

Hukum rakyat : a La Friedrich von Savigny

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Abstrak

The presented paper will outline the thoughts and life (briefly) of Savigny. Savigny that has been known as a folk jurist is an aristocrat who persistently opposed the idea of codification of German law based on Napoleonic code. For him, the Germany has its own law (it is the law of the people of Germany) that neither plainly compared by French law nor be measured up to Napoleonic Code. Savigny lived in the romantic epoch that was too cynical with rationalism. There was a tension between rationalism and romanticism. Therefore the notion of people's (folk) law would be weighed more by the romantic notion on people. This Paper is not aimed to give an evaluation toward the idea of Savigny, except providing a description on Savigny 's thoughts comprehensively by way of encyclopedic explanation. The short critical notes would be pat necessarily.