National Legal Development Principles to Support Development

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Abstract. The advancement of public regulation in Indonesia can't be isolated from the authentic setting. 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 a lawful item changes assuming the legislative issues that brought forth it change. During the 1998 change time, for instance, there were changes to different regulations. Conversation, that; Legitimate improvement in Indonesia can be brought out through further developing the general set of laws which covers immensely significant regions that make the framework work appropriately. Ideas and methodology in procedural regulation including state regulatory procedural regulation are important for the turn of events and general set of laws that merit examination or even assessment, so the execution of procedural regulation isn't hurt by regulation authorities. It very well may be a choice with the extra chance of making another field of legitimate training, regulation framework and policing and benefits remembering understanding for the significance of settling any lawful struggles connected with the interests of policy management in administration and protected organization.

Keywords: Legal Development, Principle Supporting, Development

1. Introduction

From Indonesia's freedom until the transformation of the Indonesian country has not had a general set of laws that is simply obtained from the socio-social upsides of the Indonesian country itself however uses legal guidelines left by the Dutch frontier government.

In any case, endeavors to foster regulations as of recently have forever been done by fixing, and in any event, supplanting or idealizing the articles in the 1945 Constitution which many gatherings consider that there are articles that are presently not applicable to the times by supplanting new regulations that start from social qualities. the Indonesian country by the advancement of Indonesia as of now.

The advancement of public regulation in Indonesia can't be isolated from the verifiable setting. This intends that over the course of the Republic of Indonesia, there have been substituting political changes (in light of the time of the political framework) between just legislative issues and dictator legislative issues. In accordance with these political changes, the personality of lawful items has likewise changed. This change happens in light of the fact that the law is a political item, so the personality of a legitimate item changes assuming the governmental issues that brought forth it change.

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During the 1998 change time, for instance, there were changes to different regulations, like regulations on ideological groups, races, and the piece and position of the MPR, DPR and DPRD, and others. Moreover, changes additionally happened in higher regulations and guidelines, in particular the abrogation of the Announcement of Individuals' Consultative Gathering (Tap MPR) and changes to the 1945 Constitution.

Lawful improvement in Indonesia can be brought out through further developing the overall set of laws which covers immeasurably significant regions that make the framework work appropriately. Ideas and techniques in procedural regulation including state regulatory procedural regulation are essential for the turn of events and overall set of laws that merit examination or even assessment so the execution of procedural regulation isn't hurt by regulation authorities. It very well may be a choice with the extra chance of making another field of legitimate schooling, regulation framework, and policing and benefits including understanding the significance of settling any lawful struggles connected with the interests of policy management in administration and protected organization.

The incredible craving for the Indonesian nation from freedom until reconstruction to keep on improving, supplant or consummate the 1945 Constitution has become piece of the turn of events and recharging of public regulation. Invigorating unessential regulations and guidelines has turned into a need scale for lawful improvement in post-change Indonesia. The improvement of public regulation through a legitimate political methodology is the fundamental strategy of state chairmen in the field of regulation that is destined to be, is being, and has been active, starting from the qualities winning in the public arena for the objectives of the country to seek to.

Subsequently, lawful advancement is shaped with regards to understanding the objectives of the beliefs of the Republic of Indonesia. A general direction in the improvement of regulation is vital in light of the fact that it will act as an essential aide during the time spent deciding qualities, carrying out, laying out, and creating regulation in Indonesia. This truly intends that, both normatively and basically practically, state managers should make the part answerable for the acknowledgment of legitimate advancement the first and preeminent reference in quite a while.

During the time spent shaping regulation, there is political origination and power, in particular that regulation is consistently a political device, and that the spot of regulation in the state relies upon the equilibrium of governmental issues, power, the development of political, monetary, social philosophy, etc. From this reality, it is understood that there is a genuine space for the passage of a political cycle through the gathering of political organizations for the development of a lawful item. In this association, the legitimate cycle being referred to isn't recognized to shape a regulation, however by and by, the cycle and elements of regulation development frequently experience exactly the same thing, in particular the origination and political power that wins in the public eye which decides the arrangement of a lawful item. So to comprehend the connection among legislative issues and regulation in the advancement of public regulation in any country, it is important to concentrate on the social foundation, the economy, political powers in the public arena, the state of state establishments, and their social construction, aside from the lawful organizations themselves.

Along these lines, legislators need to take note of that it is essential to focus on the voices of a great many people who don't approach impact general assessment and don't approach impact political strategies so lawful improvement is the fate of value and respectability. This is the job of individuals' delegates who are chosen through the current vote based systems political designs and foundation to shield the interests of most individuals, and completely grasp the standards, standards, interests, and needs of individuals so the upsides of legitimate

improvement produce positive regulations that give the advantages of a fair and legitimate regulation.

The issues raised as a review are; The means by which to understand the Framework, Thought, and Lawful Goals following the idea of public legitimate turn of events?

2. Research Approach

In order to facilitate solving existing problems, the authors conducted a normative research approach which was then studied qualitatively.

3. Discussion

3.1 Legal Development Concept

Development always wants to be interpreted as change, which is carried out in various ways with the ideal goal of achieving a better state than whatever existed or was ever obtained.

The major perspective that generally exists in the classification of advancement is improvement. In the domain of regulation, upgrades will generally be named as amendments that can be done either in entire or simply to some extent as per needs, conditions, and furthermore by the times.

From a philosophical and ideological standpoint, a law reform begins with the concept. Every field has its own idea. The idea of financial matters is unique in relation to legislative issues, and furthermore not quite the same as regulation. In the fields of economics, politics, and law, obligations and rights are possible. However, the legal perspective will still differ depending on the goals that need to be achieved. Conceptually, the law never departs from its normative nature and contains principles of justice, decency, and other values. The idea decides the heading of an improvement exertion and in this way great advancement is an improvement in light of an idea; likewise, it must have a concept in the sense of revision. With that idea, improvement turns into a quantifiable and quantifiable movement.

A concept is meaningless without further action. This means that what is contained in it should ideally come to a practical level. The mechanism in which the concept is to be realized is related to procedures or procedures. The two are closely related so it is always found that concept revisions are always coupled with procedural revisions. Such an attachment creates a functional phenomenon that both of them act as a system.

With regards to the legitimate improvement hypothesis approach, which was advanced by Mochtar Kusumaatmadja, it is realized that there are 2 (two) viewpoints hidden the development of this lawful hypothesis, namely:[1] First, there is a supposition that regulation can't assume a part or even prevent cultural change. Second, as a general rule in Indonesian culture, there has been an adjustment of individuals' reasoning towards present day regulation.

As per Mochtar Kusumaatmadja, the principal reason for the law, when diminished to a certain something, is the essential necessity for a methodical society.[2] One more objective of regulation is to accomplish equity, which differs in satisfied and size, as per society and time.

Moreover, to accomplish request, endeavors are made to have lawful sureness in human relations in the public eye, since it is beyond the realm of possibilities for people to ideally foster the gifts and capacities that God has given them without legitimate assurance and request. The

capability of regulation in a creating Indonesian culture isn't sufficient to ensure conviction and request.

Additionally, Mochtar Kusumaatmadja [1] asserts that the law is intended to serve as a "development facility," "means of community renewal," or "law as a tool of social engineering," with the following as the primary goals: Regulation is a "method for local area restoration" in view of the presumption that there is consistency or request in the turn of events and recharging exertion is something wanted or considered (totally) essential. One more suspicion contained in the origination of regulation for of restoration is that regulation in the feeling of lawful guidelines or guidelines can to be sure capability 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 recharging.

Context benchmarks are the core of the Legal Development Theory created by Mochtar Kusumaatmadja, namely:[3]

a) Order or consistency with regards to reestablishment or improvement is something wanted, even considered to be outright;
b) Law in the feeling of rules or legitimate guidelines can without a doubt work as an administrative apparatus or method for improvement in the feeling of diverting the ideal heading of human action towards reestablishment.

The expected function of law, aside from its classical function, can also function as a guide in building to form a society to be achieved the goals of state life. Concerning the capability of regulation, Mochtar Kusumaatmadja characterizes regulation from a more extensive perspective, not just all in all of the standards and rules overseeing human existence in the public eye yet additionally incorporates establishments and cycles.) which encapsulates the sanctioning of these guidelines in all actuality.

A normative approach solely to law is not enough if you want to carry out legal development. As per Mochtar Kusumaatmadja, "Satisfactory regulation should not just view the law as a bunch of decides and rules that oversee human existence in the public eye however should likewise incorporate the organizations and cycles expected to make the law a reality".[1]

Various events can lead to the emergence of improvement efforts both in the form of conceptual and procedural revisions to become dynamics in legal development. Several events have made it not just a revision in the context of development, but more than that, namely leading to truly new creations (invention) and not just in the sense of finding something that existed before (discovery), enrichment of good and correct implementation to enhance and sharpen the quality of law in Indonesia.

Legitimate change in Indonesia is a language that is progressively being voiced with regards to making lawful enhancements both in the feeling of legitimate turn of events and legitimate turn of events, that is to say, both in the feeling of movements of every kind that lead to lawful recharging in the feeling of making and idealizing legal guidelines from one perspective. as well as with regards to keeping up with and developing movements of every kind in the field of regulation which remember the reestablishment of the actual law for the other hand.

Many thoughts arise to achieve improvements in the field of law. Institutions that are seen as playing a major role in the field of law are the first shots in the context of legal reform. The Supreme Court as the last bastion of justice cannot escape the objective of in-depth thought toward improving the world of law in Indonesia, including the judicial institutions under it. Successively then the Attorney General of the Republic of Indonesia, the Police of the Republic of Indonesia, and other institutions, for example, advocacy. Improvement in the institutional

sector, to achieve legal improvement in Indonesia, is the idea of improving the legal system itself.

The outcomes of progress through the framework will incorporate a few central things, in particular in regards to the legitimate schooling system, recharging of the legal framework or legitimate guidelines, reestablishment of acknowledgment of policing remembering changes for the field of lawful administrations to the more extensive local area. The latter includes the judiciary, prosecutors, and police, which have received a lot of attention up to this point.

As a result, it is true that legal development must begin with the system because this is the only way the comprehensive scope of legal reform will be realized. The improvement will only be partial without this coverage, and the law may change dramatically. Because legal certainty and benefits do not contribute to the provision of legal protection for the interests of society as a whole, the purpose of law will never be fulfilled.

3.2 System, Idea, and Purpose Of Law

As per Satjipto Raharjo, the fundamental comprehension contained in the framework concerns the presence of an objective, the entire (comprehensive quality), collaborating with the bigger framework, change, and similarity with each other (connectedness); and there is a binding together power that ties the framework together.

In view of the framework qualities, the general set of laws can be deciphered as an assortment comprising of different components, in particular standards, standards, ideas, and speculations that are interrelated with one another and furthermore impact each other in a legitimate "building". The linkage between the elements is caused by the existence of a principle and or several principles, while the mutual influence is more due to differences in concepts between the elements themselves. Examining the legal system can mean discussing the description of how the law appears or how the law exists in the sense of the operation of something called law. Discussing the legal system also means thoroughly reviewing what and how the law works from a systems approach.

The activity of regulation can't be isolated from the presence of a lawful structure. As a deliberate structure, it has a few significant things as supports, specifically construction, classes, and ideas. These three components possess a basic substance where regulation attempts to then assume a part which as per John Rawls turns into "a coercive request of public standards addressed to objective people for Tahune reason for directing Tahuneir lead and giving Tahune system to social collaboration".

Obliging John Rawls' view, as per Hari Chand, the activity of this regulation is because of the presence of a few functional rationalities that satisfy the three particular parts of "significant worth, right and moral world, connects with social and foundations." The two designs and classes inside a framework are driven by the actual framework to keep the law alive locally climate and simultaneously join the local area itself to stay in the framework.

The presence of construction and classification demonstrates the presence of a designed solidarity. Stufenbau's hypothesis from Hans Kelsen can be utilized to legitimize this with the presumption that there is a Ground standard that is at the highest point of the levels and classes underneath it. Ground norm is like a fuel that drives the entire system and results in mutually binding and complementary (at least related to one another), which is guided by the values contained in the form of legal principles. Hans Kelsen in his Normative Year of Law concluded that; the legal system". is made of a pecking order of standards. Every standard is gotten from its prevalent standard. Tahune extreme standard from which each legitimate standard derives its legitimacy is Tahune the most elevated fundamental standard.

The conception of law is always there and is something that cannot be avoided in a legal system. How the law is understood, what kind of legal description becomes an idea, and what kind of law arises from human needs is a form of deep thought from humans to understand the law itself.

The characteristic of a complex system, for example, indicates that the law to be studied has a position as something that cannot be looked at as simple, something that is certainly complex in nature. Due to such circumstances; various concepts of thought arise depending on what aspect of the law is to be studied. It is also related to the existence of other social sciences such as sociology, anthropology, and political science itself, apart from the fact that it is originally in the study of pure legal science.

The consequence of such an approach is that whatever constitutes an element of a system, that element is also used to identify the law in question. The interrelatedness of various scientific disciplines creates different concepts of law itself accompanied by differences in various ways of looking at law, which from these differences give rise to various schools of law and legal theories in the world. The only similarity in a system is the law and the legal system all lead to efforts on how the law can achieve its goals.

The concept of law and legal theory in the system brings the law closer to the problem of the role as well as the function of law. People (including in the institutional sense) can do something of their will through the use of the law. This is where the entry into the world of politics begins, as well as this is where the causal relationship between politics and law becomes more significant.

On another point of view, Mahfud MD describes causality with the expression: In empirical reality, the law is born as a reflection of the underlying political configuration. The sentences contained in the rule of law are nothing but the crystallization of competing political wills. In reality, it is seen that politics is very determines the operation of the law.

Although there is some truth to Mahfud's opinion that the operation of law is determined more by political power, placing politics and its power as the main element in the legal system is not quite right: Legislative issues in regulation is just a methodology while the substance of the law is unique in relation to the overall set of laws that facilitates regulation to work. Putting the political component as the fundamental piece of the activity of regulation in an overall set of laws is put together more exclusively with respect to political power, while regulation and power are not something very similar. The law brings forth power while the primary undertaking of force is to safeguard the law in the feeling of partaking in understanding the best objectives of the law.

In the order of praxis as an example, the role, as well as the function of law, can be seen concerning state policy. Roscoe Pound's theory (1870-1964) in Law as a tool of social engineering describes a major social function to change society in a better direction. A concept that supports the Sociological Year of Law in the Jurisprudence of Interests.

Roscoe Pound argues that law is used to guarantee interests with three main categories (a) public interests; (b) individual interests; (c) social interests, this is an advanced view of Philip Heck (1858-1943) who held the view that the duties of a judge are not only to fulfill specific orders (legal rules) but also to protect the totality of interests. This concept was embraced in Indonesia and interpreted sweetly in the Soeharto era as a means of renewal (community development).

The overall set of laws as a structure contains legitimate thoughts, as per Prof. Koesnoe [4] can be a proportion of regardless of whether a standard can be integrated into regulation locally concerned. In light of the assessment of Prof. Koesnoe, it tends to be presumed that the possibility of regulation is an "identifier" to check whether the law exists in a specific local area,

which simultaneously stamps regardless of whether a standard has legitimate worth. Moreover, inductively that the presence or nonappearance of an overall set of laws will not entirely set in stone by legitimate thoughts. In the event that there is no legitimate thought in a framework, naturally there is no general set of laws. Prof. Koesnoe concludes that not all of these regulations can be called legal regulations; only those that have legal value can be called legal regulations and the rest are ordinary regulations.

Lawful thoughts experience equity as Radbruch accentuated that legitimate thoughts contain issues of equity. In any case, likening the possibility of regulation as the objective of regulation as expressed by Radbruch isn't exactly correct. The legitimate thought isn't the objective of regulation yet rather the essential appearance of a lawful construction. The possibility of regulation can be compared to a vehicle, yet it can't be said that a vehicle is just for one reason; we can utilize one vehicle to different objections that we need.

The point of view of legitimate thoughts in the general set of laws is tracked down in the organs of a country, for instance, the chief, regulative, and legal executive which basically carries out a lawful thought. The job of the chief, authoritative and legal executive triggers and prods the development of regulation in the direction of time, place, and certain conditions via completing the legitimate mission of understanding the qualities as implied by Gustav Radbruch as equity, conviction, and advantage in regulation. Accordingly, it tends to be presumed that there then tracked down the perfect arrangement of ideal legitimate purposes. Such an execution did by the three state Haactuators is basically a utilitarian humanistic exertion and simultaneously delineates the job of an overall set of laws, that as well as containing a legitimate idea, there is likewise proof of a lawful plan to be applied as a lawful idea with regards to acknowledging equity.

Lawful definitions and thoughts obviously depict how a general set of laws functions by connecting the implications of equity and foul play. When injustice arises, the system begins to work by applying principles, and concepts, and including rules to return it to an opposite condition, namely justice. The debate between the two shows that the legal system becomes a media tool in terms of law being implemented, which is described by James K. Feibleman [5] as: "If justice is a system of order, injustice is a disorder ...", and the legal system regulates between the two.

Understanding law from a systems-patterned point of view, one can understand why among jurists there is a debate about whether a law exists in the sein realm (empirical reality) or in the sollen realm (a necessity that exists only in the psychological realm). At the same time, it is understandable why views arise neutral that the law exists in both the sein realm and the sollen realm.

The influence of a neutral view that considers law to exist both in the context of "sein" and "sollen" has had an impact on the development of the legal system in the world. Law is a manifestation of values, and values are the essence of culture, and culture itself is the foundation of law. The development of culture gave rise to new developments regarding law which aspired to meet the needs of a particular nation's community. The legal system develops as if there is no longer a universal legal system and on the contrary, the legal system moves towards a more specific, specific, and limited by the culture of each community.

Inevitably the development of the legal system is then more oriented to the needs of the community (based on social needs). The law develops in rhythm with the times and therefore the development of the law must be sustainable and remain in a systematic nature and not partially.

Improvement in the possibility of regulation ought to be in a bundle from the reason for the actual law. On the off chance that this time the point of the law is still with the example of

taking a gander at issues of equity, the advantages and legitimate conviction that are examined in a different segment should be changed all in all conversation. The advancement of the law through the method for the framework will be better in the event that the three standards are joined as the last objective of the law. Applying the three components of equity, advantage, and sureness independently opens expansive skylines for the development of an overall set of laws struggle however joining the three together is definitely not something simple.

3.2 Legal System in Indonesia

Some time ago, talking about the legal system in the world always referred to two major legal systems, namely the Continental European legal system and the English legal system. Another term for the European legal system is usually the Roman-German Legal System or "Civil Law System" while the British legal system is known as the "Common Law System" or the Anglo-Saxon System.

Even though these two systems have received recognition among legal thinkers in the world, the development of a legal system with a school of development through the system is inevitable. The legal system leads to a non-universal system. As an illustration, it can be stated that for America, the law aspires to be by American culture. The values of law in Arabia are also aspired by the people who inhabit the Arabian Peninsula, and this is also the case in Indonesia which creates a desire to use law that is by the sense of justice and decency of the Indonesian people themselves. The concept of the Indonesian national legal system that emerged in recent developments stems from the belief that a good legal system must be transformed from "sollen" elements in the culture of the Indonesian nation itself and not from other nations. The development of law must be by the taste of each nation, not universally.

On the other hand, the influence of the notion of "globalization" which believes there is a "borderless" condition and countries in the world as "an opened big family" creates a desire for a similar legal system, especially in certain matters such as economic and trade issues, humanity and the rights attached to it. The development of such a system cannot but have the potential to reduce the two previous legal systems namely Civil Law and Anglo-Saxon and also to the development of a universal legal system.

The discussion over the overall set of laws shows that regulation has developed now and again by human civilization. In the verifiable progression of regulation, the law isn't static despite the fact that it is perceived as an extremely sluggish turn of events, it develops along with the development of individuals, becomes solid with the strength of individuals, and eventually, it likewise vanishes in the event that a country loses its identity. Whether anybody complies with this school, there is a significant admonition in it which expresses that a country should not lose its regulations since, supposing that a country has lost its regulations, it has lost its solidarity and, eventually, the country has fallen.

Long before the Dutch came to Indonesia on their first trade mission, the Indonesian people, with all their simplicity, had something that was used to regulate social life in their respective environments, which in Hart's HLA theory was called "primary rules", something that "forces on individuals" in Tahune important populace Tahune obligation to act, or forgo acting, in some ways"; with the support contention that "All social orders have such essential guidelines, even social orders Tahunat come up short on overall set of laws".

Various habits that are carried out develop into something that should be done on the awareness that there is value in those habits. It is believed that these values must be preserved (tradition) as a guide to life and then develop into customs. The such custom continues to experience a "metamorphosis" of values which then forms itself as customary law even though as a whole what is meant by customary law in this condition is still dominated by the character

of the primary rule, and partly formed from the existence of secondary rules. namely in the form of identification instructions as law (rules of recognition).

Indonesia has a legal system, however simple it may be. The Indonesian constitution expressly states that Indonesia is a legal state (rechtsstaat). The juridical consequences of recognizing Indonesia as a rule of law cannot but prove the existence of a legal system adopted in Indonesia regardless of whether the system is "plagiarized" or indeed arises as a statement of the national spirit (volksgeist) from the culture of the Indonesian nation itself.

3.4 Legal System Development in Indonesia

The study of Indonesia's legal system's evolution is seen as very important for two significant reasons. That's what the main explanation is, we don't yet have an optimal public general set of laws. A framework is supposed to be great on the off chance that it obliges legitimate qualities as the quintessence of public culture. The current regulation is a regulation that is brimming with Western way of thinking and not the way of thinking of the Indonesian country.

The subsequent explanation is what is going on and conditions in Indonesia are going through different changes. A few peculiarities of progress incorporate the change in perspective in political and state organization life in Indonesia which Romli Atmasasmita calls “from an authoritarian system to a democratic system, and from a centralized system to an autonomous system. This change has quite a broad impact on the adopted legal system.”[6]

According to Romli, five important phenomena in the future development (development) of law need to be scrutinized and studied in depth.

This phenomenon consists of:

1. The tendency of the Autonomous system to be further expanded so that it can become federalism.
2. The tendency of a multiparty system has an impact on the presidential cabinet system that has so far been adhered to in the 1945 Constitution with the emergence of a coalition cabinet.
3. There is a tendency for strict separation of powers (separation not differentiation) which can affect the “law-making process” and “law enforcement”.
4. The influence of NGO groups in government decision-making and legislation.
5. There is an MPR Decree ordering the President to carry out the eradication of KKN.

Romli's opinion touched on a broad and deep legal field concerning various aspects. There is no other choice but to respond to the change with concrete actions in the form of overall development.

As was mentioned earlier, changes in the system aspect affect the construction of several components that make up the system itself, such as the legal education system, reform of the statutory system, also known as the rule of law, renewal of recognition of law enforcement procedures, and changes to the way legal services are provided to the general public, such as the legal education system.

Institutionally, the legal education system fulfills two respective criteria, namely legal education conducted through institutions and non-institutions. Institutionally, there are institutions, for example, universities, and legal institutions which are directed to improve human resources internally, for example, training for the corps of judges, prosecutors, and police as well as other institutions, for example, non-legal institutions which carry out similar training efforts in the context of understanding the law. Non-institution can be interpreted as an indirect legal learning process, for example, legal dissemination by state apparatus to the entire community, both in certain contexts, for example, election counseling, taxes, and so on.

In this sense, legal education can also occur accidentally. This means how the law and its application are known to the public through various events, for example, in the event of a conflict, the emergence of judges' decisions on a case, and/or a person involved in legal cases inside or outside the court.

The statutory system in general is inseparable from legal politics which contains three main things, namely (1) Law making process; (2) Implementation; (3) Law Enforcement. Of these three matters, discussing legal development, especially in the aspect of the statutory system, the most important is the process of making the law (law-making process).

The law-making process is the initial stage where the development appears. At this early stage, the accumulation of various interests emerged from the economic, social, cultural, and legal aspects themselves. This is reasonable because this stage is none other than the background stage where a legal product is to be formed. In this early stage, the practice is full of various influences, especially political influences that are currently developing in the country. If there is strong political influence, the result is predictable that regulation is loaded with political interests. At this stage, it is not uncommon to find that statutory regulation is made only to legalize the power of a person or group of people. Here the law is played for the sake of power alone.

To obtain a pure legal background in a statutory system and to be free from "vested interests" which cannot be accounted for, there are important steps to be taken, namely: sharpening the rule of law and clarifying the function of law.

Law enforcement and services are always directed at formal institutions, namely judges, prosecutors, police, advocates/lawyers, and other institutions which because of their duties and functions are often included as the fifth pillar in the aspect of law enforcement and legal services such as the press. The five institutions are seen as having great competence, so in discussions on legal development, they are always a central part of various legal policies. Regarding the ranks of judges and their institutions, institutional reforms were carried out in which the Supreme Court has now become an independent institution including the administrative aspects of judges. The police have also been institutionally reformed and separated from the Indonesian military.

Reforms in institutional arrangements have been carried out quite well, but they have not been sufficient. Law enforcement is still not satisfactory. The backlog of cases and the number of violations is proof that these efforts are not enough. Justice among the people is still a luxury or an expensive item.

Changes can occur in total, thus bringing the choice of changing the legal system from a continental one to an Anglo-Saxon penal system as adopted by several countries around Indonesia. Even though this effort is hard to do, there is no other choice to save the law in Indonesia.

4. Closing

Legitimate improvement which incorporates reestablishment and training should depend on the actual framework since, supposing that the framework doesn't give an open door to agents to accomplish something bad, then the demonstration can't be completed or possibly activities that are against the framework will be effortlessly identified and, eventually, will help a ton regarding the requirement for policing (policing).

Legitimate turn of events, both regarding recharging and the formation of lawful components, is completed in the specific situation and content of the overall set of laws. In this

unique circumstance, legitimate improvement is, in all honesty, with regards to acknowledging Indonesia which has the title of a condition of regulation and maintains the law in each breath of life as a country. As far as satisfied, improvement should be completed completely for each component that makes the general set of laws all the more genuine, and more equipped for directing the subsystems inside it.

It takes unprecedented boldness from the public authority to work on the law as far as picking a vital other option: supplanting the general set of laws, be it named towards the public general set of laws or something different.

The improvement of regulation doesn't just rely upon political will, however it requires the fortitude of the state to figure out which general set of laws is great with every one of the results.

Endeavors to "endlessly fix" lawful guidelines influence different components which in the end diminish the job and capability of the overall set of laws itself. The limits between which are the framework and which are the subsystems are presently not apparent, predisposition, lastly it is hard to distinguish which lawful capabilities should be put constrained to be amended. Not the reverse way around, that lawful improvement is only way of talking every once in a while, from one system to another.

References

1. Mochtar Kusumaatmadja, *Fungsi dan Perkembangan Hukum dalam Pembangunan Nasional*, Bandung: Bina Cipta, 2011
2. Mochtar Kusumaatmadja, *Hukum, Masyarakat, dan Pembinaan Hukum Nasional*, Bandung: Binacipta,1995
3. Mochtar Kusumaatmadja, *Pembinaan Hukum Dalam Rangka Pembangunan Nasional*, Bandung: Binacipta, 2006
4. Koesnoe, *Filsafat Hukum*, Sekolah Tinggi Ilmu Hukum, Malang, 1998
5. James K. Fleibleman, *Justice, Law and Culture*, Martinus Nijhoff Publisher, Lancaster,1985
6. Romli Atmasasmita, *Menata Masa Depan Pembangunan Hukum Nasional*, Jakarta; Intermasa 2014.
7. Achmad Ali, *Menguak Tabir Hukum* (*Suatu Kajian Filosofis dan Sosiologis*), Gunung Agung , Jakarta, 2002
8. Andrew Altman, *Critical Legal Studies* - A Liberal Crtique, Princeton University Press, USA,1989
9. Baharuddin Lopa, *Kejahatan Korupsi dan Penegakan Hukum*, Kompas, Jakarta,2001
10. CST.Kancil, *Pengantar Tata Hukum Indonesia*,Jakarta: Gramedia, 1999
11. Deno Kamelus, *Perkembangan Teori Sistem secara Sosiologis*, Surabaya: Dharmawangsa Press, 2012
12. Hari Chand, *Modern Jurisprudence*, International Book Services, Kuala Lumpur, 1994
13. Henry Panggabean, *Fungsi Mahkamah Agung Indonesia*, Pustaka Sinar Harapan, Jakarta,2001
14. Otje Salman, *Ikhtisar Filsafat Hukum*, Bandung: Armico, 2007
15. Otje Salman dan Eddy Damian (ed), *Konsep-Konsep Hukum dalam Pembangunan dari Mochtar Kusumaatmadja*, Bandung: Alumni, 2002

16. Sjachran Basah, *Perlindungan Hukum Terhadap Sikap Tindak Administrasi Negara*, Bandung: Alumni,2012
17. Sunaryati Hartono, *Politik Hukum Menuju Sistem Hukum Nasional*, Alumni, Bandung, 2011
18. Surya Prakash Sinha, *Jurisprudence*,West Publishing Company, London, 1993