

Politics Of Law in The Perspective of National Law Development

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Abstract. The advancement of public regulation in Indonesia is exceptionally corresponded with everything going on and state of the current political framework. This actually intends that over the course of the Republic of Indonesia there have been political changes in view of the time of the period of force. In accordance with these political changes, the personality of legitimate items has additionally changed. This change happens on the grounds that regulation is a political item, so the personality of the legitimate item changes assuming the governmental issues that brought forth it change. The great desire for the Indonesian people since independence until the reformation to continue to improve, replace or perfect the constitution of the 1945 Constitution has become part of the development and renewal of national law. It is necessary that irrelevant laws and regulations become a priority scale for legal development in post-reform Indonesia. The improvement of public regulation through a legitimate political methodology is a fundamental arrangement of state heads in the field of regulation that will, is at present and has been active, which is obtained from the qualities winning in the public arena for the sought state objectives. The problem and the method of approach to solving the problem are how to realize legal ideas and objectives in accordance with the concept of national law development with the Pancasila philosophy. The method of problem-solving approach is carried out through a normative approach which is studied and described descriptively. The result of the discussion is that legal development was formed in order to realize the ideals of the Republic of Indonesia. The overall orientation in the development of law serves as a basic guideline in the process of determining values, implementing, establishing and developing law in Indonesia. This means that, both normatively and practically functionally, state administrators must make the component responsible for the realization of national law development based on the Pancasila philosophy as the first and main reference in these processes. During the time spent regulation development, there is a political origination and power, in particular that regulation is pretty much generally a political apparatus, and that the spot of regulation in the state relies upon the equilibrium of legislative issues, power, the advancement of political, monetary, social philosophy, etc. There is a legitimate space for the entry of a political process through political institutions to form a legal product. In the context, the development of the law is none other than in the context of realizing Indonesia which has the title of a state of law and upholds the law in every breath of the life of the Pancasila philosophy in the state.

Keywords: Development Law Politics

1 Introduction

Since Indonesia's autonomy until the reorganization of the Indonesian country, it has not yet had an overall set of laws that is simply gotten from the socio-social upsides of the Indonesian country itself, but the state can take advantage of several laws and regulations left by the Dutch colonial government. Nevertheless, the legal development efforts to date have always been carried out by improving, and even perfecting the constitution in the form of articles in the 1945 Constitution, making changes. The advancement of public regulation in Indonesia can't be isolated from the verifiable setting. This truly intends that over the course of the Republic of Indonesia there have been political changes on the other hand between fair governmental issues and tyrant governmental issues. This change happens in light of the fact that the law is a political item, so the personality of the legitimate item changes assuming the governmental issues that brought forth it change.

Furthermore, since the 1998 reformation period, there have been representative and progressive repeals and changes to various laws, as well as the enactment of new laws according to the needs of political administration and governance. What's more, changes have additionally happened to higher regulation, specifically the annulment of the Decree of the People's Consultative Assembly (Tap MPR) and revisions to the 1945 Constitution (UUD). Legal development in Indonesia can be carried out through improving the legal system that covers all important areas that make the system able to work well. Concepts and procedures in procedural law, including state administrative procedural law, are part of the development of a legal system that prioritizes aspects of the Pancasila philosophy as the source of all sources of legal order.

The concept of legal reform can be an option with the addition of the possibility of creating a new field of legal education, a system of legislation and enforcement institutions and legal services, including an understanding in addressing the importance of resolving any legal conflicts related to the interests of public administration in the administration of government and state administration. The great desire for the Indonesian people since independence to reformation to continue to improve, replace or perfect the constitution of the 1945 Constitution has become part of the development and renewal of national law based on the Pancasila philosophy. It is fundamental that unessential regulations and guidelines become a need scale for lawful advancement in post-change Indonesia. The improvement of public regulation through a legitimate political methodology is an essential strategy of state executives in the field of regulation that will, is at present and has been active, which is obtained from the qualities winning in the public arena for the aimed state objectives.

The problems and problem-solving methods that are raised in this paper are how to realize legal ideas and objectives that are in accordance with the concept of national law development with the Pancasila philosophy. The problem-solving approach method is carried out through a normative approach which is studied and described in a descriptive analysis.

2 Discussion

Legal development was formed in order to realize the ideal goals of the Republic of Indonesia based on the Pancasila philosophy, that a comprehensive orientation in legal development will serve as a basic guideline in the process of determining values, implementation, formation and development of law in Indonesia. This means that, both normatively and practically functionally, state administrators must make the component

responsible for the realization of legal development as the first and main reference in these processes.

In the process of law formation, there is a political conception and power, namely that law is more or less always a political tool, and that the place of law in the state depends on the balance of politics, power, the evolution of political, economic, social ideology and so on. There is a legitimate space for the entry of a political process through political institutions for the formation of a legal product, a legal process is sometimes identified with the intention of forming a law, the core of which is the conception and political power that prevails in society which will determine the formation of a legal product.

Therefore, it should be noted for lawmakers that it is important to pay attention to the voice of the majority of the people who do not have access to influence public opinion, do not have access to influence political policies, so that legal development is of high quality and integrity. This is where the role of the elected representatives of the people through the existing democratic mechanism in the structure and political infrastructure is to protect the interests of the majority of the people, and to fully understand the norms, rules, interests and needs of the people so that the values of legal development produce positive laws that provide benefits, justice and legal certainty.

Philosophically ideologically, a legal reform, starting from a very basic thing, namely the concept. The law in the concept always does not come out of its normative nature and it contains the meanings of values about justice, propriety and so on. In the context of the Legal Development theory approach, [1] according to Mochtar Kusumaatmadja, it is known that there are 2 (two) aspects behind the emergence of this legal theory, namely: To start with, there is a presumption that the law can't assume a part and even blocks cultural change. Second, in all actuality in Indonesian culture there has been an adjustment of the idea of individuals' reasoning towards current regulation. [2]

According to Mochtar Kusumaatmadja, the law is expected to function more than that, namely as a "means of community renewal" "law as a tool of social engineering" or "a means of development" with the following main ideas [3]:

Law is a "means of community renewal" in light of the presumption that the presence of request or request being developed and recharging endeavors is something wanted or considered (outright) vital. One more suspicion contained in the origination of regulation for of reestablishment is that regulation in the feeling of legitimate principles or guidelines can to be sure capacity as an instrument (controller) or a method for improvement in the feeling of diverting the heading of human movement toward the path wanted by advancement and restoration.

In relation to the function of law, Mochtar Kusumaatmadja provides a definition of law in a broader sense, not just in general of the standards and decides that oversee human existence in the public arena, yet additionally incorporates organizations and cycles.) which exemplifies the utilization of these standards in all actuality. [4]

Legal reform in Indonesia is in the context of carrying out legal improvements, both in terms of legal development and legal development, namely both in the sense of all activities that lead to national law reform based on the Pancasila philosophy in the sense of creating and perfecting legislation on the one hand and on the one hand. order to maintain and grow all activities in the field of law which include reforming the law itself.

Thus, that legal development must start from the system because by starting from the system, the holistic scope of legal reform will be more actual. The purpose of the law will never be realized, because legal certainty and usefulness have no role in providing legal protection for the interests of the wider community.

Politics in the law is a strategy, while the legal substance is different from where the legal system coordinates the law to work. Placing the political element as the main part of the operation of law in a legal system is more based on purely political power, while law and power are not the same. The law that gives birth to power while the main task of power is to maintain the law in the sense of participating in realizing the ideal goals of law.

The perspective of legal ideas in the legal system is found in the organs of a country such as the executive, legislative and judicial circles which essentially implement a legal idea. The role of the executive, legislature and judiciary triggers and spurs the movement of law in certain time, place and circumstances by carrying out a legal mission, namely realizing the values of justice, certainty and benefit in law.

Such implementation carried out by the three state driving agencies is essentially a functional sociological effort and at the same time illustrates the role of a legal system, that in addition to containing legal concepts, it is also proven that there are legal ideas to be applied as legal concepts in the context of realizing justice.

Legal definitions and ideas clearly describe how a legal system works by connecting the meanings of justice and injustice. In Indonesia, the Pancasila philosophy leads to the concept of justice being placed as it should be, which in turn produces legal politics in the formation of legislation to provide legal protection for the community, including to obtain justice.

Development in the idea of law should be in one package of the objectives of the law itself. If so far the purpose of the law is still with the pattern of looking at issues of justice, benefits and legal certainty that are discussed in a separate section, it must be changed as a complete discussion. The development of a national law based on the Pancasila philosophy through the means of the system would be better if the three principles were used as the legal final goal.

The development of Pancasila-based national law in the legal system in Indonesia is seen as very necessary. It is a fact that we do not yet have an ideal national legal system. A system is said to be ideal if it accommodates legal values as the essence of the national legal culture. The existing law is a law that is full of western philosophy and does not rely on Pancasila as the philosophy of the Indonesian nation.

Furthermore, that the situation and conditions in Indonesia are undergoing various changes. Some of the phenomena of change include a paradigm shift in political and constitutional life in Indonesia. The Reformation Era brought us to the weakness of national development law politics. Furthermore, the reform era has led us to be more progressive in responding to the development of national laws based on the Pancasila philosophy.

3 Conclusion

The development of Pancasila-based national law, which includes both reform and development, must rely on the system itself because if the system does not provide an opportunity for the executor to do something bad, then he cannot do that act or at least acts against the system will be very easy to detect and in the end. in the end it will help a lot in terms of the need for law enforcement efforts. The development of Pancasila-based national law, both in terms of renewal and the creation of legal elements, is carried out in the context and content of the legal system. In the context, the development of the law is none other than in the context of realizing Indonesia which has the title of a state of law and upholds the law in every breath of state life. For this reason, development must be carried out thoroughly on every element that makes the legal system more real, better able to regulate the subsystems in it. Legal development does not only depend on political will, but it requires state courage to determine which legal system is good with all the consequences.

References

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