism as an ideology also has penetrated in science, and the shift is considered by Nietzsche is the greatest achievement of this century-especially in philosophy-and considered as a way of thinking that is appropriate, and is able to provide guarantees on freedom humans to think and see the world.⁸

The change of discourse into an ideology is also due in containing pluralism of ideas, ideas, values and even the doctrine of the reality of life.⁹ But along with the shift in the meaning -pluralisme as ideology-is susceptible to various accusations and even impressed a negative connotation. This is because, people will be more fixated on the term ideology itself that the substance could be seen as objective or merely subjective consciousness only.¹⁰ Even at certain level, pluralism accused of being a movement that aims to sue the establishment that had been awakened,¹¹ or even do the allegations saying that pluralism in it laden with political overtones,¹² which formed the movement of a group of people or community on behalf of pluralism as a tool political struggle.

In particular level, various allegations presumably legitimate, because when *Destertt de Treacy* introduce the word or term ideology neutral nature, which only refers to the knowledge of the idea alone. However, later in its development due to various influences, especially Marx, the term ideology makes them appear to have meaning, and a negative connotation. Ideology synonymous with falsehood, even though ideology focused on the shape, pattern and strategy of the fight and overthrow the existing dominance. At this level, the topic about pluralism, including legal pluralism, always getting mixed reactions from many people, especially from those who have power, because pluralism is accused and it is feared would destabilize the position or power. Although pluralism itself is recognized as a real thing and inevitable in life. In case if explored further, meaning ideology also included a positive meaning, even some people who avoid using the word ideology and replace it with the term "region ideational" just stay away from the impression and the negative connotation of the ideology itself,¹³ or there is argues that there is indeed a difference between ideas (ideas) with ideology.¹⁴

Within the meaning of positive, an ideology according Ricoeur nature conservation and develop social

¹ Menurut Kamus Umum Bahasa Indonesia Susunan Poerwadarminta, wacana secara sederhana dapat diterjemahkan sebagai ucapan atau percakapan. Poerwadarminta, Kamus Umum Bahasa Indonesia, Penerbit Balas Pustaka, Jakarta, 1993. Hal. 1144.

² Leslie Newbigin, *The Gospel in a Pluralist Society*, Grand Rapids: Eerdmans, 1989. Hal 1.

³ Anton Moeliono, Kamus Besar Bahasa Indonesia, Departemen Pendidikan Dan Kebudayaan RI, Jakarta 1988. Hal 243.

⁴ Paul Ricoeur, *The Conflict of Interpretation* (D. Ihde, Editor), Northwestern University Press, Evanston, 1988. Hal 84. Lihat pula Ninuk Kleden Probonegoro, *Pengalihan Wacana Lisan Ke Tulisan dan Teks Dalam Pudentia MPSS* (ediotr), Metodologi Kajian Tradisi Lisan, Yayasan Obor Indonesia Dan Yayasan Asosiasi Tradisi Lisan, Jakarta, 1988. Hal. 112.

⁵ Paul Ricoeur, *Interpretation*Op Cit. Hal. 11.

⁶ *Ibid.* Hal 12 – 19.

⁷ Jorge Larrain, *Konsep Ideologi*, Penerbit LKPSM Yogyakarta, 1996. Hal. 1.

⁸ Gilles Deleuze (Basuki Heri Winarno-Penerjemah), *Filsafat Nietzsche*, Penerbit Ikon Teralitera Yogyakarta, Cet-I, 2002. Hal. 5.

⁹ Michael A. Riff. *Kamus Ideologi Politik Moderen*, Penerbit Pustaka Pelajar Yogyakarta, 1995, Hal xi-xii. Lihat Ali Syariati, *Ideologi dalam Tugas Cendekiawan Muslim*, Penerbit Raja Grafiti Persada, Jakarta, 1995. Hal. 158-161.

¹⁰ Jorge Larrain, *Konsep*.....Op Cit. Hal. 2.

¹¹ *Ibid.* Hal. 47.

¹² Oetoyo Oestman dan Alfian, *Pancasila Sebagai Ideologi*, Bp-7 Pusat Jakarta, 1992. Hal 62

¹³ David Kaplan (Landung Simatupang-Penterjemah), *Teori Budaya*, Penerbit Pustaka Pelajar Offset, Yogyakarta Cet-III, 2002. Hal. 154-155.

¹⁴ *Ibid.* Hal. 154.

existence, it happens because the ideology is able to provide services to preserve in terms of strengthening the social order that can be destroyed by the forces of nature and history through a chaos of internal and or external manner mediation function, integration, identity, consolidation and conservation of the existing social system in ideology.¹ Even this function by Ricouer describes as the primary function of ideology. Then the fact that the ideology shifted its meaning becomes distorted form of consciousness of reality are basically admitted also by Ricouer. Only Ricouer, once again would like to emphasize, that in itself does not always have an ideology or a negative connotation, and this is the primary function that would need to be expanded understanding of the meaning of the ideology itself. As an ideology, pluralism today is gaining momentum in postmoderen era, an era believed after the emergence of the modern era.² The question perhaps is why even in this era of pluralism postmoderen acquire or establish itself as an ideology. The answer to this question is certainly with respect to what is meant by postmoderen era, as well as what is a feature or characteristic of the era postmoderen itself.

It is not easy to give a definition of what exactly is meant by postmoderen, a term often used in the fields of philosophy, social sciences and architecture. Therefore every expert in their respective fields, will provide a different understanding of each other.³ This difficulty originated from the meaning of the word "post" and "isms"⁴ that correlates with the modern word. With regard to the prefix "post" in the modern word, Lyotard and Gellner for example asking questions; whether the word "post" means the termination of thinking completely with everything pertaining to the modern? Or simply a correction of certain aspects of modernity as the opinion of David Griffin? Or the charges leveled by Baudlillard, Derrida, Foucoult saying that lest postmoderenisme was actually a radical form of modernity itself that modernity which eventually committed suicide, or Habermas who viewed postmoderen such as the new stage of the project moderenisme which is not yet completed.⁵

Then how pluralism as an ideology acquire or postmoderen established itself in this era? In order to see this issue the author just wanted to see how the traits that exist in the era of postmoderen itself. This is according to the author is more important than questioning the meaning of the word or search word definitions postmoderenisme itself, because the search for the definition of the word fear is it could obscure the real meaning of postmoderen, and the authors are more interested to see opinions Zygmunt Bauman who viewed postmoderen as criticism the modern era. With this criticism means any form of dialectical happens to modern itself, and this is what happened sesungguhnya postmoderen era, where a variety of assumptions, theses, the axiom that human civilization extends and builds modern era, made the criticism against him. Or in other words, postmoderen is an era that has the shape of a naked way of looking at modernity mainly related to the decay-the worst.⁶ In addition of course to the criticisms made opening a wide range of sheathing, and the falsehood of the truth that might have become a role model for everyone. Is not critical awareness is something inherent attitude should exist in every age and every science?

Indeed there is a consensus among scholars, that entering this postmoderen era, various grand narratives such as universalism, which is the hallmark of absolute truth and had dominated thinking in the previous era (modern era) is considered to be losing its relevance (no grand narrative).⁷ That is, in the era of the narrative postmoderen various living history or just a story. It also has a principle Postmoderen let each community living with a local discourse, and with the respective local rationality that had been "street" as a form of life that is familiar, to "custom" or tradition. In fact, scientific work is actually also a "tradition" or by Kuhn called a 'paradigm', should be left in the discourse and work at the level of "rationality local", even in the work of scientific paradigm is necessary to tolerance by Feyerabend sentencing be "anything goes".⁸ Lyotard as a postmodernist, expresses the basic principle that applies is not the universality of consciousness or the need for an agreement, but rather the need to undermine the agreements that have been established in order each time to give back the opportunity for the character-the character of local every discourse, arguments and legitimiasi to be appreciated.⁹ Although with a somewhat different approach to Lyotard, Rorty approach to language, want to break away from all forms of wacara large, however, cultural differences and the language does not need to be so antagonistic and unbridgeable. That every game other languages, it is true. In other words, the language of each

¹ Paul Ricouer, *From Text to Action: Essay In Hermeneutic II*, Northwestern University Press Evanston, Illinois, 1999. Hal. 318.

² Bambang Sugiharto, *Posmodernisme: Tantangan Bagi Filsafat*, Penerbit Kanisius, Yogyakarta Cet-9, Tahun 1996. Hal. 24

³ Richard Rorty, *Contingency: Irony and Solidarity*, Cambridge: Cambridge University Press, 1989. Hal. 180.

⁴ Bambang Sugiharto, *Op Cit*. Hal. 24.

⁵ *Ibid*.

⁶ A. Nugroho Widiyono, "Pandangan Zygmunt Bauman Tentang Etika Postmoderen", Dalam Website: <http://filsafatkita.f2g.net/etik12.htm>

⁷ Richard Rorty, *Postmodernism:Op Cit*. 183.

⁸ Imre Lakatos and Alan Musgrave, *Criticism and The Growth of Knowledge*, Cambridge: Cambridge University Press, 1970. Hal. 197-230.

⁹ Bambang Sugiharto, *Op Cit*. Hal. 59.

game is unique and not fully translated to other languages, but can not be translated, it does not necessarily mean it can not be learned.¹

On the other hand the assumptions and theses as well as the substance of the existing pluralism is not much different from postmodern era, and this is certainly strengthens the position of pluralism as an ideology, because in it various forms of absolutism assessed and treated universally denied its existence. Not just any other modality that exists, but in pluralism acknowledged. Differences that underlie this life gained its place in the ideology of pluralism. At this stage, and this is where pluralism as an ideology obtain a strong position in the era postmodern. In fact, pluralism as the ideology has undermined the claims of the absolute about the various truth claims, both philosophy and science, which are considered universal, which claims universal, according to Zygmunt Bauman is nothing but a mask of ideological motivation to protect and build a culture and rationality of western society.²

C. Pluralism In the perspective of Ethics

Pluralism is not easily accepted and realized into real life even though it is a reality of life, that is because pluralism has led to an attitude or beliefs about life itself. As an attitude or belief, then presumably pluralism can be said as one of morality in life. Teachings therein refers to both the poor man as man, not as a specific and limited role of the perpetrator.³ Pluralism is not just load the understanding that this life is diverse (multiculturalism, pluralism, religious, political, legal pluralism), but along with it there are the doctrines, standards, rules and regulations both orally and in writing about how people should live each other and act in order our lives for the better.⁴

As morality, the concept of pluralism can come from various sources. Ranging from religion, mores, customs, legal and sociological and anthropological reality. The problem is how attitudes or studies to be carried out, taken and understood in connection with pluralism as the teaching of morality? On this side of pluralism as a school of morality are often trapped in the frozen dogmatism that will eventually lead to an understanding fatalistic about pluralism, and dragged him toward a narrow understanding of pluralism itself. Ethics is the field trying to learn formally and systematically about morality in order to find orientation in life.⁵ In look and judge of morality, ethics using the critical method, which observes moral reality critically. Ethics does not give teachings, but examine the habits, values, norms and moral views panangan-critically. Ethics do not let the opinions of moral granted but requires that the opinion expressed moral-pendapat accounted for. Ethics seek to clarify the moral issues.⁶

Although it is not a form of law that has the power to force, but the study of ethics to morality will ultimately produce ethical attitudes toward the doctrine that morality is an attitude that will be used as a basis for assessing whether human actions are moral worth or not. From the search critically, at least six ethical values when pluralism is accepted as an ideology or morality in life, namely: First; recognition or acceptance of difference, second; rejection of absolutism, third; acceptance of relativism, fourth; recognizes equality as a concept of life, the fifth; mengakuai the other (the others) as well as the sixth; opening a space for dialogue and communication. Sixth attitude of ethics that arise in conjunction with the recognition of this pluralism is the substance of pluralism itself, so that the various problems that arise both in the form of fear and distortions of the meaning of pluralism itself actually according to the author is more due to not yet understood four emplikasi ethics emerging from pluralism itself.

1. Acknowledge Differences

The premise and the basic substance of pluralism is the recognition of diversity, heterogeneity or pluralism as a social fact. This diversity is substantially it is the difference, and the difference is this which is the objective conditions of pluralism. So the first condition and the objective requirements of pluralism is to accept and recognize the differences as a basis for understanding social reality. The existence of people living in urban and rural areas, a wide range of religious, ideological, tribal and ethnic, secular law and religious law is a social fact that its existence is undeniable. The difference is what makes pluralism as a notion gained strong roots in the repertoire of thought and science as ontology rests on facts and actual social reality. Fears of syncretism among religions as a result followed understanding of religious pluralism as Freemasonry is actually not occur because of pluralism finding common ground on something different is possible, but does not eliminate the difference itself is the primal nature so under religious pluralism not *gebyah-uyah* or generally order looking for similarities

¹ Bambang Sugihato, Ibid. Hal. 59.

² A. Nugroho Widiyono, Pandangan Zygmunt..... Op Cit.

³ Franz Magnis Susno, Etika Dasar: Masalah-Masalah Pokok Filsafat Moral, Penerbit Kanisus, Yogyakarta, 1987. Hal. 18.

⁴ Ibid. Hal. 14.

⁵ Ibid.

⁶ Ibid. Hal 18. Lihat pula Poespoprodjo, Filsafat Moral Kesusilaan: Dalam Teori dan Praktik, Penerbit CV. Remaja Karya, Bandung, 1988. Hal. 16

alone, without acknowledging the differences that exist in the plurality of religions do not exist.¹

Therefore, an inclusive attitude (open) is an important attitude in viewing and addressing the differences not exclusive attitude (closed). By being inclusive, where the others made the moral or moral recipient patient, whereas if in understanding the differences that exist are used exclusively the moral attitude of the patient is confined to the self or the group itself. Only people that tribal, faith, like-minded, segender deserve to be treated as a moral patient, meaning that deserve respect rights and interests.² Similarly with the law, the apparent differences in every law is a natural background of the law itself as a consequence of their perbedaan essence of the law. Thus, for example, on a global level between Roman law with Anglo-Saxon law clearly show the difference, either from the source, destination and nature. The same thing also applies Islamic law with other laws, clearly shows a different pattern when compared with traditional law (customary law), as well as between the state law and customary laws. Therefore, under the ethics of this difference, the issue is not on the laying of an object at an angle of mutually antagonistic, for example unggul- least, true-false, superio-inferior, but how different it is to put things in the frame equals. Equality is the primary difference being something that should be accepted as it is.

2. Rejecting Absolutism

As a word of absolutism the same with pluralism, is the words: "the absolute and isms". The word the absolute refers to absolute sense³ and isms on meaning understand, so that etymologically the word absolutism formed a sense of flow or understand that concluding something. At first the term absolutism it appears in the realm of theology, and conception of absolutism is used in other fields, for example in epistemology, axiology, as well as in the political sphere (system of government). In theological terms absolutism is known in the early 18th century with regard to the conception of forgiveness of sin in the Catholic religion, which is a conception and understanding in the Catholic religion where the church, because it was given an absolute right by God, can receive recognition and give amnesty to people who have done sin.⁴ In epistemology absolutism interpreted as doctrine that considers that the knowledge is objective or absolute, in other words, that knowledge is relative, determined by humans. Axiology absolutism in regard to the view that considers that the standards of value, either moral or aesthetic, is an absolute, objective, overcoming human and immortal. While in terms of political absolutism, referring to the view that considers that in a country there should be the highest authority that is unlimited in the hands of those in power (the monarchy) either with the constitution or no constitution.⁵

Absolutism as a stream or ideologies implies the recognition that one or single (not God), both concerning the truth (truth claims), thinking, comprehension, interpretation and so forth. Because he is single, the absolutism that is "centric", meaning that centered on his own selfhood and negate the other selfhood. Truth for instance claimed or believed to be only the truth itself, the group, its own class are there, while in others the truth does not exist, either truth in attitudes, norms, understanding, thinking and interpretation and so forth. Truth in others denied its existence, are not recognized and are final. Therefore the truth of others must be smelted or participate in truth there is in him. With the division of pluralism Zumri Bestado Sjamsuar, such absolutism is clearly rejected, because absolutism like this only exist in the ontological pluralism.

Then the question whether the sociological pluralism there is no absolutism at all, or how to respond to the truth at the level of sociological pluralism. This question is important because if we are stand on an understanding of absolutism as above, as if in absoluteness itself does not exist in the community. To answer this question, Kalik Nur Ridwan try to connect or answer this question by saying that the absolute at the level of sociology can only happen if the "agreements" with the addition yourself with other selves. The deal could involve procedures, ways and meanings in a context, and if the deal is accepted no excuses from different communities to reject it, meaning that the agreement is "absolutism context" should existence.⁶ Absolutism context to situate deal has already been taken, both at the level of society or the state, to adhere to the truth. Besides, in the "absolutism context", the presence of the other in a plurality still recognized, whereas in "absolute

¹ Dalam Islam sendiri Perbedaan secara tegas diakui sebagai sebuah keniscayaan, sehingga penolakan terhadap perbedaan (baca: pluralisme) berarti pengingkaran terhadap inti dari Islam itu sendiri. Dalam surat al- Baqaroh: 62 dan al-Maidah: 69, ditegaskan, "Sesungguhnya orang-orang mukmin, orang-orang Yahudi, Shabi'in dan orang-orang Nasrani, siapa saja (di antara mereka) yang benar-benar beriman kepada Allah, hari kemudian dan beramal shaleh, maka tidak ada kekhawatiran terhadap mereka dan tidak pula (mereka) bersedih hati".

² Chairul Umam (Aktivis Komunitas Islam Emansipatoris (KOSIEM) Pekalongan dan Mahasiswa STAIN Pekalongan), "Keberagaman dalam Keberagaman", sumber: ([http://www.Islam emansipatoris. com/ artikel.php?id=356](http://www.Islam%20emansipatoris.com/artikel.php?id=356)).

³ John M. Echols Dan Hasan Shadily, Kamus Inggris Indonesia, Penerbit PT. Gramedia Pustaka Utama Jakarta, Cet-XXIV, Tahun 1997. Hal 3-4.

⁴Richard Blankner, "Absolutism", Sumber: dalam <http://www.ohiou.edu/~Chastian/ac/absoluti.htm>

⁵ Ali Mudhofir, Kamus Teori dan Aliran Dalam Filsafat, Penerbit Liberty, Yogyakarta, Tahun 1988. Hal. 1.

⁶ Nur Khalik Ridwan, Pluralisme Borjuis: Kritik Atas Nalar Pluralisme Cak Nur, Penerbit Galang Press, Yogyakarta 2002. Hal 83

absolutism", did not receive a plurality.

Back to the rejection of absolutism in pluralism, this happens because of absolutism does not give the same space to other groups to develop his existence, both concerning the development and actualization of their rights. The majority, or those who consider themselves true will force other groups to enter into their group, subject to the rules, ethics and morality them, and horrible, and always threaten human life is that absolutism it had a single child called Conflict, Conflict into terms that high value in establishing absolutism. The existence of the group, values, norms, systems and other ethical rated something was not right and should refer to the values, norms, systems and ethics groups that felt right. In reality this absolutism seemed very closely in the various facets of human life. Starting at the level of religious absolutism in the hands of adherents of a religion, converted to the very easily do God denial to other groups, arson, forcible closure of places of worship only with the pretext that religion is judged unilaterally as a false religion. In shades of political absolutism, though very closely in the course of life of the state in every nation, without exception also Indonesia rated ever with happiness navigate the future life of the state of the old order and the new order.

There is one other fact that always arise in the context of a life of absolutism, which always occurs what is known as "resistance effort" from various other groups who feel oppressed, are not given the space and the same rights as those who claim to have. Efforts resistance is basically a rejection of various forms of understanding disclaimer of his existence who feel marginalized, ignored the implications of the espoused absolutism. Only the forms and the term only different but all refer to the resistance effort against the absolutism either in the form of physical conflict, or reform as a terms that appear in the political and governmental system that denies the existence of political systems and governance absolute.

Generally, there are at least two causes that absolutism is always present in the realm of our lives, both personal, group or role in the realm of the state, both concerning the absolutist belief systems, values, and morals. First, the cause of which is objective, meaning that the cause of absolutism with regard to quantitative as one category in life, because sifanya quantitative, then the cause of this can be seen by naked eye, even measured its presence felt, in that a majority or a large amount. The majority did not in itself give rise to absolutism-but this is the second leading cause, with the majority of that nature can cause psychological attitude of the domination of the minority, a lot of great means and what it means a truth voiced majority. Therefore pluralism is not only meant a proliferation of diversity of faith, ethnicity, race and different values that must be recognized diversity, but what about the one with the other does not dominate the argument of absolute truth in the midst of such diversity.¹

3. Receiving Relativism

Diametrically opposite to absolutism is relativism that it recognizes the existence of others besides their own selfhood. Against selfhood, the attitude of relativism affirms that that what we understand as true, for example, is relative to the selfhood of others, it means in the context of pluralism, the truth will be understood by others as may be different from the way we understand them or the truth is also found in other people. In every issue of pluralism and how to understand the problem is believed to be a social construction of a society in which involves many different social conditions, ranging from the values, culture, religion, politics, customs and consciousness are intentional and focused on the reality. An understanding of reality as a social construction that gives results also different with one society to another.²

Relativism is not just admit their selfhood selves other than yourself, without willing to try to understand and even accept other selves. Because if this is the case, then relativism is also ultimately trapped in absolutism. In order not to be trapped in absolutism, relativism would always be associated with each other. For example, we do not just simply say that "truth is relative", because if the statement is stopped by simply saying "truth is relative" then indeed the truth that there is no truth, the truth of things in that there is absolute truth in it. Hence the statement be true to say that "Truth is relative to".

Relativism is not only acknowledge the existence of other than us, but also seeks to show that the other (the Other) as a flaky identity and even the truth, so that relativism is acceptable as an alternative power. Even According to Gellner under the views and ideas of relativism are all considered as "text."³ As the text of the reality that looks can be parsed or deconstructed, and under relativism to see an actual reality is determined by how that meaning is raised by the subject and that became the main analysis is hermeneutik who believe that the

¹ D. A. Carson, "Christian Witness in an Age of Pluralism" dalam *God and Culture: Essays in Honor of Carl F. H. Henry* (ed. D. A. Carson & J. Woodbridge), Grand Rapids; Eerdmans, 1993. Hal. 33

² Peter L. Berger And Thomas Luchmann, *The Social Construction Of Reality: A Treatise In The Sociology Of Knowledge*, Penguin University Book. 1981.

³ Ernest Gellner, *Postmodernism, Reason and Religion*, (Hendro Prasetyo dan Nurul Agustina-penerjemah), *Menolak Posmodernisme: Antara Fundamentalisme Rasionalis dan Fundamentalisme Religius*, Penerbit Mizan Bandung, 1994. Hal. 39.

fact or reality is the result of the interpretation of the text that was.¹ As a stream, relativism also able to unload with a strong hegemonic power that often raises false consciousness about something that had been hidden to maintain the status quo, either in the form of power, the system even absolutism of science itself. Relativism is also able to accommodate the plurality of reality through the meanings they do, and can dismantle logocentrism and fonosentrisme very sticky and strong in science berparadigmakan positivism, including any laws therein.

As a familiar presence in the context of pluralism relativism anyone reject it as not equal to pluralism. Literally this opinion is correct, that pluralism is not the same as relativism, but if mendudukan pluralism equals relativism according to the authors is a mistake, because relativism is the opposite of absolutism which is the most important element or elements of pluralism itself. Indeed, there is a poor understanding of the meaning of this relativism, especially in the perspective of religious pluralism, which is trying to confuse each religion has become a new religion. Such understanding is according to the author is not appropriate because the meaning of relativism here has their relationship with others, in the sense that we should be open to the other person with respect to his understanding of the truth may be different from the way we understand it. Willingness to open itself to be the way people understand the truth is that the writer deepest values of relativism. Therefore, in this relativistic perspective should dikembangkan attitude is to respect the existence of selfhood of others (the others), even though it is difficult for us to understand it.

The question then would arise is whether relativism is no truth? The author saw it in relativism is that truth can be found just how we face the truth that may be believed by others. Faced with a question like this, Khalid Nur Ridwan tried to introduce "absolutism context", that absolutism is emerging as the implications of their joint agreement on "something". Something that could take the form of procedures, values, procedures, or methods.² Relativism, thus offering the path to a plurality of choices, opinions and moral option. A correct understanding of the meaning of relativism ultimately reminds us that there is no superiority and moral values, but otherwise also if understanding relativism indiscriminate then it will lead to nihilism and even anarchism. Relativism as a basis to act and act as he pleases without caring responsibilities and faith in the truth that is already awake and termaknai in every human life.

4. Recognize Equality

As said above, that the difference is a social fact that is objective. Recognition and acceptance of difference in all the main requirements in pluralism. Because the difference is a matter of fundamental and basic of things, the difference is not to be melted and incorporated in the form hemogenitas, unity, mono and diversity. Because when unification efforts made a difference, then essentially pluralism no longer be an ideology or ideology, because there is only monoisme or homogeneity and eliminate the difference itself that are essential and primal. Therefore equality as a concept that looked the same on the difference in the condition for pluralism. The fact that their traditional society and modern, different religions (Islam, Christianity, Catholicism, Hinduism and Buddhism, etc.), legal secular / religious, legal country and local laws, seen in the position that is equal, not seen in the perspective of the majority and minority, advanced or backward, superior or inferior, but all of which are seen parallel and sederejat. In the context of rights and obligations, respectively rights and obligations. Therefore, in recognition of pluralism and respect for the social fact does not necessarily ignore other social facts. Even respect the rights of others is a must, because the other one, which is small also has a "right to life" that must be respected. Cultural diversity that each sat together, stand as tall as a konsientisasi following proffered by pluralism. On a practical level, pluralism also pointed to the possibility of "adjustment" or "dialogue" in the experience of individuals and groups, that will create tolerance between people.³ Finally pluralism has had charge filsafatis where people are driven to elevate the values of tolerance by recognizing that each is distinct and separate truth value.

5. Recognizes More (The Others)

That something is different because it is not enough to know the difference itself has shown itself early on. However, with regard to the attitude of ethics, far more important is to recognize the other. This recognition should be developed based on a foundation of the same degree of equality between "me" and "him", between "us" and "them". For if such recognition is not placed on a frame kesetaraan, then the recognition will be stuck on absolutism, it means that the other is still recognized, but the "I" or "we" that is the most correct, the majority, noble, important, superior and so forth. Additional recognition is important because when we admit the existence of the other, basically we also recognize our own existence. Because in reality we are different from others, and others will berbedapat that he is different from us. So it is not surprising that Millad Hanna found other means to

¹ Ibid. Hal. 41-48

² Nur Khalik Ridwan, Op.Cit., Hal. 83.

³ Richard Rorty, Op.cit., Hal 189-198

meet the defense of pluralism.¹

6. The opening of the Space Dialogue and Communication

Pluralism therein lay the basic or fundamental differences as the main does not make harmonization, unification of these differences as a solution to eliminate the differences that have emerged since the beginning, because the act of uniformity in essence denying the difference itself, even efforts to eliminate the distinction is meaningless. Thoughts like these arise due to a false understanding of the difference itself, difference synonymous with conflict and conflict synonymous with various forms of conflict. In case of conflict and conflict are two different things. Behind that there are real differences of communication is one of ethics inherent in it, communication is performed to determine the various differences that exist. Not only knowing the differences, dialogue and communication is basically one vehicle in improving human and humanity.²

For if such differences do not exist, which means that the whole is equal, then the communication is no place in the realm of life, for each of the parties already know to be common goals, visions of life, nature, character, characteristics and so forth. That is the concept of similarity is not any difference between "me" and "him", can even say "I" is "he" and "she" is "me", then in the position of this communication is not to be important. This is because what is at issue "he" in fact we already know. If the differences are not accompanied by dialogue or communication, then the trap of absolutism would be wide open. For example this is the case when Marx saw capitalism problem is judged as a different conception of society with the conception of a socialist society. Marx acute awareness of these differences, as well as the implications of the capitalist system in the society which he has been marginalized and separate communities into society berjouis in a strong position and a proletarian society increasingly exploited and undergo a process of marginalization in their lives. Only problem turns Marx in seeing this matter trapped in absolutism own understanding of truth, so that the paradigm works Marx was convinced that the differences generated by capitalism to the equation as it is conceived in a socialist society, can be resolved through rebellion or conflict.

D. Conception and Legal Pluralism Itself

To see how it really is a legal pluralism, and how ethical attitudes in the form of morality that must be taken, as well as the possible emergence of problems relating to legal pluralism, it is important to first explained what exactly is meant by pluralism. Pluralism is a word formed from the words: Plural and isms, both words meaning different from one another. Plural meaning the plural or more than one,³ while the word ism (English Translation: Ism) is affix a significant flow⁴ from the two words that make up the word pluralism which simply implies a notion, or flow see something that varies a lot, or in the form negation something is not singular.

How true that "something"? "Something" here-with not intend to provide a definition of what actually means "something" it-could be religion, politics, economics, culture, law, society, truth, meaning, social fact, even the understanding of pluralism is also concerned with the various types of thinking. Within the meaning of the lexicon that simple, then pluralism implies that the substance is a lot of nature, which is something that underlies or contain the qualities and properties of chance that belongs to something, and something that is standing alone, and something that makes sense to itself,⁵ Or in other words, that the substance of things such as forming the plural, many, or heterogeneous.

Legal pluralism before the subject of interesting study, pluralism has been the theme of various disciplines or objects of scientific study. Such as religion, culture and politics, even the talk of pluralism in these three areas show the seriousness and depth of its own. Such a religion, which is a reality in the life and historical evidence that in the world are found in a number of religions. let's call it for example Sintho (Japan), Hindu, Buddhist, Christian, Catholic, Islam is among religions today still known and has followers loyal to the religion.⁶ Besides, in the history of the world has also been familiar with Judaism, Hellenism, Roman Paganism are many

¹ Milad Hanna (Muhammad Guntur Romli-Penerjemah), *Menyongsong Yang Lain Membela Pluralisme*, Penerbit Jaringan Islam Liberal, Jakarta, Cet I, 2005.

² Supardi Suparlan, Keynote Address Yang Disajikan Dalam Sesi Pleno I Pada Simposium Internasional Jurnal Antropologi Indonesia Ke-3: "Membangun Kembali Indonesia Yang Bhenika Tunggal Ika, Menuju Masyarakat Multikulturalisme", Yang Diadakan Di Universitas Udayana, Denpasar Bali, Tanggal 16-19 Juli 2002.

³ W.J.S. Poerwadarminta, *Op.Cit.* Hal. 761.

⁴ John M. Echols Dan Hasan Shadily, *Kamus Inggris Indonesia*, Penerbit PT. Gramedia Pustaka Utama Jakarta, Cet-XXIV, Tahun 1997. Hal 332.

⁵ Louis O. Kattsoff, (Soejono Soemargono-Alih Bahasa), *Pengantar Filsafat*, Penerbit Tiara Wacana Yogya, Cet Ke-5, 1999. Hal. 51. Lihat juga Harun Hadiwijno, *Sari Sejarah Filsafat Barat 2*, Penerbit Kanisius, Yogyakarta Cet Ke-17, Tahun 2001. Hal. 27.

⁶ Moh. Soehada, "Kebijakan Pemerintah Tentang Agama Resmi Serta Implikasinya Terhadap Peminggiran Sistem Religi Lokal Dan Konflik Antar Agama", *Essensia*, Volume 5, 1. Tahun 2004.

great religions which had appeared on the surface of the earth.¹

In religious pluralism, not just a historical and sociological evidence alone, but each religion recognizes the existence of such pluralism. In Islam, for example, the verse which is considered to provide recognition of religious pluralism is a letter Al-Kafirun sixth paragraph (Lakkum dinukum Waliyadain): "my religion is my religion, your religion, your religion". The verse that explicitly recognize the existence of other religions with all the spirituality that is therein. Basing on the statement that the holy book, so Nurcholis Majid as an Islamic intellectual who is rated as a pluralist clearly and plainly say that Islam is a religion which recognizes religious pluralism, although later criticism is directed towards his own initiative.²

Similarly, in the Christian religion, is also developing this idea of religious pluralism. Paul Knitter as a theologian of the Roman Catholic said, that belief finality and normativity of Christ which is the essential Christian preaching should be abandoned.³ The reason is, people who hold the belief pluralism can only rely on "a theo-centric theology of religions, based on a Theocentric, nonnormative reinterpretation of the uniqueness of Jesus Christ." In other words, an exclusive establishment which is often found there in evangelical circles to be abandoned, because the "new religious perception of our cultural consciousness is pushing toward the simple but profound insight that there is no one and only way."⁴ As a phenomenon that occurs in the religion of Islam, understanding religious pluralism, in Christianity also get a fairly sharp criticism. By Alister E. Mc.Grat, theology built by the pluralists in the Christian religion is clearly not in line with the fundamentals of the Christian faith, further he said that;

Pluralism ... possesses A Certain tendency to self-destruction ... Pluralism is fatally vulnerable to the charge that it Reaches an accommodation between Christianity and other religions traditions by discarding every wilfully distinctive Christian doctrine traditionally regarded as identity-giving and identity-preserving ... The "Christianity" that is declared to be homogeneous with all other "higher religions" would not be recognizable as such to most of its Adherents. It would be a theologically, Christologically and soteriologically reduced version of the real thing.⁵

The act of conducting the accommodation and the reduction of the Christian faith for the sake of dialogue, and tolerance towards other religions rated by Alister E. Mc.Grat has led the pluralists sell inexpensive basic Christian faith, as well as well as forming a kind of theology that are foreign to Christians themselves. Is this the price to pay for the name of "openness" and "relevance" of faith? it feels too "auctioned" cost value of the Christian faith itself.⁶ Conditions where religious pluralism is a reality of life, then what is needed is an inclusive religious attitudes rather than exclusive. Inclusive attitude refers to an open attitude on the existence of other religions, while the exclusive attitude that religious attitudes are closed to the existence of other religions. Both of these attitudes, inclusive and exclusive, have an impact on the understanding of pluralism, inclusiveness as a gesture clearly recognize pluralism while exclusivism reject pluralism. For if developed in religious pluralism is an exclusive attitude, then religion can be the cause of the emergence of various forms of conflict in society.⁷ Where the conflict originated from deals a religion to a community that already have a religion or belief. Truth claims of religion offered will in itself negate the belief in the truth that has been built from other communities.

Culture in the discourse of pluralism seems very obvious and better known by the term multiculturalism⁸ refers to the recognition of diversity or diversity of cultural systems that exist in society and in the perspective of time is a major reality experienced by the people and culture of the past, present and next time on the future,⁹ and the cultural diversity emerged due to the diversity and plurality of society as a major producer of culture itself. As an ideology, multiculturalism is not only refers to cultural diversity, but in it is a form of recognition and celebration of diversity in equality, both individually and communally.¹⁰ Not only has

¹ R. L. Wilken, "Religious Pluralism and Early Christian Theology", Interpretation 40/4, October 1986. Hal. 379-391.

² Nur Khalik Ridwan, Pluralisme Borjuis: Kritik Atas Nalar Pluralisme Cak Nur, Penerbit Galang Press Yogyakarta, 2002.

³ No other Name: A Critical Survey of Christian Attitudes Toward the World Religions, Maryknoll: orbis, 1986. Hal. 143.

⁴ Ibid. Hal. 5.

⁵ Alister E. McGrat "The Christian Church's: Response to Pluralism", Journal of the Evangelical Theological Society 35/4, December 1992. Hal. 489.

⁶ Ibid.

⁷ Mulya Firdausy Dkk, Konflik Massa: Faktor Penyebab Dan Penyelesaiannya, Penerbit PPW-LIPI, 1998. Lihat pula Thamrin Amal Tomagola, "Tragedi Maluku Utara, Makalah Pada Seminar Internasional Dinamika Politik Lokal Di Indonesia, Perubahan, Tantangan Dan Harapan", Percik Dan FF, Salatiga. Tahun 2000.

⁸ Menurut Webster's New World Dictionary Edisi 1989, multi- berhubungan dengan kata Latin multus yang berarti 'banyak', baik untuk sesuatu yang tidak terhitung (much), maupun yang terhitung (many)

⁹ Lihat Azyumardi Azra, " Pendidikan Multikultural (Membangun Kembali Indonesia Bhinneka Tunggal Ika)", Rabu, 03 September 2003, dalam [Http://www.republika.co.id/kolom_detail.asp?id=138344&kat_id=16](http://www.republika.co.id/kolom_detail.asp?id=138344&kat_id=16)

¹⁰ B. Fay, "Contemporary Philosophy Of Social Science: A Multicultural Approach", dalam Parsudi Suparlan, "Membangun Kembali Indonesia Yang Bhenika Tunggal Ika Menuju Masyarakat Multikultural", Keynot Address, Pada Sesi Pleno I Pada Simposium Internasional Jurnal Antropologi Indonesia Ke-3 Di Universitas Udayana, Bali, Tanggal 16-19 Juli 2002.

that, in multiculturalism also included an attitude of understanding, appreciation, respect, judgment and curiosity about the culture of ethnic /others. The attitude is not in the sense of approving all aspects of the culture, but rather trying to see how certain cultures can express a value for its members.¹

The model of multiculturalism, in addition a society having a universal culture, there is also a culture that are particular, so the color resembles a mosaic of cultures.² The emergence of the cultural sphere generally accepted is not caused by the ratings primordial classify between culture and the other one then provide rankings and levels that led to the award of justification that culture is one lower or higher than the others, but rather to explain the position and the scope of which is not limited by the identity of a particular culture.³ Pluralism is also a theme in the political area, only slightly different from the understanding of religious pluralism and multiculturalism as above, pluralism in politics is more of a political tool in the analysis, in addition to other analyzes, such as institutionalism, behavioralisme, structuralism, or developmentalism.⁴ Pluralism as political analysis has a very important role because pluralism is a razor analysis used to measure and determine whether a democratic political system, or is monistic.⁵

As a knife political analysis, pluralism directed his attention to a plurality of the existing party system and the system of accountability of the ruler that is dispersed throughout the populace because of sovereignty to the government in the form of a parliamentary or presidential belong to many people. Therefore assumptions built pluralism in politics is higher pluralism party system in a country, the more developed also democracy of the country.⁶ Without exception, pluralism is also evident in the law, even legal pluralism is a necessity. Their various tribes, value system, culture, even religion is clear evidence that legal pluralism is a necessity, real and apparent existence. It diarenakan, the law always attributed to the cultural,⁷ ethnic, value system, and religious pluralistic nature. So that by itself the law also patterned plural, scattered and found in almost every community, tribe or nation in the world. Whether in the areas of criminal, civil, constitutional, and legal nature all display local diversity.

In criminal law, for example, Rene David and Marc Ancel, in fact well aware that in this world there is only one system of criminal law, but many, which can be grouped in several large families of law (family law). According to Rene David, the criminal justice system in this world would be grouped into four major families (Family Law) is *Romano-Germanic Family, Common Law Family, Family Of Socialist Law, and Other sistems*.⁸ With the same purpose, Marc Ancel also classifies different criminal justice systems that spread into the five family law, namely: System Continental Europe and Latin America (System Of Civil Law), System Anglo-American (System Of Common Law), Systems East Central (Iraq, Jordan, Saudi Arabia and the Forth), Systems Far East (China, Japan), as well as systems Socialist Countries.⁹ While Frans Maramis try to classify the criminal law in this world into five major groups namely: the European Continent Family Criminal Law, Family Law Common Criminal Law, Family Law Criminal Socialist-Communist, Religion Family Criminal Law, Criminal Law Traditional Families.¹⁰

Philosophy questions that rise with respect to legal pluralism is, why there is such laws vary from one country to another, from one system to another system, or on a deeper level micro between local law one with another. According to the philosophy of existentialism-flow used in writing this-law is the awareness and how its being human. This opinion is contrary to the understanding of the word of existence which then raises the word existentialism (existence + ism) derived from the English "existence" which is a noun, while the verb is "to exist" means "the state on being."¹¹ While the word existence it itself comes from the Latin which consists of the word "ex" meaning out and "consistency", which is derived from the verb "sisto" which means standing or putting. So the existence of the word in general can be interpreted as a self-standing human with out of himself.¹²

¹ Lawrence A. Blum, "Antirasisme, Multikulturalisme, dan Komunikasi Antar Ras: Tiga Nilai Yang Bersifat Mendidik Bagi Sebuah Masyarakat Multikultural", dalam Larry May Dkk (Editor), *Etika Terapan I: Sebuah Pendekatan Multikultural*, Penerbit PT. Tiara Wacana Yogya, Yogyakarta, 2001. Hal 16.

² Supardi Suparlan, *Op Cit*.

³ Conrad P. Kottak, *Anthropology: The Exploration Of Human Diversity*, Random House, New York, 1987. Hal 2006-2008.

⁴ David E. Apter (Yosagama-Tim Penerjemah), *Pengantar Analisis Politik*, Penerbit CV. Rajawali Jakarta, Cet I, 1988.

⁵ *Ibid*. Hal. 458.

⁶ *Ibid*. Hal. 458. Lihat pula Henry B. Mayo, Nilai-Nilai Demokrasi, Dalam Meriam Budiardjo (Editor), *Masalah Kenegaraan*, Penerbit PT. Gramedia, Jakarta, 1972. Hal 158-195.

⁷ Esmi Warassih (Korolus K. Medan Dkk-Editor), *Pranata Hukum: Sebuah Telaah Sosiologis*, Penerbit Suryandaru Utama, Semarang 2005. Hal. 102-103

⁸ Rene David And John E.C. Briery, Major Legal Sistem In The World Today, Stevens & Sons, 2nd Edition. Hal. 18.

⁹ Marc Ancel dalam Soedjono Dirdjosisworo, Filsafat Peradilan Pidana dan Perbandingan Hukum, Penerbit Armico Bandung, Tahun 1984. Hal. 5.

¹⁰ Frans Maramis, Perbandingan Hukum Pidana, Penerbit Pustaka Sinar Harapan Jakarta, 1994. Hal. 15

¹¹ Virginia S. Thatcer (Editor), *The New Webster Encyclopedia Dictionary of English Language*, Grolier Inc. New York, 1967, Vol. I. Hal, 308

¹² Harun Hadiwijno, Sari Sejarah Filsafat Barat 2, Penerbit Kanisius, Yogyakarta, Cet Ke 17 Tahun 2001. Hal. 148.

An explanation of the meaning of "Man stands as themselves to get out of them" is that only humans who understand and are aware that he was there. Self-consciousness is what distinguishes the way of human existence by means of the presence of objects. Objects, animals, plants and other natural really do not understand and have no awareness of its existence, not only came to himself, this awareness also includes awareness of the existence of a world other than man and this awareness is not shared by other objects. Even with this awareness, people give meaning to the existence of other objects around them. Seats for example, only has meaning for seating after humans give meaning as a seat by humans, while the seats themselves do not understand as to what the real existence. Man not only understand and be aware of its existence, but also can give meaning to the existence of other objects around them, even humans conscious "consciously" of the existence of other human beings around them with all the wisdom possessed, including the law on it.¹

There are at least two basic ideas, especially seen in the existentialist perspective, why the authors came to the conclusion or a legal opinion is "the way its being human". The first legal existence there after previously specified, created solely by humans. This opinion refers to a sentence in the existentialism which is quite famous of Sartre who said that "existence precedes essence".² With this sentence it is easy to understand that something exists both outside and inside the man himself, the object of physical and non-physical, either in the form of fate and destiny of man, the structure of human life, and also includes the conception of man himself and the presence of other objects selected and determined by humans. Also the law without exception, its existence can certainly preceded by essence or form that had previously been portrayed by the man himself.

Second, the author basing on the opinion of Husserl of consciousness which is the deepest meaning of human. Husserl through phenomenological reduction to the conclusion that the real consciousness (Noetic) is the deepest essence of the human being and this consciousness is intentionality or focus on something that is objective, so that consciousness is "consciousness of something". There is never a consciousness focused on something, or consciousness that are zero without intentional object (noematic). So there is always a correlation between consciousness (Noetic) with an object (noematic). Husserl does not stop at the discovery of a consciousness which is the deepest essence of the human being, he continued investigations into the structure of the intentionality and the results obtained from the penyeledikannya is that there are four inherent activity (inherent) in the awareness that the objectification, identification, correlation and constitution.³

Intentionality means directing the data (which is an integral part of the stream of consciousness) to the objects of intentionality. Intentionality function here is to connect the data that already exists in consciousness with objects that are outside (not part of consciousness). With this understanding it appears that consciousness is always directed at the object. Then after doing objectification, intentionality directed to the identification of the object that has been objectified. In turn what has objectified and identified by man, through his consciousness connected with each other, this activity is a correlation akitivitas of intentionality itself. One aspect of an object dihubungkan with other aspects of the same object or another object. At the end of the innermost structure of intentionality is the constitution or the effort to create. Here activities constitute the intentional function or create objects intentional.⁴

Basing on understanding the structure of consciousness and intentional activities mentioned above, the author saw one object intentionality that in humans is a value, and its value as an object of intentionality that has been identified is the order and harmony in life. This regularity is connected both in the context of life between human beings and the natural environment (activity correlation), and even that value is also correlated with the creator. On this side then activity institusionalitas constitution of human consciousness in the form of the creation of the law do. Therefore, the law which created not merely contains prohibitions and sanctions issues, but basically all the values that are the object of human consciousness to be realized in the law, because the law is believed to be able to realize the self. However, when human beings try to describe how the law should be realized in reality, a variety of external factors, such as nature or the environment, as well as perspective (consciousness) affect the essence of which will be raised. Because it is in the human existentialism and the environment is an integral part. In such a perspective, it is understandable why there is a difference between a legal system with other legal systems, in which the differences are really more colored by external conditions surrounding the emergence and expressed the essence.

On the other hand understanding of the emergence of laws that differ from one group against another in an existentialist perspective can also be understood and explained in the following way: Humans live in "Umwelt, Mitwelt and Eigenwelt".⁵ "Umwelt" is kebutuhan biological, animal impulse, instinct is unconscious and

¹ Fuad Hasan, Berkenalan Dengan Eksistensialisme, Penerbit Pustaka Jaya, Jakarta, 1976. Hal. 7

² Zainal Abiding, (Penyunting), Analisis Eksistensial: Untuk Psikologi Dan Psikiatri, Penerbit Refika Aditama Bandung, Cet-1, Atahun 2002. Hal. 12.

³ Zainal Abidin, Filsafat Manusia: Memahami Manusia Melalui Filsafat, Penerbit PT. Remadja Rosdakarya Bandung, 2003. Hal 147.

⁴ Ibid. Hal. 148.

⁵ Ibid. Hal. 12.

everything usually called "the environment" (environment). The recognition of the "Umwelt" appears as the implications of humans as organism and "Umwelt" is what makes humans sick, suffering, and helpless. Besides "Umwelt", the man also has what is known as "Mitwelt" and "Eigenwelt". Mitwelt is a nexus between the human world peculiar to humans as well, and in human relations is the recognition of the existence of feelings of sadness, hate, anger, not happy and so forth. While Eigenwelt is self-awareness, self-nexus and is typically present in human beings. Eigenwelt is what would make the realization that "I was there" and it can not be denied or nullified by anything, including the law itself. If the awareness of the "I" is lost or removed, then the authenticity and human existence became lost as well.

With regard to the concept of law and plurality, Mitwelt presumably in recognition of the existence of other people is not the same is the reason why existentialism recognize the diversity, even presumably can be said that diversity is itself a human existence. Therefore, in the existentialist perspective, which is a legal way shape and form of human consciousness is also another law recognizes that a way of being and consciousness of individuals, groups or other communities. Enforced or non-recognition of human diversity by itself or by law, meaning it has to deny that the man is particular and individual. From the empirical reality and an explanation of philosophy, would already provide sufficient proof that the law is plural, but then what is really meant by legal pluralism itself, especially with respect to the object of legal anthropology. Is legal pluralism has the same meaning as cultural pluralism or multiculturalism that show the diversity of culture in the public system, or only legal pluralism as a knife, my analysis of the rule of law in the society as well as the sense of political pluralism.

Indeed, at first the notion of legal pluralism in legal anthropology interpreted almost the same as in other areas, namely the effort depiction of numerous laws that exist in society. Such understanding as expressed by Sally Engle Merry,¹ and John Griffiths.² In its meaning like this then an anthropologist (legal anthropology) is none other than simply mapping the law (Mapping Of Law) that exist in society, especially in addition to state law, and other laws other than the laws of this country by Woodman known by various terms such as Folk Law, customary Law, Living Law, Positive Morality, Law Informal, Non-State Law, Indigenous Law, People's Law, Autonomous Regulation, Government Privat, Privat Justice, Internally Generated Regulation Of Semi-Autonomous Social Field.³

With the onset of globalization makes the problem of legal pluralism is not just talking about the diversity of existing laws in one country alone, but the existence of international law have also been taken into consideration and discussion of legal pluralism. Therefore, Santos in defining legal pluralism says that as an idea, legal pluralism is the idea say that there is more than one legal system that operates within a political unit (legal pluralism concerns the idea that more than one legal system, operate in a single political units), either in the form of local laws, national and transnational.⁴

In its development, the concept of legal pluralism divided into two first Weak Legal Pluralism, both Strong Legal Pluralism. Weak Legal Pluralism according to Griffiths is another form of legal centralism where the diversity of law continues to be recognized, but the state law is placed on top of everything, while Strong Legal Pluralism refers to the concept of autonomy of each of the existing law in society, between the legal system with the system other laws are not placed on a hierarchical system that puts one of the best law or the highest position, as in the concept of the Weak legal Pluralism.⁵

Examine more deeply about the existence of local law, actually long before Erlich suggests the concept of Living Law as a legal form of life in society, Grotius, Leibniz, Proudhon (In France) and Gierke (in Germany) has put forward the concept of typology group's legal autonomous nature, They look at reality and argue that any group or any combination group gave birth to a certain legal framework, which is separated at all to do with the state.⁶ Likewise, Hugo Grotius (1583-1645), proposed the concept of a social order that is equal and pluralistic patterned. According to the international community, the church, the state, certain groups within the country, gave birth to their own autonomous laws are different in structure according to type group. Custodia Societatis is the principle of all law and "being autonomous community", and according to state law is merely a certain type

¹ Sally Engle Merry, "Legal Pluralism", Law And Society Review, Vol 22 Tahun 1988, Hal. 860-896.

² Journal Of Legal Pluralism And Unofficial Law Number 24/1986. The Foundation For Journal Of Legal Pluralism, 1986. Hal 1-56.

³ Sulistyowati Irianto, "Sejarah Dan Perkembangan Pemikiran Pluralisme Hukum Dan Konsekuensi Metodologisnya", Makalah Disampaikan Dalam Pelatihan Pluralisme Hukum Yang Diselenggarakan Oleh Huma, 28-30 Agustus 2003, Hal. 5.

⁴ Boaventura De Saousa Santos, Toward A New Common Sense: Law, Science and Politics In The Paradigmatic Transition, Routledge, New York, 1995. Hal. 114.

⁵ Strong Legal Pluralism menurut Griffiths merupakan produk dari para ilmuwan sosial yang dalam pengamatannya ternyata ditemukan hukum yang otonom di luar hukum negara. Menurut John Griffiths beberapa sarjana yang kiranya dapat dimasukkan sebagai penganut Strong Legal Pluralism adalah Erlich dan Sally Falk Moore. Erlich terkenal dengan konsepnya Living law. Erlich mencoba melihat adanya perbedaan hakiki antara hukum negara dengan hukum yang ada dalam masyarakat.

⁶ Georges Gutvich (Sumantri Mertodipuro-Penerjemah), Sosiologi Hukum, Penerbit Bhratara, Jakarta, Tahun 1988. Hal. 70.

that does not have a special position.

Almost the same with the opinion of Hugo Grotius, Leibniz also confirmed that pluralism groups that finally grow the framework of law respectively, even explicitly Leibniz said that the role of the state is limited in the life of law and positive law (the laws in force in the community-pen) did not depending on the country. Likewise Gierke-as historians German law on associations (Genossenschaftsrecht) -think that all organized groups as the subject of the legal order of the group itself (which regulate the inner life) as a complex collective person (gesemperson).¹ Both the notion of legal pluralism tersebut- Weak And Strong Legal Pluralism- have until now still has its adherents respectively, although visible impression adherents Weak Legal Pluralism or in this case the legal centralism look more dominant than the Saxon Strong Legal Pluralism.

As said in the ats that the study of legal pluralism has developed, which in its early development activity was focused and directed at the legal mapping (Mapping Of Legal Universe) that exist in society in a country. However yahap is felt not enough, because in reality many problems arise in respect of the meeting of this law. Therefore, legal pluralism began directing at various interaction or interplay between the various legal systems in society (macro level). Keterarahan on this interaction certainly based on the fact that the various legal systems attempt to try each influences the society in the particular field. Then the next stage of legal pluralism seeks to understand how the effect or result of meeting the law on the lives of individuals (micro level). From what has been described above, would it be said that in the perspective of legal pluralism, status and position of the legal state and local laws are the same, only different is its appearance alone. If the state law and its emergence as a form of political constellation agreement, while the emergence of local law is more nuanced sociological / anthropological, but both remain a reflection of the way its being human.

E. Anthropology of Law in the perspective of the development of Philosophy

In the genealogy of science,² there are differences of opinion on the origin of the emergence of legal anthropology as a discipline of science, the difference stems from the question to say whether the legal anthropology derived from the science of law or tradition stems from anthropology. First, and this is the view most widely held is the view looking anthropology of law is a branch of anthropology, stems or roots of anthropology, especially cultural anthropology as the study of human culture as it has manifested itself in a variety of human society. In view of culture in general, it turns cultural anthropology at the level of empirical finding norms always terumus in every form of life of the citizens to be considered in the act. This is considered as the beginning of the emergence of legal anthropology. Classic works of Sir Henry Maine, entitled "The Ancient Law" in 1861 rated by many as the first work is the forerunner to the emergence of the legal anthropological disciplines.

Second, the view that legal anthropology should be derived from the Law, especially the science of comparative law. This opinion was expressed by Norbert Rouland.³ For different reasons, a second opinion was also expressed by I Nyoman Nurjaya saying that of the optical Legal Studies, Anthropology law is basically a sub disciplines empirical law which focuses on law science studies using anthropological approaches.⁴ Both of these views have a different starting point to see the law as an object. In view of the first to say that the legal anthropological derived from cultural anthropology, basing on thought or ideology, that the law is part of the culture and questions of law, assessment and conclusions made can not be released from a cultural perspective in it.⁵

Whereas a second opinion which sees the emergence of legal anthropology as a discipline law, especially comparative law, because actually there are similarities between the workings of the legal anthropology on the one hand and comparative law on the other hand, is to do a comparison a wide range of existing laws. Only the views of objects, methods and goals finally there is a difference between the legal anthropological comparative law. In legal anthropology, comparative study done on existing laws on nations East, Africa and Indian Americans, while the science of comparative law are ethnocentric, it focuses on the differences between the Roman and Common Law system, by simply giving the place the rest on the law of non-west.⁶ The second opinion is based on the diversity of the legal system as a source of cultural richness, meaning

¹ Ibid. Hal. 71-72

² Goerge Rizer (Muhammad Taufik-Penterjemah), Teori-Teori Postmodern, Penerbit Juxtapose Research And Publication Study Club Bekerjasama Dengan Kereasi Wacana, Yogyakarta, Cet-II, 2004. Hal 78.

³ Laura Nader (Fadjar-alih bahasa), Studi Antropologis Tentang Hukum, Penerbit Rhamadani, Solo, 1984. Hal. 13. Lihat pula S.R. Sianturi, Hukum Pidana Perbandingan, Penerbit Alumni AHM-PTHM Jakarta, 1983. Hal. 6.

⁴ Laura Nader, Studi Antropologis...., Op.Cit. Hal. 16. Lihat pula T.O. Ihromi (Penyunting), Antropologi dan, Op.Cit. Hal. 4.

⁵ Laura Nader, Studi Antropologis...., Op.Cit. Hal. 16. Lihat pula T.O. Ihromi (Penyunting), Antropologi dan, Op.Cit. Hal. 4.

⁶ I Nyoman Nurjaya, ."Antropologi Hukum, Perkembangan Tema, Kajian, Metodologi Dan Model Penggunaannya Untuk Memahami Fenomena Hukum Di Indonesia", Makalah Dipresentasikan Dalam Seminar Hukum Dan Pelatihan Pluralisme

that the law actually found in all forms of society, whether modern society or primitive, so they refuse to formulate an understanding of the law, because with the making of the understanding of the law and are considered universally applicable then this is fundamentally at odds with the understanding of the diversity of the law itself.

By not intend to see the differences of opinion on legal anthropology at the genealogy of science, because it has truth on the level of argument respectively, was on his way legal anthropology experienced rapid development, especially in view of law as its object, this progress happened because law as objects primarily interpreted as part of the culture that is dynamic in nature, which makes the legal anthropologists became aware of the substance of the law are so broad area of human life itself. This progress anthropologists Indonesian law such as: T.O. Ithromi, J.L. Valerine Kriekhoff, Sulistyanto Irianto of UI, I. Nyoman Nurjaya also acknowledged, they even tried to do perodesisasi against the development into phases,¹ the first phase as the initial phase focuses on the legal anthropological laws that exist in society are understated and the results of studies conducted show evidence that in primitive societies have always found the law. For example, *The Law Of Primitive Man* by Hoebel,² *Cheyenne Way* works Llewelyn and Hoebel,³ and *Kpauku Papuans and Their Law* of L. Pospisil⁴ are many classical works in the field of legal anthropology who showed him the evidence. Then the second phase is a phase that leads to concern how the unpretentious community using the law to resolve disputes that exist on them. The third phase focuses on how the legal anthropological beyond dispute mechanism, while the fourth phase is the phase where the legal anthropological study of legal pluralism and the implications that arise from.

Changes to the object of this study is caused by a few things first because the substance of culture is the background and values in the analysis of the law is all that vastness.⁵ So many areas of life such as politics, economics, language, ecology often assessed as part of the culture, and then used as the basis in the screening and conduct studies on the existence of such laws. Second, because of changes the legal anthropological study object can also be seen from the tendency of convergence of various social science today, which is a movement of the various social sciences and humanities to jointly look at the problems facing mankind.

In the development of studies, initially various social science disciplines, including anthropology in it, experiencing divergence which is a legacy of the nineteenth century the century in which the social sciences and humanities disciplines laid down as a social science that strict and rigid. Laying a clack and rigid discipline that is actually as a result of the effect of the inclusion of a variety of assumptions, Newtonian and Cartesian way of working in the social sciences. Then entered the twentieth century, the assumptions of Newtonian and Cartesian start asking back. This question is based on the reality that the world is a more unstable world, a much more complex world, a world where disturbances play a big role, people who experienced a change mondial, conditions which then raises the question of how to explain such complexity arises. In conjunction with this, the experts rather than not to trust the concepts put forward by Newtonian and assess the Newtonian concept is wrong, but that the systems of the time were reversible (reversible) stable, which is described in Newtonian physics are just merepresentasikan a segment Special and limited reality. Under these conditions came assessments that not only involves many disciplines or multidisipliner but also cross-disciplinary or interdisciplinary.⁶

This condition was also in other areas of law which is not merely seen as a question of prohibition norms and sanctions only, but it shows the political, social, cultural, economic and others. Therefore, it is not surprising that nowadays many other fields outside the law it is interested in seeing the law as one of the study object. With regard to the change in the object of study in anthropology this law, there is one interesting thing that turns the changes in legal anthropology not only in terms of its object, but the change actually occurs also at the level of paradigmatic and changes paradigmatic is then made various changes in the attitude of anthropology in view of the object that is the law. It is not easy to translate, let alone describe thoroughly, what exactly is meant by this paradigm,⁷ but definitely when talking about a paradigm almost everyone will link these problems on "Thomas Kuhn". This is not surprising since Thomas Kuhn was the one, as a philosopher of science who rated for the first time tried to dismantle, revealing what really is behind the work of scientists in developing science through his work "The Structure of Scientific Revolution". Thomas Kuhn saw that what was done by

Hukum Yang Diselenggarakan Perkumpulan Untuk Pembaruan Hukum Berbasis Masyarakat Dan Ekologis (Huma), Pada Tanggal 28-30 Agustus 2003. Hal. 2.

¹ Ibit. Hal 2-4

² Hoebel, E.A. *The Law Of Primitive Man*, New York Harvard University Press, 1954.

³ Llewlyn, K.N. Dan Hoebel, E.A. *The Cheyenne Way*, Norman University Of Oklohama Press, 1941.

⁴ Pospisil, L. *Kapauku Papuans And Their Law*, New Haven, Yale University Press, 1958 Dan Di Cetak Ulang Padatahun 1964 Oleh Human Relations Area Files Press.

⁵ M. Ainul Yaqin, M.Ed. *Pendidikan Multikultural: Cross-Cultural Understanding Untuk Demokrasi dan Keadilan*, Penerbit Pilar Media Jogjakarta, 2005. Hal. 27-28.

⁶ Immanuel Wallerstein (*Oscar-Alih Bhasa*), *Lintas Batas Ilmu Sosial*, Penerbit Lkis, Yogyakarta, 1997.

⁷ George Ritzer, *Sociology: A Multiple Paradigm Science*, Boston Allyn And Bocon, 1975, hal. 7.

scientists in the work can not be separated from the demands of ideology or belief held by scientists, beliefs or ideology is obtained from the previously accepted science, and then serve as the basis for its work.

Therefore Thomas Kuhn did not provide a definition of what is meant by the paradigm, but he used the term paradigm in two senses or understanding. The first paradigm is defined by her understanding the entire device beliefs, values, techniques that are owned by the community, the beliefs, values and this technique by Kuhn calls a "constellation". The second paradigm is defined by him as certain elements within the device, ie its approach to a problem of knowledge which is then used as a model or example to replace the model or the other as a basis for the solution to the problems that exist in science. The second sense is by Kuhn describes as "eksamplar" which means a high-quality example of a research which is then taken as a new model and ideal for a community of scientists.¹

Besides his understanding of the paradigm as mentioned above, through the work of Kuhn contributed his thoughts on the progress in science. According to the linear and accumulative development of a science it can not be accepted, but she finds precisely the development of science occurs when their rejection of the truth that had been held. Because according to what is done by other groups within a scientific community is usually not a continuation of the previous science, but getting out of the various anomalies by the scientific community previously seen only as an aberration alone. But the anomaly is considered as a deviation is then by a group of other scientists to conduct further research using different models with previous ones. And it turns out the answer to the anomaly was discovered, even with the other models of the anomalies had become a growing new science.²

According to Kuhn anomaly was in fact only the inability of the previous model or paradigm of looking at the reality in front of these scientists, for scientists in looking at the problems that they do already stuck or trapped on the model, beliefs and values that have been entrenched in the minds of the scientists. So when other problems arise and have a different character with the existing beliefs, scientists are considered as anomalous, often blamed for things that are not scientific. In the case according to Thomas Khun anomalies could be a new paradigm when paradigms previously felt no longer able to solve various puzzles and problems that exist, then through agreements such anomalies will rise to the surface as an alternative to the previous paradigm. In law, what was described by Thomas Kuhn will this anomaly ever rise to the surface when the paradigm Postpositivisme, Critical (Critical Legal Study) and Constructivism surface.³ The last third paradigm is essentially based on dissatisfaction rise to the surface in view of various assumptions, theories, hypotheses are constructed and how the paradigm of positivism, which has been assessed reducing actual legal facts and rated the inability to see a variety of legal anomalies that actually exists in society.

Critical paradigm (Critical Legal Study) for instance considered that positivism paradigm has undergone significant criticism, especially on the pillars of objectivism and formalism.⁴ Formalism referred to in the paradigm of positivism is a form of commitment that deduction assessed the only method or way that would provide a solution capable of determining the particular legal situations. formalism believe imparsonalitas objectives, policies, and rules of law as the component-component inevitability of legal thought.

In this formalism also awakened the belief that the doctrine of law can only be enforced if the doctrine of the manifest must be set aside from various political precedent. Analysis of the law made a conceptual space that combines two characteristics at once: first the will to work on the materials specified law institutionally in a tradition of collective existing and both claim to speak authoritatively according to terms of the tradition and parse them to - at least in finally-affect its implementation through state power.⁵ While on the pillars of objectivism put the belief that material authoritative law-like system of law, precedent, and the ideas established legal-add and maintain the pattern of human relationships can be preserved. They showed, though always imperfect, that law is the most perfect social order when compared with other social order, good morals, decency and decorum.⁶ Even through this objectivism legal meaning is already contained in the various forms of legislation can be found universal meaning.

In terms of the view of the critical paradigm, the real law can not be localized strictly to the wide range of interests, both political, economic as well as a wide range of ideologies. Starting from the process of law making to the efforts of the interpretation and application of the law itself. Claim objectivism as a form of confidence that the law will be speaking the same in all people (Equality Before The Law) turned out to be only

¹ Lihat pula Guba dan Lincoln, *Competing Paradigms*, Op.Cit. Hal. 108.

Thomas Kuhn, *The Structure of Scientific Revolution*, 3rd Edition, University Of Chicago Press, Chicago, 1978. Hal. 75.

² Thomas Kuhn, *Ibid.* Hal 19.

³ Guba dan Lincoln, dalam N.K. Danzin dan Y.S. Lincloln (Ed) Op.Cit., Hal. 108.

⁴ Roberto M. Unger (Ifdhal Kasim-Penerjemah), *Gerakan Studi Hukum Kritis*, Penerbit Lembaga Studi Dan Advokasi Masyarakat (Elsam), Jakarta, 1983, hal XXVI

⁵ Roberto M. Unger (Ifdhal Kasim-Penerjemah), *Gerakan Studi Hukum Kritis*, Penerbit Lembaga Studi Dan Advokasi Masyarakat (Elsam), Jakarta, 1983, hal XXVI

⁶ *Ibid*

a kind of myth, because in reality under the umbrella of objectivism in fact the law only provides services and gains on a strong group of people only. On this side of the paradigm of positivism was judged to have experienced failure in seeing the real issue, because the assumptions built has reduced the actual reality of the law itself.

Criticism or even a hard hit against the paradigm of positivism arose when Charles Sampord see the other side of the law by legal experts berparadigmakan positivism regarded as something that is not legal, and the works of Charles Sampord is among jurists known as "Theory of Keos" (Chaos Theory of Law).¹ Charles Sampord not just want to see something by the lawyer most-meaning that wing positivism as something that is not legal, but it is much more than that Charles Sampord also want to critique the various foundations that have been laid out and used as the basis for the legal positivism in see, conceptualize and actualize the meaning of the law. As is common knowledge positivist legal experts see the law in the perspective of the system, and this system for the positivist or for understanding many legal circles is a central feature of the law itself. In the perspective of the system, dikonstruksinya society as a form of order and between one system and other systems work systematically.

Construction organized communities who first attacked and Sampord as evidenced by the incorrect form of the condition of society. Indeed the public in view Sampord always in condition and uncertain situation or keos, uncertainty is also likely to lead to a variety of events that exist in society can not and can not be predicted in advance. The community continues to move toward an uncertain and this translates into a dynamic form of society itself. The movement can not be described as a form of motion that symmetry but actually show motion asymmetry.² This asymmetry of movement influenced a wide range of motion and strength in society, ranging from power (power) from various sources (resources) that exist.³ Based on Charles Sampord is then argued how the law might be formed or erected on a foundation assumption ordered society, because their reality of people actually showed irregularities. And on this side precisely Sampord say that what is understood by the legal positivism about the condition of the communities had already reduced the actual facts and reality, and a vision that sees the law as a system is by Charles Sampord rated as an orthodox view.⁴

Therefore, according to Charles Sampord is closer to reality and the social fact if the law was awakened just not of the conception and construction-paced society regularly, but in people who are not regular, attract each other of the various components and in social relations always moving towards that can not be predicted in advance. Back to the changes or leap paradigmatic (paradigm shife) in the science of law, the views of Charles Sampord this may be an attempt Charles Sampord in view of the law on the other hand, where the other side it is an irregularity, it is precisely in jurisprudence positivist believed to be an anomaly just so something that is not considered legal.

Without exception, what is proposed by Thomas Kuhn about the leap or paradigm shift stretcher was also experienced by legal anthropology, meaning that the shift paradigmatic happened-with no intention of doing to simplify and reduce the meaning of changes paradigmatic (Postpositivisme and Paradigm Critical) a greater emphasis on the paradigmatic change of positivism to constructivism-the legal anthropological paradigm because of their dissatisfaction with the previous positivism.

F. CONCLUSIONS

1. Construction of pluralism, as it contains the meaning of the discourse that objective, as well as the ideal value of an order of life. Meaning that this objective references in the level of real-life reality of a plural, whether ethnic, religious, cultural, political and legal. Meanwhile, in the meaning that is ideal, pluralism as a discourse, which also includes a follow illokusioner form of the obligations arising, and must be realized in order of social life. Pluralism is not much different from postmoderen era, and this is certainly strengthens the position of pluralism as an ideology, because in it various forms of absolutism assessed and treated universally denied its existence. Not just any other modality that exists, but in pluralism acknowledged. Differences that underlie this life gained its place in the ideology of pluralism. At this stage, and this is where pluralism as an ideology obtain a strong position in the era postmoderen.
2. The study of legal pluralism has developed, which in its early development activity was focused and directed at the legal mapping (Mapping Of Legal Universe) that exist in society in a country. However yahap is felt not enough, because in reality many problems arise in respect of the meeting of this law. Therefore, legal pluralism began directing at various interaction or interplay between the various legal systems in society (macro level). Keterarahan on this interaction certainly based on the fact that the

¹ Lihat Charles Sampord, *The Disorder of Law: A Critique Of Legal Theory*, Basil Blackwell, Ltd, 1989.

² Ibid. Hal. 166.

³ Satjipto Rahardjo, "Rekonstruksi Pemikiran Hukum Di Era Reformasi", Makalah Seminar Nasional Menggugat Pemikiran Hukum Positivistik Di Era Reformasi, Semarang 22 Juli 2000. Hal 16-17.

⁴ Ibid. Hal. 1-3

- various legal systems attempt to try each influences the society in the particular field.
3. Legal awakened not from the conception and construction of orderly society, but the people who are not regular, attract each other of the various components and in the social relations that are always moving towards that can not be predicted in advance. Changes or paradigmatic leap (paradigm shife) in the science of law, namely to see the law on the other hand, where the other side it is an irregularity, it is precisely in jurisprudence positivist believed to be an anomaly just so something is considered not legal. Leap or paradigm shift stretcher was also experienced by legal anthropology, meaning that the shift paradigmatic happened-with no intention of doing to simplify and reduce the meaning of changes paradigmatic (Postpositivisme and Paradigm Critical) a greater emphasis on the change in paradigmatic of positivism to constructivism in legal anthropology, because of their dissatisfaction with the previous paradigm of the positivism.
 4. Search is critical of the concept of pluralism, there are at least six ethical values when pluralism is accepted as an ideology or morality in life, namely: First; recognition or acceptance of difference, second; rejection of absolutism, third; acceptance of relativism, fourth; recognizes equality as a concept of life, the fifth; mengakuai the other (the others) as well as the sixth; opening a space for dialogue and communication. Sixth attitude of ethics that arise in conjunction with the recognition of this pluralism is the substance of pluralism itself, so that the various problems that arise both in the form of fear and distortions of the meaning of pluralism itself actually according to the author is more due to not yet understood four implikasi ethics emerging from pluralism itself.

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