Scientific Research Publishing

Beijing Law Review, 2024, 15, 1-34
https://www.scirp.org/journal/blr
ISSN Online: 2159-4635
ISSN Print: 2159-4627

Indonesian Law: Development and Renewal

Batahan Fransciskus Sihombing

Faculty of Law, Universitas Pancasila, Jakarta Selatan, Indonesia
Email: bfsihombing.fh.up@gmail.com

How to cite this paper: Sihombing, B. F. (2024). Indonesian Law: Development and Renewal. *Beijing Law Review, 15,* 1-34.
https://doi.org/10.4236/blr.2024.151001

Received: July 7, 2023
Accepted: January 15, 2024
Published: January 18, 2024

Abstract

This article aims to examine in depth the legal system in Indonesia. However, this study presents and limits the description of the development and renewal of Indonesian law. To explore more deeply, this article discusses the tendency of the Indonesian legal system to be considered ineffective when examined from the legal system, developments, and reforms, as well as regulations as medicine for diseases in Indonesian law. The research method used is normative juridical legal research using a qualitative descriptive analysis method approach, and processing primary data and secondary data. The findings of this study are that development and legal reform in Indonesia are expected to be more effective, efficient, and meaningful. Therefore, the Indonesian legal system must be built and renewed in accordance with the hierarchy of laws and regulations and carried out by specialist legal scholars who are proportional and professional with the character of Pancasila as human capital in the field of law. Thus it is hoped that the development and renewal of Indonesian law will be in harmony with the fourth paragraph of the Preamble of the 1945 Constitution, Pancasila. This study is useful for the government and legislators as well as other stakeholders such as academics, legal observers, and the general public who are expected to become ideas and references in making efforts to develop and update Indonesian law as a social engineering tool to solve individual and social problems, and also as medicine to cure disease in Indonesian law.

Keywords

Indonesian Law, Development and Renewal, Hierarchy of Legislation, Specialist Bachelor of Law, Pancasila, Indonesia

1. Introduction

Law is a rule that binds all people living in society to protect and ensure the rights and responsibilities of citizens to live, and to have life (Black, 1910) from

possible violations committed by others (The Judicial Learning Center, 2019). The law that binds all people has the meaning that anyone living in a democratic country must have a national law to follow and obey which is referred to as a coercive rule of law (Hananta, 2021) covering the community to secure legal compliance in general (Pacher & Hamann, 2023). In this context, Indonesian law is interpreted as Indonesian national law or national law that applies throughout the sovereign territory of the Unitary State of the Republic of Indonesia (*Negara Kesatuan Republik Indonesia* or NKRI). National law is a binding rule or set of rules determined by the government of a sovereign state that applies in all regions and areas under government domination (InforMEA, 2019).

According to Tenripadang (2016), the Indonesian legal system or national law is the legal system that applies throughout Indonesia which includes all elements of law (such as content, structure, culture, facilities, laws, and regulations, and all of its elements) which among one another is interdependent and originates from the Preamble and Articles of the 1945 Constitution of the Republic of Indonesia (1945 Constitution). The UN General Assembly (2006) states that democracy provides an environment for the protection and effective realization of human rights including power and its exercise in accordance with the rule of law, separation of powers, and the independence of the judiciary. In this context, the rule of law plays an important function by ensuring that civil and political rights and civil liberties are safe and guarantees that the equality and dignity of all citizens are not threatened (Tommasoli, 2012).

The problems of development and renewal of Indonesian law since the reformation era in the late 1990s until now have only become the prima donna jargon, and in reality, the public's expectations for the realization of legal certainty and justice have not received a balanced response from legislators, politicians and law enforcement officials (Sudarto, 2016), the law is unable to provide certainty as expected and also does not provide a sense of justice that is in line with the wishes of the community (Fendri, 2011). Therefore, Indonesian legal expert, Satjipto Raharjo (1996) in Sudarto (2016) gave a sharp satire regarding legal issues by stating that there was depravity in Indonesian law, both regarding the substance of the law, as well as the implementation and enforcement of the law in the reform era.

According to the Directorate of Analysis of Legislation-Bappenas (2012) in Fadhlika (2022), the problem with the legal system in Indonesia is that there are hyper regulations, regulations that are contradictory, overlapping, multiple interpretations, disobedient, ineffective, creating unnecessary burdens, and create a high-cost economy. According to Adiyanta (2019), various Indonesian legal issues related to development and renewal are as follows:

1) Since the economic crisis in 1997 and the start of reform, the Indonesian government and people have been intensively forced to accept the fact that many legal events have come into contact with issues of legitimacy and the existence of the nation, especially those related to the pluralistic background of Indonesian

society.

2) The emergence of an agenda related to regional autonomy and the decentralization system which contains authority between the regional government and the central government, actually has many implications for conflict events in several regions of the Unitary State of the Republic of Indonesia (*Negara Kesatuan Republik Indonesia* or NKRI), including the desire of several regions to separate from the Unitary State of the Republic of Indonesia.

3) Amendments/amendments to the 1945 Constitution have been made several times which have become the main starting point in seeking the most appropriate formation for the functions and positions of state institutions. Such a significant change in the state constitution should be followed by a fundamental reshuffle of the life of the state and legal life. However, a reality that is faced by the community is the condition of law enforcement that only runs in place. The law actually seems to depend on power. In this regard, it is necessary to rethink in depth the meaning and meaning of the state, based on law (*rechtstaat*) as mandated by the constitution.

Based on these various descriptions, the idea of Indonesian law related to development and renewal based on Pancasila is a very important and strategic agenda to be fought for by all parties. All parties in question are both legislators, academics, legal practitioners, and the wider community so that the supremacy of law can be realized. Pancasila is the ideological foundation of the Indonesian nation, and also has a function, among others, as a source of all sources of law, which is to become a reference in the context of the development and renewal of Indonesian law. This is related to the Decree of the People's Consultative Assembly of the Republic of Indonesia Number XVIII/MPR/1998 concerning the Repeal of the Decree of the People's Consultative Assembly of the Republic of Indonesia Number II/MPR/1978 (TAP MPR No. II/MPR/1978) concerning Guidelines for Living and Practicing Pancasila (Ekaprasetia Pancakarsa) and the Determination of the Affirmation of Pancasila as the Foundation of the State or *Ketetapan Majelis Permusyawaratan Rakyat Republik Indonesia Nomor XVIII/MPR/*1998 *tentang Pencabutan Ketetapan Majelis Permusyawaratan Rakyat Republik Indonesia Nomor II/MPR/*1978 (TAP MPR No. II/MPR/1978) *tentang Pedoman Penghayatan dan Pengamalan Pancasila* (*Ekaprasetia Pancakarsa*) *dan Penetapan tentang Penegasan Pancasila Sebagai Dasar Negara*…

According to TAP MPR No. II/MPR/1978 that Pancasila as referred to in the Preamble to the 1945 Constitution is the State Foundation of the Unitary State of the Republic of Indonesia which must be implemented consistently and consistently. Therefore, the formulation of the research problem is as follows:

1) What and how is the Indonesian legal system?

2) What and how is the development and renewal of the Indonesian legal system?

3) What and how are the regulations as a cure for the disease in the Indonesian legal system?

Thus, this research is entitled as follows: "Indonesian Law: Development and Renewal". This article discusses three fundamental questions, and these three questions are posed in the research problem formulation which includes: 1) The Indonesian Legal System; 2) The Development and Renewal of The Indonesian Legal System; and 3) The Regulations as A Cure for Diseases in the Indonesian Legal System as described in **Figure 1** below. Furthermore, this article ends with conclusions and suggestions according to the research title.

2. Literature Review

Plato and Aristotle in Sendari (2021) define law as an orderly and well-structured system of regulations that bind society, and are not only intended and obeyed by the community, but also must be obeyed by state officials. Law is also interpreted as laws, regulations, and so on to regulate social life in society, and become a standard (rules, provisions) regarding certain events (nature and so on) that touch on issues related to business, economics, politics, the environment, human rights (Sendari, 2021). The Greeks devoted themselves to law and they strived to realize law because law was believed to be perfect and permanent and could not be changed according to the will of the people (Hamedi, 2014). According to Bhandari (2002), the Greeks considered the city-state to be both a church and a political institution, and its aim was to promote goodness and justice among its citizens, the latter representing an ideal of perfection in human relations. Law for the Greeks was moral, therefore compliance with the law was an important element in the Hellenic conception, the high civilization of the ancient Greeks (Septianingrum, 2018) related to freedom (Hamedi, 2014).

According to Sendari (2021), based on the time of application, the law consists of: ius constitutum, positive law that applies at this time for a community in a certain area; ius constituendum, law that applies for the future; and fundamental law, natural law that applies everywhere. Meanwhile, judging from the place of application, the law consists of:

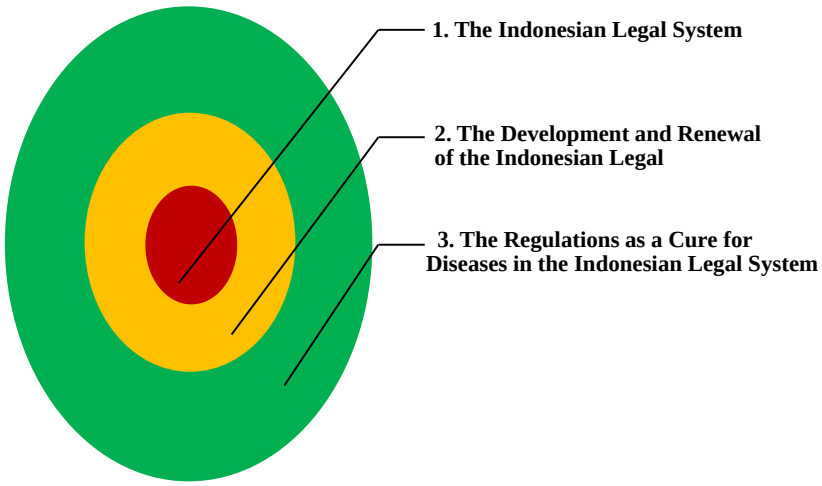

Figure 1. The Indonesian legal system: development and renewal.

1) National Law that only applies in one country and does not apply in other countries;

2) International Law that regulates relations between countries in various parts of the world;

3) Foreign Law that apply in foreign countries (Sendari, 2021). Eugen Ehrlich (1936) in Tamanaha (2011) says that law depends on general acceptance and that each group creates living laws, in which each contains creative power.

According to Tommasoli (2012), rule of law is rule based on law, where law becomes an instrument of government and government is considered above law, namely the rule of law implies that everyone in society is bound by law, including the government. On the other hand, a democratic country has main characteristics which require state obedience to the rule of law in the form of constitutional limits on power (Tommasoli, 2012).

Furthermore, Plato in Bobonich (2010), Sanday (2012) and Griffith (2016) considers that law must combine persuasion with coercion. According to Plato in Bobonich (2010), Sanday (2012), and Griffith (2016), to persuade citizens to follow the legal code, every law should have an introduction whose purpose is to offer related reasons why someone has an interest in obeying it, and on the other hand the existence of coercion in the form of punishment attached to the law if persuasion fails to motivate compliance that is closely related to everyday life. In its development, the notion of law is interpreted as a form of social control, which is why it is essentially normative in nature, and it refers to what are called (as) objective conceptions (Sahlan, 2010). Sahlan (2010) states that the implications of this kind of approach are as follows:

1) Law provides input to social control institutions (whatever the variant) and then to references to people's thinking;

2) Law can cause changes in thinking tools, and other societal references or is known in legal sociology as law as a tool of social engineering;

3) The law changes following changes in society and its environment.

3. Materials and Methodology

The research method used is normative juridical law research, which places law as a building system of norms regarding its values, legitimacy, and authority (Kelsen, 2007) from statutory regulations, court decisions, agreements, and doctrines (Fajar & Achmad, 2017). Normative juridical law research is a document study and uses qualitative methods in analyzing data, (Soekanto & Mamuji, 1995), and the data used is secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials (Soemitro, 1988). Marzuki (2007) states that primary legal material consists of statutory regulations, official records, or treatises in the making of statutory regulations and judges' decisions, while secondary legal materials are legal materials in the form of textbooks, legal dictionaries, legal journals, and comments on court decisions as well as tertiary legal materials used to provide additional instructions or explanations to primary and secondary legal materials, for example: dictionaries law, and a large Indonesian

dictionary (Marzuki, 2007). Thus, the data collection technique carried out is through a literature study using a qualitative descriptive analysis method, carrying out the processing of primary data and secondary data then explaining the research data by referring to the legal rules in force in the Republic of Indonesia.

4. Discussion

4.1. The Indonesian Legal System

At this time, the issue of Indonesian law as a system related to its development and renewal is very important and strategic. This is because the Indonesian legal system tends to be considered ineffective. The legal system is a unified whole of orders consisting of elements that are interconnected and closely related to each other (Kongres Advokat Indonesia, 2022). Kuncoro (2012) in Irnawati et al. (2021) state that the current legal conditions in Indonesia are as follows: 1) legal quality; 2) This legal condition is due to the ambiguity of various laws related to legal processes and also the weak application of various regulations; and 3) The majority of people think that laws in Indonesia can be misused by groups with influence or positions and even groups with power. As a result, people tend to be apathetic toward law enforcement and do not even have high expectations of law enforcement and management (Kuncoro, 2012 in Irnawati et al., 2021).

The link between the influences of the Indonesian legal system on national economic development is in the realm of people's welfare. Economic development is synonymous with the development of economic sectors in the country itself, such as agriculture, fisheries, animal husbandry, mining, industry, trade, services, and others (Ilmar, 2004). The logical consequence of the implementation of economic development is that there is a need for large capital or investment, then known as investment activities. In this context, the law must be able to assist the process of investment activities, and the law must not hamper the economy, stability, predictability, justice, and others (Ifrani, 2021). Law is a tool that cannot be ignored in the development process, and according to the theory of development put forward by Mochtar Kusumaatmadja in Indriani (2019), laws made must be appropriate and must pay attention to the legal awareness of society, and laws must not hinder modernization.

But ironically, people's perceptions tend to be apathetic and do not have high expectations of the legal system in Indonesia where this affects national economic development (Mursid, 2022). According to Mursid (2022), the findings from an indicator survey related to economic perceptions of law enforcement show that the national law enforcement aspect scores 28 percent and is in the bad or very bad category. According to Triwijaya et al. (2020), the law is a guideline for behavior that must really be able to create an orderly society, the way that can be done with the formation of good laws can be done by using Pancasila as a guideline for the formation, namely as an ideal foundation, basic norm (*Grundnorm*), and the 1945 Constitution as the constitutional basis of the Indonesian state. The constitutional basis for the implementation of democracy in

Indonesia is the 1945 Constitution. Article 1:2 of the 1945 Constitution after the amendment (Sovereignty is in the hands of the people and implemented according to the Constitution) is in accordance with the mandate of the Preamble to the 1945 Constitution and returns sovereignty to the hands of the Indonesian people. However, what is currently happening is that several laws do not reflect this, resulting in unfair laws being created. Indonesia as a legally positivist country should comply with the hierarchy of laws and regulations by creating laws that are in accordance with Pancasila (Triwijaya et al., 2020).

The Indonesian legal system is essentially a system, which consists of elements or parts which are interrelated and related to each other to achieve goals based on the 1945 Constitution (1945 Constitution), and imbued with the philosophy of Pancasila (the 1945 Constitution) (Wahyudi, 2014; Riyanto, 2020; Kongres Advokat Indonesia, 2022). In this context, it can be concluded that the 1945 Constitution has 7 (seven) main characteristics as follows:

1) Regulate the constitutional system—This is regulated in Article 1 Paragraph 1 of the 1945 Constitution that Indonesia is a unitary state with the form of a republic, and Article 4 Paragraph 1 of the 1945 Constitution, explaining that Indonesia adheres to a presidential system of government with the highest authority in the hands of the president;

2) Regulate state institutions—From an institutional perspective, according to the provisions of the 1945 Constitution of the Republic of Indonesia (1945 Constitution) after the amendment or fourth amendment of 2002 that in the institutional structure of the Republic of Indonesia there are 8 (eight) state organs that have an equal position which directly receive constitutional authority from the 1945 Constitution which is regulated in various articles, including the following: a) the People's Consultative Assembly (Article 7A of the 1945 Constitution); b) the House of Representatives (Article 5, Article 22 C and 22 D of the 1945 Constitution); c) Regional Representative Council (Articles 22 C and 22 D of the 1945 Constitution); d) President and Vice President (Article 5, Article 6A paragraph 1, Article 7, Article 13 of the 1945 Constitution); e) Supreme Court, regulated in the Law of the Republic of Indonesia of the Republic of Indonesia No. 5 of 2004 concerning Amendments to Law No. 14 of 1985 concerning the Supreme Court; f) the Constitutional Court (Undang-Undang Republik Indonesia Republik Indonesia No. 5 Tahun 2004 tentang Perubahan atas UU No. 14 Tahun 1985 Tentang Mahkamah Agung, Article 24 paragraph 2, and Article 24C of the 1945 Constitution); g) Judicial Commission (Article 24B of the 1945 Constitution); and h) the Audit Board of the Republic of Indonesia (Article 23 paragraph 5, and Article 23 E and G of the 1945 Constitution), and several other institutions or institutions whose powers are regulated in the Constitution, namely: the Indonesian National Armed Forces, the Indonesian National Police, Regional Governments, Political Parties Politics, the central bank and the General Election Commission as well as others are independent institutions that derive their authority from the law.

3) Regulating the rights and obligations of the state towards citizens—This is

regulated in Article 27 paragraphs 1, 2 and 3 of the 1945 Constitution;

4) Regulating the rights and obligations of citizens towards the state—This is regulated in articles 27 to 34 of the 1945 Constitution;

5) Protection of Human Rights—This is regulated in Article 28I paragraph (4) of the 1945 Constitution;

6) Regulating state symbols—This is regulated in Article 36A of the 1945 Constitution;

7) Regulates amendments to the 1945 Constitution itself—This is regulated in Article 37 of the 1945 Constitution which states that: a) Proposals for amendments to articles of the Constitution can be put on the agenda in the session of the People's Consultative Assembly if submitted by at least 1/3 of the total members of the People's Consultative Assembly. b) Each proposal to amend the articles of the Constitution is submitted in writing and clearly indicates the part proposed to be amended along with the reasons. c) To amend the articles of the Constitution, the session of the People's Consultative Assembly shall be attended by at least 2/3 of the total number of members of the People's Consultative Assembly. d) Decisions to amend the articles of the Constitution are made with the approval of at least fifty percent plus one member from all the members of the People's Consultative Assembly. e) Specifically regarding the form of the Unitary State of the Republic of Indonesia, no changes can be made.

Furthermore, Ali (2010) stated that an ineffective law is the same as a disease suffered by the law so that the law cannot carry out its functions, and legal diseases can attack the structure, substance, and legal culture which is a unified legal system. Therefore, the idea of the development and renewal of the Indonesian legal system as national law is a contemporary agenda considering that Indonesia is a constitutional state, and also a democratic state. According to Azhary (1995), the characteristics of Indonesia as a rule of law and democratic state can be interpreted as follows: 1) Its law is based on Pancasila; 2) People's sovereignty; government based on the constitutional system; 3) Equality in law and government; 4) Judicial power that is free from the influence of other powers; 5) Formation of laws by the President together with the DPR; and 6) The MPR system is adhered to.

Indonesia's legal system is that all arrangements for the life of the state and nation must be based on applicable law and are democratic in nature. Therefore, for the practical use of national law in a rule of law and democratic state, the Indonesian legal system is based on an institutional system, an institutionalized legal system. Raz (1975) states that in an institutionalized legal system, there are two types of institutions consisting of 1) Institutions that apply norms such as courts, courts, police, and others, and 2) constitutional, parliamentary, and others. According to Friedman (1975), the legal system as an institutional system consists of 3 (three) elements including legal structure, legal substance, and legal culture. In this context, the operation of the three elements of the Indonesian legal system, according to the opinion of Friedman (1975), is determined by:

1) Legal Structure—The legal structure is a pattern that shows how the law is implemented according to its formal provisions, and the focus of attention is on how court law enforcers, lawmakers, and the legal process run and run, whether it is in accordance with or deviates from the mechanism and procedures that have been regulated by formal provisions (Kongres Advokat Indonesia, 2022). In this case, the legal structure is analogous to a machine in which there are law-making and enforcement institutions, such as the People's Representative Council, the Executive, the Legislature, the Police, the Attorney General's Office, and the Courts. However, in reality, the phenomenon of the large number of Indonesian government apparatus involved in corruption cases has greatly hampered the implementation of law in Indonesia. Starting from the ranks of law enforcers to the legislative and executive governments, they are often caught in corruption cases. For example, the Corruption Eradication Commission (*Komisi Pemberantasan Korupsi* or KPK) has handled 1310 cases of criminal acts of corruption from 2004 to 20 October 2022 (Annur, 2022).

2) Legal Substance—Legal substance is the rules used by actors and law enforcers when carrying out legal actions and legal relations and legal substance can be found in formal legal sources (Kongres Advokat Indonesia, 2022). In this case, the legal substance is analogous to the organizational structure of procurement and law enforcement. Legal substance is related to what is done and produced by legislators, in the form of decisions and decrees, statutory regulations, and also includes rules that are outside the code of law. The existence of community involvement in the formation of a law will have an impact on the effectiveness of enactment of the law;

3) Legal Culture—Legal culture is a claim or request from the people or users of legal services which are usually driven by interests, knowledge, experience, ideas, attitudes, beliefs, hopes and opinions or judgments about the law and its enforcement institutions (Kongres Advokat Indonesia, 2022). In this case, legal culture is analogous as a determinant of whether the law will be meaningful or vice versa in the life of the nation and state. invitation (legal norms), namely the relationship between social behavior and its relation to the law.

Referring to the Preamble of the 1945 Constitution, the fourth precept of Pancasila is that democracy is led by wisdom in deliberations/representation and implemented according to the Constitution (Article 1 paragraph 2 of the 1945 Constitution). Then, Article 28 of the 1945 Constitution regulates the freedom of association and assembly, expressing thoughts orally and in writing, and so on is stipulated by law. This is sufficient reason to optimize the development and renewal of Indonesian law by exploring the basic concept of the state and constitutional formulas in accordance with the Pancasila philosophy as a legal norm. Pancasila as the basic norm of the state (Grundnorm/Staatsfundamentalnorm) is the source of all sources of law in Indonesia (Latif, N/D).

Bo'a (2018) states that Pancasila is a basic norm in the legal order of a country, that is, the fundamental norms of the state form the basis for the formation of

the Constitution, the 1945 Constitution. Legal norms are defined as general rules that bind sources of law, which determine mandatory standards of behavior or permitted or the consequences of its violation in the crucial field of social relations, effective action guaranteed by the state (Pryima, 2021). According to Nawiasky (1948), legal norms are arranged in the form of a stupa (*Stufenformig*) consisting of certain parts (*Zwischenstufe*) as follows:

1) Basic norms (*Staatsfundamentalnorm*);

2) Basic and broad norms can be stated in terms of several regulations (*Staatsgrundgesetz*);

3) Are concrete and detailed (*Formellgesetz*);

4) Implementing regulations (*Verordnungsatzung*);

5) Autonomous regulations (*Autonome satzung*).

In the Indonesian constitutional law system, the order (hierarchy) of statutory regulations as a source of law before the post-reform referred to the Presidential Letter addressed to the People's Representative Council (*Dewan Perwakilan Rakyat Republik Indonesia* or DPR RI) No. 22621HKl1959 dated 20 August 1959; amended by the Decree of the Provisional People's Consultative Assembly (*Majelis Pernusyawaratan Rakyat Sementara* or MPRS) Number XXlMPRSII966 concerning the Memorandum of the People's Representative Council for Mutual Cooperation (*Dewan Perwakilan Rakyat Gotong Royong* or DPRGR) regarding the Sources of Order and Order Law of the Republic of Indonesia and Procedures for Proposed Legislation of the Republic of Indonesia (Pane, 2011).

According to Pane (2011) that with the promulgation of Law Number 12 of 2011 concerning the Formation of Legislation (UU No. 12/2011), this law regulates the order of statutory regulations, as a source of law in the Indonesian constitutional legal system which applies. According to Article 1 paragraph 2 of Law No. 12/2011 (UU No. 12/2011), those laws are statutory regulations established by the DPR RI with the joint approval of the President. The hierarchy of laws and regulations in Indonesia consists of the 1945 Constitution of the Republic of Indonesia, Decree of the People's Consultative Assembly, Laws/Government Regulations in Lieu of Laws, Government Regulations, Regulation of the President; Provincial Regulations; and Regency/City Regulations can be described in **Figure 2** below as follows:

Based on **Figure 2**, it can be interpreted that the highest legal hierarchy as statutory regulations is the 1945 Constitution (UUD 1945), as the constitutional basis. The hierarchy of laws and regulations in Indonesia is regulated in Article 7 paragraph 1 of Law No. 12/2011 (UU No. 12/2011) concerning types and hierarchies as follows:

1) 1945 Constitution of the Republic of Indonesia is the Constitution of the Republic of Indonesia, which was formed a composition of the Republic of Indonesia which is people's sovereignty based on the Belief in One Almighty God, just and civilized Humanity, Indonesian Unity and Democracy led by wisdom in deliberation/representation, as well as by realizing social justice for all Indonesian people (fourth paragraph of the Preamble of the 1945 Constitution).

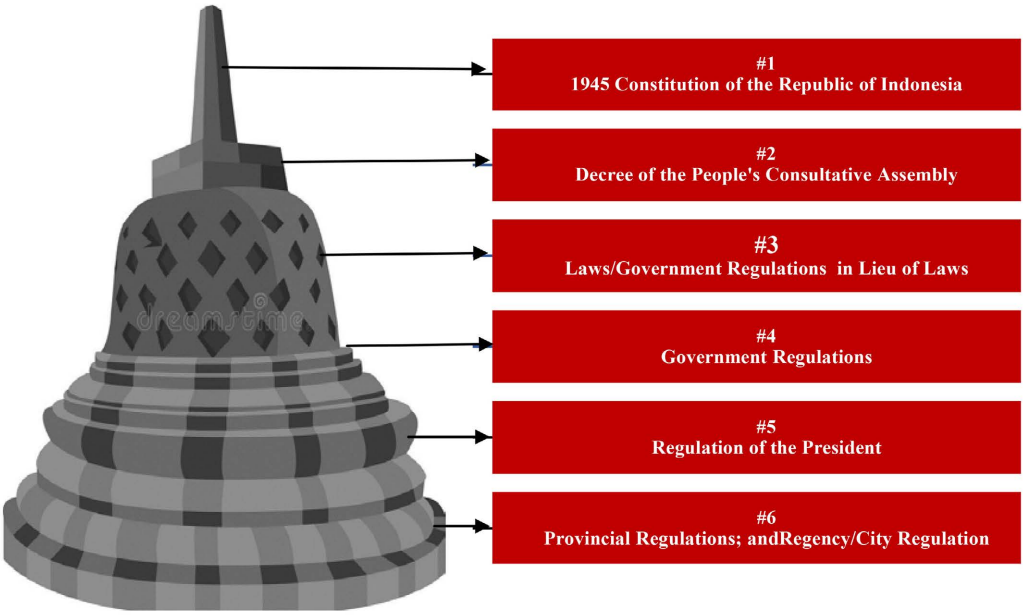

Figure 2. The hierarchical of laws in Indonesia in article 7 section 1 UU No. 12/2011 (processed).

2) Decree of the People's Consultative Assembly is a form of a decision of the People's Consultative Assembly which contains matters of a stipulating nature or *beschikking* (Article 7 Paragraph 1 point b Law No. 12/2011).

3) Laws/Government Regulations in Lieu of Laws are Government Regulations. Regulations in Lieu of Laws are Legislations stipulated by the President in matters of compelling urgency (Article 1 Paragraph 4 of Law No. 12/2011).

4) Government Regulations are Laws and Regulations stipulated by the President to carry out the Law as it should. (Article 1 Paragraph 5 of Law No. 12/2011).

5) Regulations of the President are Legislations stipulated by the President to carry out orders of higher Legislations or in carrying out government powers (Article 1 Paragraph 6 of Law No. 12/2011).

6) Provincial Regulations; and Regency/City Regulations are Provincial Regulations which are Laws and Regulations established by the Provincial People's Representative Council with the approval of the Governor (Article 1 paragraph 7 of Law No. 12/2011); and Regency/City Regional Regulations are Laws and Regulations established by the Regency/City Regional People's Legislative Council with the joint approval of the Regent/Mayor (Article 1 paragraph 8 of Law No. 12/2011).

In the context of the hierarchy of laws and regulations, it can be interpreted that the legal force of the applicable laws and regulations in Indonesia is in accordance with the hierarchy. It means. This principle stipulates that every regulation below must not conflict with the regulations above it. In other words, laws at a higher level cannot be regulated by lower laws and regulations, especially regarding the principle of conformity between the type and material of the content. Article 7 paragraph 2 of Law No. 12/2011 it stipulates that the legal force of

Legislation is in accordance with the hierarchy referred to in Paragraph 1 of Law No. 12/2011. Then, related to the content of the material laws and regulations in Indonesia is regulated in Article 10 paragraph 1 point a and point e. Thus, the material content of laws and regulations in Indonesia is obliged to refer to the provisions of the 1945 Constitution, and point e regulates the fulfillment of legal needs in society (UU No. 12/2011).

According to Wignjosoebroto (1994: p. 15) the law in Indonesia has in fact not yet gotten out of the confines of colonial heritage legislation, even though the flow of development of the legal system in Indonesia has actually been built up and outlined with certainty based on a configuration of principles that had been laid long before the fall of the Dutch colonial government. Indonesian law or national law is a set of laws that consist mostly of principles and regulations that must be obeyed by people in a country and therefore must also be obeyed in their relationships with one another (Tenripadang, 2016). According to Simanjuntak (2019), the characteristic of the common law system is case-oriented law (case law), while in the civil law system; the law is oriented to the law (codified law).

Furthermore, Simanjuntak (2019) states that laws and regulations as the basis for legal legality in the Rechtstaats tradition, have their own limitations, and have never regulated in full and in detail how to fulfill the rule of law in every legal event. Therefore jurisprudence will complement it, and also fill the legal void so that jurisprudence is a legal instrument in order to maintain legal certainty (Simanjuntak, 2019). Jurisprudence is the decisions of judges or courts that are permanent and justified by the Supreme Court (*Mahkamah Agung* or MA) as a cassation court, or the decisions of the Supreme Court itself that are permanent (Badan Pembinaan Hukum Nasional, 1992: pp. 8-12). According to Tenripadang (2016), Indonesian law or Indonesian national law is a mixture of the European legal system, Religious law, and Customary law as follows:

1) Civil Law and Criminal Law are based on Continental European law, especially from the Netherlands because Indonesia was a former Dutch colony, at that time Indonesia was known as the Dutch East Indies (Nederlands Indie);

2) Religious Law has a major contribution to the formation of Indonesian National law because the majority of Indonesia's population is Muslim, this can be seen in the fields of marriage, family, and inheritance laws;

3) Customary Law is due to the strong influence of local customary law on its indigenous peoples, which is a continuation of the rules and cultures that have been recognized and obeyed by the local community for a long time, this is still widely applicable in the territory of Indonesia.

However, the process of forming and updating laws in Indonesia creates problems when legal norms are limited and rigidly applied in people's lives (Fendri, 2011). According to Warassih (2001), the application of a legal system that does not originate or is grown from the content of society is a problem, especially in countries that are changing because there is an incompatibility be-

tween the values that are lived by the members of the community itself. According to Pane (2011), statutory law in Indonesia places more emphasis on written form, originally closely related to the continental European legal system which adheres to legalism with civil law. Meanwhile, the Anglo-Saxon legal system (common law) places more emphasis on the role of the judicial institution in the formation of law (Pane, 2011).

Based on these various descriptions, the development, and renewal related to the Indonesian legal system are expected to include judicial reform, the entire process undertaken to examine all aspects of the statutory system. Judicial reform is an effort to rationalize and reorganize the Indonesian legal system which includes an evaluation and review process related to the quality of justice/service to the public. Then, efforts to rationalize and reorganize the Indonesian legal system must be carried out to ensure that actors and law enforcers have the level of expertise, experience, and training needed to improve as human resources in the field of law. This aims to streamline the development and change of the existing Indonesian legal system, as well as to streamline the national legal system so that it functions to improve services to the wider community who are seeking justice.

Thus, the Indonesian legal system must be built and updated in accordance with the needs of the wider community by referring to the philosophy of Pancasila and the Constitution, the 1945 Constitution. Indonesia as a constitutional state is regulated in Article 1 paragraph 3 of the 1945 Constitution, and it is also a democratic country where sovereignty is in the hands of the people as stated in the Preamble to the 1945 Constitution. The development and renewal of Indonesian law in the form of laws should be formed or made or renewed based on normative prescriptions by proportional and professional law graduates with the Pancasila character which is the output of legal education reform. Therefore, Indonesian law should be developed and updated coherently with the basic ideas of law originating from the morals and ideology of the Indonesian people, Pancasila, and referring to the hierarchy of laws and regulations. The implication is that the results of development and legal renewal will be able to function properly as a reference for human behavior in society, and are expected to be able to meet the expectations of the wider community and enable the realization of an orderly social order as the aim of law, justice.

4.2. The Development and Renewal of the Indonesian Legal System

According to Badan Pembinaan Hukum Nasional Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia (2021: I), legal development is a process of forming and structuring law in its application and is also a consequence of the dynamics of governance, technology, and globalization as well as developments in social life that affect people's lives. Indonesian society shows that legal development and renewal are not static but sustainable (National Legal Development Agency, Ministry of Law and Human Rights of the Republic of Indonesia, 2021:

1) In general, experts state that law is a dynamic concept, which continues to change with time and place along with changes in society (Hart et al., 2012; Abyssinia Law, 2022).

In the context of modern understanding, law is a means to an end, namely justice, and justice means giving everyone what they deserve so that there cannot be a legitimate society without justice (Pandey & Tripathi, 2022). In other words, the law is interpreted as an instrument to secure justice because the law is to accommodate changes in society and social norms (Brooks, 2022). The sociology of law provides a wealth of information and detailed analysis of the function of law in certain societies (Raz, 1975). Pound (1997) in Abyssinia Law (2022) relates four main functions of law, namely: 1) Maintenance of law and order in society; 2) Maintaining the status quo in society; 3) To ensure maximum individual freedom; and 4) Fulfilling the basic needs of the community.

Furthermore, experts in Abyssinia Law (2022) state that the important functions of law are as follows:

1) Social control—members of society may have different social values, different behaviors, and interests. It is important to control such behavior and instill socially acceptable social norms among members of society. There are informal and formal social controls. Law is a form of formal social control. Law is a highly specialized form of social control in advanced, politically organized societies (Pound, 1997). Then, Friedman (1975) describes the following two ways in which law plays an important role in social control: first, the law clearly defines the rules and norms that are important to society and punishes deviant behavior. Second, the legal system enforces many rules of social control. Police arrest thieves, prosecutors prosecute them, courts convict them, prison guards watch them, and parole releases them (Shavell, 2003).

2) Dispute resolution—Dispute is unavoidable in people's lives and is the role of law to resolve disputes. Thus, fair disputes will be legally resolved in court or out of court by using alternative dispute resolution mechanisms (Shavell, 2003).

3) Social change—A number of scholars agree on the role of law in modern society as an instrument of social change. The law allows us to make social changes that are purposeful, planned, and directed (Shavell, 2003). Legal flexibility provides some measure of flexibility in the law to make it adaptable to social conditions. According to Biset, (2006) in Abyssinia Law (2022), if the law is rigid and unchangeable, it may not respond to change spontaneously which may cause hatred and discontent among subjects and may even result in violence or revolution. Therefore, a certain amount of flexibility is unavoidable in law.

The concept of a rule of law or *Rechtsstaat* is expressly formulated in Article 1 paragraph (3) which states that the State of Indonesia is a rule of law. The concept of a rule of law state is idealized that law is the commander in chief in the context of the dynamics of state life, neither politics nor economics. In this case, the consideration letter of Law No. 12/2011 states that in order to realize Indonesia as a legal state, the state is obliged to organize a planned, integrated, and sustainable development of national law within the national legal system which

guarantees the protection of the rights and obligations of the Indonesian people based on the law.

Historically, the legal system in Indonesia adopted and used the Dutch legal system when Indonesia was a Dutch colonial colony since 1912 all areas in Indonesia were officially colonized by the Dutch until 1942 (Hasudungan, 2021), and prior to 1912, the law in force in Indonesia Law is a law that comes from its own tradition, namely customary law. According to Maysarah (2017), the legal system in Indonesia uses the Continental European system, and along with the development of traditions and customs of the Indonesian people, Indonesia runs a blend of legal systems between the Continental European and Anglo-Saxon legal systems. Besides that, Indonesia also runs a legal system that is in accordance with the thoughts of philosophers in the school of positivism. The flow/school of Sociological Jurisprudence emphasizes that a positive legal system will work effectively if it conforms to the rules and norms that live in a society (Maysarah, 2017).

As a rule of law, the idea of Indonesian law is actually developed and updated by developing legal instruments as a functional and just system in the following ways: 1) Arranging an orderly and orderly legal superstructure and infrastructure; and 2) Building cultural and legal awareness that is rational and impersonal in the life of society, nation, and state as well as renewing political processes that represent the wider community. According to the Ensiklopedi Nasional Indonesia Jilid II (1990: 31), the notion of supra structure and infrastructure are as follows: 1) to organize social life; in order to support political, economic, and social activities, and all other necessities of life, namely as a secondary building.

In Indonesia, the legal superstructure is a high state institution established by constitutional mandates, such as the Supreme Court, Constitutional Court, and Judicial Commission to carry out state administration functions, and has the authority not only to carry out structural functions to create, control and oversee the state structures below it (Studocu, 2023), while the legal infrastructure consists of:

1) The Legal Aid Institute, is a non-profit organization, and was specifically established to provide the best possible service free of charge to those who need legal assistance but are unable, legally illiterate, or oppressed by the case they are facing;

2) Lawyers' Institution established under Law No. 18 of 2003 concerning Advocates, are people whose profession is providing legal services, as legal experts having the authority to provide advice or defend cases in court both inside and outside the court whose working area is throughout the territory of the Republic of Indonesia;

3) Legal Aid Post, a service established by and available at each Court of First Instance to provide legal services in the form of information, consultation, and legal advice, as well as preparation of required legal documents in accordance with laws and regulations governing Judicial Powers, General Courts, Religious

Courts, and State Administrative Courts so that in each Court a Court Legal Aid Post is established (Studocu, 2023).

The development of Indonesian law can be interpreted as an effort to establish national law which must be based on the values of diversity and is not a form of uniformity based on a political process that considers various aspects of deliberation and consensus for the unity and integrity of the Indonesian nation (Adiyanta, 2019). According to Warassih (2001), the formation of law is the first step to making an action plan, it is necessary to think carefully about the planning model, including:

1) Mechanistic action model or social engineering model, sees the planning function as a mechanical effort to change a situation so this model gives rise to the concept of supra systems and subsystems and the subordination of subsystems by supra systems. If the embodiment of legal objectives is carried out strictly and rigidly (mechanistic action model), it will cause conflict, or the community will become alienated from their environment;

2) The human action planning model is an appropriate alternative model for community empowerment as a way to increase community participation in realizing justice and emphasizes the role of planning as an effort to systematize community aspirations and compile them in written documents. This model sees society as turbulent or full of socio-cultural values and is dynamic because society is not a subordinated sub-system but an independent sub-system.

The implementation of legal development is not only aimed at law in the sense of positive law which is synonymous with statutory regulations but also the law in a broad sense, both written and unwritten law (National Legal Development Agency, Ministry of Law and Human Rights of the Republic of Indonesia, 2021: 2). According to the National Legal Development Agency of the Ministry of Law and Human Rights of the Republic of Indonesia (2021: 2), the theoretical approach in implementing legal development is as follows: 1) Referring to national legal sources includes: a) Positive law or legislation; b) The rules or values of customary law, religion, and customs; jurisprudence; c) International agreements; and 2) Legal development must have a direction and all scopes related to it can function as a means to renew society (social engineering).

Then, Indonesian legal renewal can be interpreted as a political process whose success depends on the balance of power between the actors involved in it, so legal reform requires space and place for a dialectical process that involves all components and elements that represent all members of a pluralistic society (Adiyanta, 2019). In this case, development and renewal should proceed as they should, namely, the legislation that is formed should be in accordance with the laws that live in society. If it turns out to be inappropriate then the law cannot be implemented and will face challenges. According to Fadhilah (2020), there are several examples of the development and updating of legislation that are controversial and opposed by the people in Indonesia as described in **Table 1** below as follows:

Table 1. Examples of the development and reform of controversial legislation and are opposed by the society in Indonesia.

No.	Laws	Controversy
1	Omnibus Law Job Creation Law—Ratification of Job Creation Law (*Omnibus Law Undang-Undang Cipta Kerja—Pengesahan Undang-Undang Cipta Kerja or UUCK*)	UUCK received public scrutiny and was considered to be detrimental to the people, especially the workers. However, the DPR and the Government did not budge and finally passed the UUCK at a plenary meeting on Monday, October 5, 2020. The ratification of the UUCK omnibus law was knocked out amidst the many criticisms and scrutiny from various parties, including the following: 1) Since the discussion, the Job Creation Bill (Rancangan Undang-Undang or RUU) has reaped a number of controversies in which one of the discussion clusters has received quite a lot of rejection, namely related to the employment cluster. 2) Among the points of controversy is the abolition of the city/regency minimum wage (*Upah Minimum Kota/Kabupaten* or UMK) to be replaced with the provincial minimum wage (*Upah Minimum Provinsi* or UMP). This is considered to make workers' wages lower. Apart from that, other points that have received a lot of attention are that workers now have the potential to become contract workers for life and are vulnerable to termination of employment or layoffs, as well as fewer hours of rest. The Confederation of Indonesian Trade Unions (*Konfederasi Serikat Pekerja Indonesia* or KSPI) noted that there were at least seven important issues which became the basis for rejecting the ratification plan. Starting from the plan to abolish the Sectoral Minimum Wage (*Upah Minimum Sektoral* or UMSK), reduce severance pay, Specific Time Work Agreements (*Perjanjian Kerja Waktu Tertentu* or PKWT) which can continue to be extended, and outsourcing for life without restrictions on the type of work. Then, plans for working hours which are considered too exploitative, leave rights and wage rights for leave, as well as the absence of pension and health insurance for contract and outsourced employees. Of the seven issues resulting from the agreement, workers balked.
2	Law Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission or *Undang-Undang Nomor* 19 *Tahun* 2019 *tentang Perubahan Kedua atas Undang-Undang Nomor* 30 *Tahun* 2002 *tentang Komisi Pemberantasan Tindak Pidana Korupsi*	The first controversy began when the revision of the Corruption Eradication Commission Law (*Undang-Undang Komisi Pemberantasan Korupsi* or UU KPK) was passed on September 17 2019. The ratification of the revision of the KPK Law also sparked large protests and demonstrations in a number of areas. This revision has the potential to weaken the KPK, which has been at the forefront of eradicating corruption. A number of points of controversy in the revision of the KPK Law are as follows: 1) The position of the KPK is in the executive branch. Even though the previous status of the KPK was an independent ad hoc institution. The change in position to become a government institution had an impact on the employment status of the KPK to become the state civil apparatus (ASN). 2) The formation of the KPK Supervisory Board is contained in seven specific articles, namely Article 37A, Article 37B, Article 37C, Article 37D, Article 37E, Article 37F, and Article 37G. In addition to overseeing the duties and powers of the KPK, the Supervisory Board is also authorized in a number of matters, including whether or not to issue permits for wiretapping, searches and/or confiscations. 3) Permission to tap. With this revision, the KPK is no longer free to wiretapping suspected corruption cases, but must have the permission of the Supervisory Board. In addition, wiretapping that has been completed must be accountable to the KPK leadership and the Supervisory Board for a maximum of 14 (fourteen) days. 4) Issuance of an order for termination of investigation (SP3) for corruption cases where the investigation and prosecution are not completed within one year. The origin of investigators and investigators. In this revision, investigators must come from the Indonesian National Police, while investigators are employees who are appointed and dismissed by the KPK.

Continued

3	Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining or *Undang-Undang Nomor* 3 *Tahun* 2020 *tentang Perubahan atas Undang-Undang Nomor* 4 *Tahun* 2009 *tentang Pertambangan Mineral dan Batubara* (UU No. 3 Tahun 2020).	A number of points in Law No. 3 of 2020 concerning Mineral and Coal Mining are considered beneficial to certain parties. One of the things that have become the focus of the public's attention is Article 169A regarding the extension of the Contract of Work (*Kontrak Karya* or KK) or Coal Mining Concession Work Agreement (*Perjanjian Karya Pengusahaan Pertambangan Batubara* or PKP2B) without bidding. Through this article, KK and PKP2B holders who have not received an extension can get 2 (two) extensions in the form of a Special Mining Business Permit (*Izin Usaha Pertambangan Khusus* or IUPK), each for a maximum of 10 years. The abolition of Article 165 regarding sanctions for those who issue Mining Business Permits (*Izin Usaha Pertambangan* or IUP), IUPK, and People's Mining Permits (IPR) is also considered to be contrary to the Minerba Law. In addition, the abolition of Article 45 of Law Number 4 of 2009 also allows IUP holders not to report mineral and coal results from exploration activities and feasibility studies.
4	Government Regulation in Lieu of Law Number 1 of 2020 concerning State Financial Policy and Financial System Stability for Handling the Covid-19 Pandemic and/or in the Context of Dealing with Threats that Endanger the National Economy and/or Financial System Stability or *Peraturan Pemerintah Pengganti Undang-Undang Nomor 1 Tahun* 2020 *tentang Kebijakan Keuangan Negara dan Stabilitas Sistem Keuangan untuk Penanganan Pandemi Covid-19 dan/atau Dalam Rangka Menghadapi Ancaman yang Membahayakan Perekonomian Nasional dan/atau Stabilitas Sistem Keuangan* (PERPU No. 1/2020)	Starting from President Jokowi issuing PERPU No. 1/2020. The issuance of the Perppu was carried out in response to the emergence of Covid-19 cases in the country since March 2 2020. Simultaneously with the issuance of the Perppu, Jokowi also issued two other regulations, namely Government Regulation Number 21 of 2020 and Presidential Decree Number 11 of 2020. Problems arose when the Perppu No. 1/2020 is considered to give state administrators the right to immunity in making decisions. This is stated in Article 27 of the regulation, whereby officials appointed to implement the policy cannot be prosecuted either civilly or criminally, as long as carrying out their duties is based on good faith. The regulations in the Perppu were then challenged by a number of parties to the Constitutional Court. However, it was finally passed in the DPR on May 12, 2020.
5	Law Number 7 of 2020 concerning the Third Amendment to Law Number 24 of 2003 concerning the Constitutional Court or *Undang-Undang Nomor* 7 *Tahun* 2020 *tentang Perubahan Ketiga atas Undang-Undang Nomor* 24 *Tahun* 2003 *tentang Mahkamah Konstitusi* (UU MK No. 7/2020)	On September 1, 2020, the DPR also approved the Constitutional Court (MK) Bill to become the MK Law and was approved by all factions. Some of the points that have been changed in the Constitutional Court Law are that the term of office of MK judges, which was previously valid for five years and can be re-elected only for one subsequent term, has been abolished. This rule is replaced by Article 23 which states that MK judges can be honorably discharged if they are 70 years old. Apart from that, Article 15 also stipulates several requirements to become an MK judge, one of which is that the minimum age for MK judges is 60 years. In fact, in the previous Constitutional Court Law, the minimum age for MK judges was 47 years with a maximum age of 65 years

Source: Fadhilah (2020) and from various sources (processed).

Referring to Table 1 above, it can be interpreted that the development and renewal of law in Indonesia should be aligned with the highest legal hierarchy as statutory regulations. In the fourth paragraph of the Preamble of the 1945 Constitution, Pancasila is the basis and source of law in Indonesia. The preamble to the 1945 Constitution as a document that is placed at the front of the 1945 Constitution is the place for the promulgation of various basic norms which provide the back-

ground for the content of the lofty ideals of the Declaration of Independence Proclamation of 17 August 1945. Then, the human action model becomes very important in development efforts and legal renewal in Indonesia. Indonesia. The human action model is a legal development process that determines further actions in achieving legal objectives by referring to local community values and norms (Warassih, 2001) so it is hoped that the Indonesian legal system will have compatibility.

Legal compatibility can be interpreted as a dynamic law that reflects change, has empirical content, and prohibits certain scenarios (Fraser & Sarwar, 2018). Hoffmann et al. (2015) stated that legal compatibility as a characteristic of a sociotechnical system aims to achieve the greatest compliance with high-level legal objectives of minimizing social risks from technical systems and extending legality, which refers to preventing violations of law. In this context, the position and existence of the Constitutional Court in Indonesia are expected to function as a supporter, guardian, and guarantor for the realization of development and renewal as well as the application of a compatible legal system. A legally compatible system indicates the goals and requirements resulting from development and legal reforms are expected to promote legal compatibility. A compatible legal system means that regulations consist of a legal structure as a machine, legal substance as a procurement organizational structure along with law enforcement, and legal culture as a determinant of whether the law will have positive and significant implications for realizing justice.

Based on these various descriptions, the development and reform of the law is expected to be able to meet the needs and sense of justice of the wider community, as is the case with Indonesia as a rule of law and also a democratic country. The development and renewal of law must be in accordance with the legal hierarchy as statutory regulations in Indonesia and carried out by law graduates who are proportional and professional with the Pancasila character. Therefore, it is hoped that the theoretical approach in the implementation of legal development and reform can refer to the human action model and be carried out by law graduates who are proportional and professional.

Thus, development and renewal are expected to realize the goal of the law, justice. Development and renewal of Indonesian law should be formed in accordance with the laws that live in society, and legal compatibility. On the other hand, legal reform and development should be carried out by law graduates who are proportional and professional and have Pancasila character. The legal scholars in question are those who master the theoretical and practical concepts in the field of law and are expected to be able to embody the objectives of law as set forth in the fourth paragraph of the Preamble of the 1945 Constitution. It is hoped that the results and implications of development and legal reform in Indonesia will become a cure for diseases in the Indonesian legal system.

4.3. The Regulations as a Cure for Diseases in the Indonesian Legal System

The phenomenon of legal disease in Indonesia is the public perception that the

law is blunt and sharp down. The law is expected to be meaningful as a cure for disease in the Indonesian legal system, namely fulfilling the sense of justice in society as the purpose of the law itself is to achieve justice, certainty, and benefit in the life of the nation (Radbruch, 1950). Law is a collection of rules of action or behavior determined by the controlling authority, and has binding legal force (Bryan, 1999). Law as a rule should be adapted to the dynamics of life and the development of the times so that it can function as a service to the needs of society according to the purpose of law, justice. In this case, the development and renewal of law is a strategic issue and it is important to be carried out in a sustainable manner by a nation in following the development of society and the development of crime (Ismayawati, 2018). Indonesia's legal conditions related to development and renewal are considered to tend not to cure diseases; on the contrary, they are deadly.

Indonesian law as a truly national law must be built by proportional and professional legal experts, legal experts who carry out proportionality assessments, and accept normatively relevant facts (Kenan et al., 2016) related to the principles, principles, and legal norms that apply to live in society, legal compatibility. Legal compatibility needs to be built and renewed along with the dynamics of accelerating the times, especially human resources (HR) in the field of law that are proportional and professional with reference to the education system for clinical doctors and other health workers. In this context, the main issue of legal education and training in Indonesia is related to law degree education in efforts to develop and renew and enforce the law. Development and renewal as well as law enforcement is started from education, law graduates result from legal education. Managers of legal education programs in Indonesia are expected to be able to design law faculties as legal education institutions that interpret the law as human and humanitarian institutions (Rahardjo, 2009).

According to Putranto (2022), legal education in Indonesia is less competitive for law students, because legal education is only assessed as rote without meaning and without knowing philosophical, sociological, teleological, and juridical aspects and only focuses on juridical-normative aspects. On the other hand, the legal education curriculum is considered to tend not to keep up with the times and challenges of current reality so many graduates of legal education are unable to work properly in law offices because a lot of theory and practice during college is not the same as what is in the field (Putranto, 2022). Therefore, law education should be designed in a planned manner, as is done in the education curriculum at medical faculties and several faculties that produce other health workers who tend to be assessed as being more up-to-date with accelerated developments in science and technology.

According to Jenkin et al. (2019), health workers are required to have a combination of clinical acumen, intellectual capacities, and practical abilities that are on par with other medical specialties. The goal of medical care is to improve outcomes where doctors and other primary care practitioners use their education, experience, and results of clinical trials to provide information about the

risks and benefits of available treatments (Pistorius, 2023). According to Pistorius (2023), the benefits of treatment can be one of the following: 1) Healing of disease (the greatest benefit and ultimate goal); 2) Reducing symptoms (e.g., reduce pain); 3) Improved function (eg, able to walk farther); 4) Decreased likelihood of disease complications (eg, heart attack in diabetics); and 5) After weighing the risks and benefits of treatment and considering a person's goals and preferences, the doctor may make recommendations for a particular treatment plan. Referring to Article 1 number 1 of Law Number 36 of 2014 concerning Health Workers (*Undang-Undang Nomor* 36 *Tahun* 2014 *tentang Tenaga Kesehatan* or UU 36/2014): certain conditions require the authority to carry out health efforts.

According to Article 11 of Law 36/2014 jo. The decision of the Constitutional Court of the Republic of Indonesia Number 82/PUU-XIII/2015, ruling on judicial review of Law Number 36 of 2014 concerning Health Workers (UU No. 36/2014) that health workers are grouped into:

1) Clinical psychology personnel;

Nursing staff, which includes various types of nurses;

2) Midwifery staff;

3) Pharmacy staff, which consists of pharmacists and pharmaceutical technical staff;

4) Public health workers, consisting of health epidemiologists, health promotion and behavioral science workers, occupational health advisors, administration and health policy staff, biostatistics and population workers, and reproductive and family health workers;

5) Environmental health workers, consisting of environmental sanitation workers, health entomologists, and health microbiologists;

6) Nutrition staff. Consists of nutritionists and dietitians;

7) Physical therapy personnel, consisting of physiotherapists, occupational therapists, speech therapists, and acupuncturists;

8) Medical technical personnel, consisting of medical recorders and health information, cardiovascular techniques, blood service technicians and, optical/optometric refractions, dental technicians, anesthetists, dental and oral therapists, and audiologists;

9) Biomedical engineering personnel, consisting of radiographers, electronics, medical laboratory technologists, medical physicists, radiotherapists, and prosthetic orthotics;

10) Traditional health workers, which consist of traditional medicine health workers and skilled traditional health workers;

11) Other health workers.

Health worker education products are generally more specific and have been designed and implemented from the outset in accordance with certain types of expertise and have the authority to carry out health, medical treatment, and care efforts. This can be interpreted that the health workers who work in hospitals are proportional and professional health workers according to the knowledge and

skills obtained from the education of health workers. The education system for health workers in Indonesia, especially medical specialist education, is considered to be strict and consistent both in terms of the education system and also the path of community service. A specialist doctor is a doctor who specializes in a particular field or part of the body, and to get a specialist degree, one must first study general medicine, and then continue to a specialist medical education program (Nareza, 2020).

Referring to the management of education for health workers and specialist doctors, the legal education system in Indonesia should be reformed in order to produce proportional and professional law graduates. A bachelor of law is the output of legal education which is expected to have knowledge and skills in the field of law for certain types in order to have the authority to carry out legal remedies, realizing justice. The consideration of the study related to the education of specialist doctors and other health workers with education in the field of law is that these two fields have the same subject and object, namely humans. On the one hand, humans need doctors and other health workers to cure health problems, and on the other hand, humans need law graduates such as judges, prosecutors, lawyers, and other legal professionals to get justice.

Furthermore, the comparative education and training system for medical specialists and law scholars in Indonesia can be described as follows:

Referring to **Table 2**, it can be interpreted that the education and training system for health workers, especially clinical doctors tends to have more knowledge, skills, and field practice and is designed in a planned manner when compared to the education system in the field of law. Legal education held in Indonesia for a long time has not clearly distinguished between academic and professional legal education (Juwana, 2017). According to Juwana (2017), the distinction between the two types of legal education is important because students who study law academically are uncertain and cannot necessarily apply it in practice. Meanwhile, medical education is formed by a medical education system that can produce medical graduates according to the needs of the community (EMedia DPR RI, N/D).

In the context of the health sector, hospitals generally have a health service architecture based on the needs of the population they serve and the skills of the workforce that provides them (Jenkin et al., 2019). According to Jenkin et al. (2019), health workers are required to have a combination of clinical acumen, intellectual capacities, and practical abilities that are on par with other medical specialties. Therefore, development and renewal related to the Indonesian legal system can be carried out through education reform to produce proportional and professional law graduates is a necessity. One of the efforts that must be made is that legal education and training programs must be linear in nature. In this context, the term linear has a meaning related to the suitability of the knowledge and skills acquired by students during their education to become a Bachelor of Law in the study program at the Faculty of Law. Linearity is taking a study program at the lecture level that is still in the same field of knowledge, can also be said to be allied, and is still in the same knowledge cluster.

Table 2. Comparison of education and training systems for clinical doctors and law scholars in Indonesia.

Clinical Doctor Education and Training System	Law Scholars Education and Training System
Undergraduate Medical students need 7 - 10 years to study and hold a License to Practice (*Surat Izin Praktek* or SIP). Starting from the preclinical period, koas, internship, and specialist schools if you want to deepen a certain field with the following stages: **1. Preclinical Period** a. The preclinical period is also known as the lecture period. Like other students, you have studied on campus for 3.5 years (Nanda, 2022). Please note, there is no credit system in the Medicine department, instead it is divided into several blocks. For example, Neurology Block, Skin Block, Pediatrics Block, and many more (Nanda, 2022). b. Medical students also face written exams, OSCE, and SOCA. OSCE (Objective Structured Clinical Examination) is a practical test to guess the diagnosis of a disease suffered by a simulated patient. Then, there is SOCA (Student Oral Case Analysis), which is a test of students' understanding of certain disease cases. SOCA is carried out orally in the presence of 2 - 3 examiners. c. In semester 7, Medical students write a thesis to obtain a Bachelor of Medicine (*Sarjana Kedokteran* or S.Ked) degree. After this, you will graduate and move on to a professional program or coordinator. **2. Co-Assistant**—The second stage of prospective doctors is Co-Assistant. During lectures, the patients they face are pretenders, aka statues. During the Co-Assistant stage, prospective doctors interact with real patients under the supervision of senior doctors. Here, prospective doctors are referred to as young doctors'. The Co-Assistant program is held at a hospital that cooperates with the campus and is not paid. The duration of the Co-Assistants lasts 1.5 to 2 years. Consists of various kinds of stations that must be studied. There are surgical, pediatric, ear, nose, throat (ENT) stages, forensics, anesthesia, obstetrics, internal medicine, psychiatry, and others. To facilitate the learning process, students are put together in small groups. Apart from spending time in the hospital, the coas also received an assignment in the form of an analysis of the disease which had to be presented before senior doctors. **3. Medical Profession Program Student Competency Test (*Uji Kompetensi Mahasiswa Program Profesi Dokter* or UKMPPD)**—After the Co-Assistant, medical students will face. UKMPPD is held 4 times a year, namely in February, May, August and November. UKMPPD consists of Computer Based Test and OSCE. The UKMPPD Computer Based Test (CBT) is an online written test that contains 150 multiple-choice questions and takes 200 minutes to complete. The minimum score required to pass CBT is 66. Meanwhile, the OSCE is a practical exam conducted at the Faculty of Medicine of each tertiary institution. Each participant must pass 12 stations with different topics. The time required at each station is 15 minutes. Here, medical students will practice their medical skills according to the competency standards of Indonesian general practitioners. **4. Doctor's Oath**—This is done after students have successfully passed UKMPPD and earned the title of doctor (dr), and also for those who have a doctor's degree and have undergone an internship program for 1 year, Registration Certificate (*Surat Tanda Registrasi* or STR). **5. Internship**—In the Internship stage, the status of a doctor who has just graduated and has taken the Doctor's Oath is an intern. The purpose of holding an internship is to train the readiness and independence of newly graduated doctors before obtaining a Practice License. After succeeding in the medical	In general, undergraduate law students studying at the Faculty of Law (*Fakultas Hukum* or FH) in Indonesia take 8 (eight) semesters with a maximum study period of 12 (twelve) to study and earn a degree as a Bachelor of Laws (*Sarjana Hukum* or SH). 1. For example, in two universities in Indonesia that have a world reputation in the Webometrics Rank 2023 version, Universitas Gajah Mada (UGM) is ranked 678 in the world, and the University of Indonesia is ranked 577 in the world. (Darmawan, 2023) has a concentration of specialization in the Bachelor of Law program as follows: **a. Universitas Gajah Mada (UGM) Yogyakarta**—UGM has 13 (thirteen) concentrations of specialization in bachelor's degree programs in Law (Universitas Gajah Mada (UGM) Yogyakarta—UGM has 13 (Thirteen) Concentration of Specialization in the Law Undergraduate Program, Gajahmada University Law Undergraduate Study Program (S1) in 2023 consisting of: 1) Constitutional Law; 2) State Administrative Law; 3) Tax Law; 4) Environmental Law; 5) Agrarian Law; 6) Customary Law; 7) Civil Law; 8) Labor Law; 9) Commercial Law; 10) Criminal Law; 11) International Law; 12) Islamic law; 13) Procedural Law. **b. Universita Indonesia (UI)**—UI has 16 (sixteen) specializations in the Bachelor of Laws undergraduate program (FH-UI, 2021), consisting of: 1) Legal Practitioner, 2) Civil Law; 3) Islamic law; 4) Customary Law; 5) Economic Law; 6) Technology Law; 7) Criminal Law; 8) Constitutional Law; 9) State Administrative Law;

apprenticeship program, you will receive a Practice Permit (*Surat Izin Praktek* or SIP) to establish a general practitioner practice or continue on to the Specialist Medical Education Program. **6. Education Program for Specialist Doctors (*Pendidikan Program Dokter Spesialis* or PPDS)**—Specialist doctors are doctors who study certain parts of the body including the diseases in them. PPDS is taken for 4 to 6 years depending on the difficulty of the field taken, and general practitioners who undergo PPDS are referred to as "resident doctors". Specialist fields that can be taken by general practitioners include: Ophthalmologist (*Spesialis Mata* or Sp.M); Pulmonary Specialist (*Spesialis Paru* or Sp.P); Pediatrician (*Spesialis Anak* or Sp.A); Nutrition Specialist (*Spesialis Gizi* or Sp.G); Surgical Specialist (*Spesialis Bedah* or Sp.B); Urology Specialist (*Spesialis Urologi* or Sp.U), Anesthesia Specialist (*Spesialis Anestesi* or Sp.An); Radiology Specialist (*Spesialis Radiologi* or Sp.R), Internal Medicine Specialist (*Spesialis Penyakit Dalam* or Sp.PD); Skin and Gender Specialist (*Spesialis Kulit dan Kelamin* or Sp.KK); Forensic Medicine Specialist (*Spesialis Kedokteran Forensik* or Sp.F); Nerve or Neurological Specialist (*Spesialis Saraf atau Neurologis* or Sp.N); Obstetrics and Gynecology Specialist (*Spesialis Kandungan dan Ginekologi* or Sp.OG); Psychiatrist and Psychiatrist Specialist (*Spesialis Kedokteran Jiwa dan Psikiater* or Sp.KJ); Ear, Nose, Throat Specialist (*Spesialis Telinga, Hidung, Tenggorokan* or Sp. THT); and Heart and Vascular Specialist or Cardiology (*Spesialis Jantung dan Pembuluh Darah atau Kardiologi* or Sp.JT)	10) Agrarian Law; 11) Public Finance Law and Taxation; 12) Environmental Law and Natural Resources; 13) Labor Law; 14) International Private Law; 15) Public International Law; 16) Law, Society and Development. **2. Pre-practice or Co-Assistant Period before becoming a Law Degree:** None **3. Professional Program Student Competency Test:** None **4. Undergraduate Law Undergraduate Oath: There is no specific oath appointment for students who have successfully completed a Bachelor of Law degree:** None **5. Internship: There is no internship program prior to becoming a Bachelor of Laws:** None **6. Professional Education Program for Bachelor of Laws:** None

Source: From various sources (processed).

For example, someone taking a Strata 1 (S1) Criminal Law study program at the Faculty of Law then takes a special professional education and training program in the field of criminal law in the Advocate Profession Special Education (PKPA), and/or when going on to higher formal education such as a program Masters (Strata 2) and/or Doctorate (Strata 3) are also majoring in Criminal Law. This means that the law graduate has a background of knowledge and skills during his undergraduate education in the field of criminal law. A proportional and professional Bachelor of Law is a criminal law expert who has attended an apprenticeship program for a certain period of time and has educational certification and expert training in the field of criminal law so that he is eligible to be able to appear before courts related to criminal law cases. The education and training system for Bachelor of Laws in other study programs should also be implemented based on the same considerations. However, what is slightly different is the education and training of notaries in Indonesia which lasts a relatively long time, between 2 years but there are no special requirements in the field of legal disciplines.

A common phenomenon that occurs in Indonesia is that there are many non-criminal law graduates (from various other legal study programs) as long as they participate in and have completed the Special Advocate Professional Education (*Pendidikan Khusus Profesi Advokat* or PKPA) program which lasts for approximately 7 (seven) days or depending on each PKPA organizers. After passing the PKPA exam, advocate candidates can take the Advocate Profession Examination and if they pass the exam, they can proceed to the stage of taking

the advocate's oath by attaching a certificate of apprenticeship for 2 (two) years. Then, in order to obtain the competence of judges and prosecutors, ideally, special education is needed which must be taken by prospective judges and prospective prosecutors. In Indonesia, judges must complete and be declared graduated from the education and training of judges held by the Supreme Court for 3 (three) months (Badan Litbang Diklat Hukum dan Peradilan Mahkamah Agung RI, 2019). Meanwhile, education and professional training for prosecutors is carried out for approximately 4 (four) months (Badan Diklat Kejaksaan RI, 2023).

Then, when examined from the education and training that must be taken by a specialist doctor and compared with the education and training of a Bachelor of Laws in Indonesia, it can be interpreted very differently. Specialist doctors have to go through several stages of education and training and take part in an apprenticeship program which is relatively long when compared to education programs for advocates, notaries, prosecutors, and judges in Indonesia. Thus, it is time to carry out legal education and training reforms so that it is hoped that they will be able to create proportional and professional law graduates as well as become enforcers of justice with the Pancasila character. According to Sudjito in Muhammad (2022), Indonesia has many law faculties, but what happens, in reality, is that many legal problems arise. So far, the law in Indonesia has been shackled by the legacy of Dutch law, and law is a product of the authorities and the people must submit to the authorities (Sudjito in Muhammad, 2022). In this case, Sudjito in Muhammad, 2022 states that teaching jurisprudence does not only teach truth but also justice.

Therefore, the government together with the DPR RI as legislative institutions needs to institutionalize the process of reforming education and training in the field of law in order to accelerate efforts to develop and reform law in Indonesia. Reform of the education and training system in the field of law must lead to the formation of critical and creative thinking in interpreting law to apply it to the cases it faces by always referring to Pancasila values, and equipped with the ability to utilize information technology in the industrial era 4.0 (Riyanto, 2020). It is hoped that the implications of reforming education and training in the field of law in Indonesia will produce Indonesian law graduates who are proportional and professional and have competence similar to the results of education and training in the field of health workers, and clinical doctors.

Education and training in the field of law are expected to be designed and implemented in accordance with certain types of expertise in the field of law and have the authority to carry out the development and changes to the legal system (structure, substance, and legal culture funds). According to Dakolias and Said (1999), the program's starting point should be a clear plan that focuses on activities that have a high probability of success and that provide immediate benefits. It is hoped that this will be a solution to minimize unscrupulous law enforcers and political actors who may have an interest in continuing judicial inefficien-

cies. Furthermore, education and training reform in the field of law is expected to be established in the form of a planned, gradual, sustainable program as follows:

1) The Pancasila Philosophy-Based Character Education System as stated in the fourth paragraph in the Preamble to the 1945 Constitution. The values of Pancasila must be able to be impregnated and implemented in reality by every Bachelor of Law which is the output of education and training in the field of law. Each of the precepts contained in Pancasila is the basic capital of character education. Therefore, the values that can be taken from Pancasila are aimed at strengthening character education for every Bachelor of Law as follows:

a) In the 1st precept, Belief in the One and Only God is the value that shapes every Bachelor of Law as a religious person who has obedient attitudes and behavior in carrying out the values of the teachings of the religion he adheres to and is tolerant of the implementation of other religious worship in order to maintain and improve a peaceful life get along well with adherents of other religions;

b) In the 2nd precept, just and civilized humanity has the value of understanding and respecting fellow human beings so as to form a civilized character;

c) In the 3rd precept, Unity of Indonesia and the value of understanding the unity and love for the motherland in the context of cultural diversity, race, ethnicity, belief, religion, and language in Indonesia;

d) In the 4th precept, Populist which is led by wisdom in deliberations/representation is an important value for understanding democratic life according to one's conscience and the obligation to obey the law so that one becomes a disciplined person; and

e) In the 5th precept, social justice for all Indonesian people contains the value of fighting for common interests in social life, so that social justice always exists in everyday life.

2) Modernization of Courts—Modern courts are courts that have high quality, are effective, efficient, and provide the best service to ensure the upholding of the law as commander in chief for every member of the wider community who seeks justice.

3) Legal Reform and Alternative Dispute Resolution Mechanisms – Law is generally understood as a system of rules enforced through social institutions to regulate behavior. Law binds a society in the form of rules or ways of behavior or actions that are determined, enforced, and officially recognized by the highest controlling authority accompanied by sanctions in the form of decrees, orders, regulations, laws, judicial decisions, and others, while reforms are carried out to respond to changes in values and concerns in society such as resolving and overcoming developing problems such as cases or legal events and also responding to developments in science or technology. The variety of legal issues requires the existence of alternative dispute resolution mechanisms such as negotiation, conciliation, mediation, and arbitration.

4) Education and Training for Judges, Court Personnel, Advocates, Students, and Civil Society—The objective of law in ethical theory is sole to provide justice for everyone, and in theory utilities mean to provide benefits or advantages for everyone in society-wide. Therefore, it is necessary to reform education and training in the field of law by establishing a planned, gradual and sustainable form of legal education and training program in order to increase the output of legal training and education in Indonesia, to create proportional and professional law graduates based on the Pancasila character.

5) Increasing Access to Justice—Access to justice begins with knowledge about access to law related to the rights of citizens in the nation and state, including the existence of legal representatives (lawyers) in the courtroom, a fair trial where everyone in the courtroom contributes to the process Justice. This happens when the court is the last resort to seek justice. Therefore, access to justice should be increased and also felt by everyone in the nation and state.

Furthermore, Indonesian law compatibility is generally considered to ignore the prohibition of certain scenarios (Fraser & Sarwar, 2018). Therefore, the development and renewal of law should be in accordance with the objective of law, justice. According to Warassih (2001), the realization of legal objectives is based on justice so a change in approach is needed towards a more humane approach by law enforcement officials to avoid cultural coercion. Law is not just a formality or normative, law has empirical (factual) validity, that is, is obeyed and enforced, normative (formal), that is, the rules are suitable in a hierarchical legal system, and philosophical (evaluative), that is, accepted and true (meaningful) and has an obligatory nature because of its content (Warassih, 2001). According to Djaka Suhenedra (2004) in Adiyanta (2019), Indonesian law often raises problems because most of them are related to state policies and those that emerge and develop in a pluralistic society, namely:

1) The problem of the relationship between state law and the other laws. This phenomenon is often reflected in various events, including the emergence of horizontal conflicts in various regions, disputes between the state (and local governments) and the community, as well as between community groups themselves (Sahlan, 2010). Events of state co-optation in the form of state regulations that regulate and manage forest areas are a factor that triggers horizontal conflicts. Likewise the issue of ownership and control of land rights which are often intervened by economic interests and exploitation under the pretext of national development interests. Often conflicts occur as a result of parties using the state law and then clashing with indigenous or local communities who use the customary law system;

2) The relationship between the majority and the minority. In the economic field, for example, if the majority of the population (those with weak economic capacity) are protected by certain government regulations (as happened during the New Order era), or vice versa, elite groups receive special treatment, this will trigger socioeconomic discrimination and jealousy which has the potential to

threaten disintegrated nation;

3) The condition of pluralism concerning indigenous and non-indigenous relations by making different rules and treatments is also a trigger for social, economic, and racial problems;

4) Relations between ethnic groups in various regions are increasingly vulnerable, due to central government policies that prioritize state interests which result in the culture and position of local communities being increasingly marginalized, resulting in increasingly strong friction between community groups.

Based on these various descriptions, the health workforce is a legal structure that functions as a driving force for hospital operations, while the legal substance is a hospital product in the form of medical treatment to cure patients or sick people. Then, the legal culture is the opinion of the community towards hospital products, healing patients' illnesses. If the public's opinion of hospital products is good, then the community's appreciation will be significant and positive. However, if it's the other way around, then a hospital will produce a product that kills society. On the other hand, what is equally important is the implementation of law enforcement in Indonesia. This is very closely related to the human resource factor, namely, law graduates as enforcers of justice who have the Pancasila character, have integrity in accordance with legal objectives, and are reliable in theoretical concepts and practice in the field of law.

Thus, the law is a regulation that can be used as an analogy for the purpose of medical treatment carried out by hospitals and health workers who are proportional and professional in curing patients' illnesses. In this context, a problem is something that will be solved the same as a disease. Because he is a disease, medicine is needed to treat the disease, and in law, it is called statutory regulations. In this context, laws and regulations are needed to resolve this problem and there are 3 (three) types of drugs as follows: 1) Generic drugs; 2) Drugs above are generic or require a prescription from a specialist or legal expert; and 3) Imported drugs whose results are very fast to cure the disease. Likewise in law, there are 3 (three) types of settlement through statutory regulations as follows: 1) The threats are light, 2) The threats are moderate, and 3) The threats are severe, such as the death penalty. The solution needs to identify the problem with all laws and regulations in order to solve the problem. Therefore, the strategy for the development and renewal of the Indonesian legal system should start with reforming the education and training of law graduates in order to create Specialist Law Degrees as well as implementing education and training programs for health workers and specialist doctors.

5. Conclusion

The phenomenon of the Indonesian legal system tends to draw criticism rather than praise, and various criticisms are directed both at law enforcement, legal awareness, and legal quality. This condition occurs due to the ambiguity of various laws relating to legal processes and also the weak application of various reg-

ulations. Several laws made as a result of development and legal renewal in Indonesia are considered to tend to reflect unfair laws. This is caused by the process of forming and updating laws in Indonesia which creates problems when legal norms are limited and rigidly applied in people's lives. The implication is the perception of the majority of people that the law is blunt up and sharp down. In reality, this perception is an open secret in Indonesia because the law can be misused by those who have influence or position, even those who have power. Indonesia as a legal positivist adherent country should comply with the hierarchy of laws and regulations in order to create laws that are in accordance with the fourth paragraph of Pancasila. Development and renewal related to the Indonesian legal system is expected to include judicial reform, the entire process undertaken to examine all aspects of the statutory system.

Thus, efforts to rationalize and reorganize the Indonesian legal system must be carried out, and starting from the reform of legal education and training at the Faculty of Law in Indonesia must be carried out in a program so as to create Specialist Bachelor of Laws as the implementation of health personnel education (eg specialist medical education). In this case, the law is the same as a disease, so there is no need for generic drugs or generic regulations to cure legal ailments. At this time, patent drugs and even imported drugs are needed in the form of patent law regulations that have been established internationally, and these patent regulations are expected to regulate those that have not been regulated so that legal objectives can be achieved or can cure human diseases. Then, to streamline the effectiveness and efficiency of the national legal system, patent drugs or patent regulations are expected to function to improve services to the wider community who are seeking justice. Therefore, the development and renewal of the Indonesian legal system in the future is rationally expected to be better because it is carried out by Specialist Bachelors of Laws who have a combination of contextual legal knowledge, intellectual capacity, and practical abilities as professionals and with Pancasila character.

State of the Art

This study limits the development and renewal of Indonesian law which must be carried out by Bachelor of Law Specialists, legal experts who are proportional and professional and have Pancasila character. It is hoped that this will become a mandatory agenda so that it can be fought for by the government and legislature, academics and legal practitioners, as well as the wider community in order to realize Indonesia as a legal state as set forth in the fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia.

Acknowledgements

Thank you to Pancasila University for giving me the opportunity to carry out the Tri Dharma of Higher Education so that I can complete this research. And lastly, thank you to my colleagues in the Faculty of Law, Universitas Pancaila, Jakarta

who have always provided constructive support.

Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

References

Abyssinia Law (2022). *Introduction to Law and Law of Persons: Functions of Law*. https://www.abyssinialaw.com

Adiyanta, F. C. S. (2019). Pembaruan Hukum Nasional: Pruralisme, Unifikasi Hukum, dan Hubungan Kewenangan antara Pemerintah Pusat dengan Pemerintah Daerah. *Adminitrative Law & Governance Journal, 2,* 93-105. https://doi.org/10.14710/alj.v2i1.93-105

Ali, A. (2010). *Menguak Teori Hukum (Legal Theory) & Teori Peradilan (Judicialprudence): Termasuk Interpretasi Undang-undang (Legisprudence).* Kencana Prenada Media Group.

Annur, C. M. (2022). *Jumlah Tindak Pidana Korupsi di Indonesia (2014-2022).* https://databoks.katadata.co.id/

Azhary (1995). *Negara Hukum Indonesai: Analisis Yuridis Normatif Tentang Unsur Unsurnya*. UI Press.

Badan Diklat Kejaksaan RI (2023). *Badiklat Kejaksaan Kembali Gelar PPPJ Angkatan 79 Gelombang II.* https://badiklat.kejaksaan.go.id

Badan Litbang Diklat Hukum dan Peradilan Mahkamah Agung RI (2019). *Penutupan Pendidikan dan Pelatihan Calon Hakim Angkatan IV*. https://bldk.mahkamahagung.go.id

Badan Pembinaan Hukum Nasional Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia (1992). *Peningkatan Yurisprudensi Sebagai Sumber Hukum, Penelitian Hukum*. Badan Pembinaan Hukum Nasional.

Badan Pembinaan Hukum Nasional Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia (2021). *Dokumen Pembangunan Hukum Nasional Tahun Anggaran 2021*. Badan Pembinaan Hukum Nasional.

Bhandari, D. R. (2002). *Reprint History of European Political Philosophy*. Bappco, the Bangalore Press.

Black, H. C. (1910). *Exist Definition & Legal Meaning*. Black's Law Dictionary, Second Edition. https://thelawdictionary.org/exist

Bo'a, F. Y. (2018). Pancasila sebagai Sumber Hukum dalam Sistem Hukum Nasional. *Jurnal Konstitusi, 15,* 28-49. https://doi.org/10.31078/jk1512

Bobonich, C. (2010). *Plato's "Laws": A Critical Guide*. Cambridge University Press.

Brooks, E. (2022). *What Is Judicial Interpretation: Definition, Methods*. The Civil Liberties Union for Europe (Liberties). https://www.liberties.eu

Bryan, A. G. (1999). *Black's Law Dictionary* (7th ed.). West Publishing Co.

Dakolias, M., & Said, J. (1999). *Judicial Reform: A Process of Change through Pilot Courts.* The International Bank for Reconstruction and Development/The World Bank. https://biblioteca.cejamericas.org

Darmawan, A. P. (2023). *25 Universitas Terbaik di Indonesia Versi Webometrics 2023*. https://www.kompas.com

EMedia DPR RI (N/D). *Revisi UU Dikdok Beri Implikasi Penting dalam Konsep Pendidikan Kedokteran*. https://emedia.dpr.go.id

Ensiklopedi Nasional Indonesia Jilid II (1990). PT. Cipta Adi Pustaka.

Fadhilah (2020). *Daftar 5 UU Kontroversial yang Disahkan Pemerintahan Jokowi, Apa Saja*? https://www.kompas.tv

Fadhlika, Z. A. (2022). *Mewujudkan Hukum yang Ideal Melalui Teori Lawrence M. Friedman*. https://heylawedu.id

Fajar, M., & dan Achmad, Y. (2017). *Dualisme Penelitian Hukum Normatif dan Empiris*. Cetakan IV, Pustaka Pelajar.

Fendri, A. (2011). Perbaikan sistem hukum dalam pembangunan hukum di Indonesia. *Jurnal Ilmu Hukum, 2,* 96-107. https://doi.org/10.30652/jih.v1i02.1157

FH-UI (2021). *Program Sarjana*. https://law.ui.ac.id

Fraser, P. T., & Sarwar, A. (2018). A Compatibility Law and the Classification of Theory Change. *Scientonomy: Journal for the Science of Science, 2,* 67-82. https://doi.org/10.33137/js.v2i0.31278

Friedman, L. M. (1975). *The Legal System: A Social Science Perspective*. Sage Foundation.

Griffith, T. (2016). *Plato: The Laws. Cambridge Texts in the History of Political Thought*. Cambridge University Press.

Hamedi, A. (2014). The Concept of Justice in Greek Philosophy (Plato and Aristotle). *Mediterranean Journal of Social Sciences, 5,* 1163-1167. https://doi.org/10.5901/mjss.2014.v5n27p1163

Hananta, D. (2021). *Pendekatan Hukum Perdata Internasional Dalam Penyelesaian Sengketa Kontrak Komersial Internasional Berbahasa Asing*. Mahkamah Agung Republik Indonesia. https://www.mahkamahagung.go.id/id

Hart, H. L. A., Raz, J., & Green, L. (2012). *The Concept of Law*. Oxford University Press Inc. https://doi.org/10.1093/he/9780199644704.001.0001

Hasudungan, A. N. (2021). Pelurusan Sejarah Mengenai Indonesia Dijajah Belanda 350 Tahun SebagaiI Materi Sejarah Kritis Kepada Peserta Dididk Kelas XI SMAN 1 Rupat. *Jurnal Widya Winayata: Jurnal Pendidikan Sejarah, 9,* 129-141. https://doi.org/10.23887/jjps.v9i3.39395

Hoffmann, A., Schulz, T., Zirfas, J., Hoffmann, H., Roßnagel, A., & Leimeister, J. M. (2015). Legal Compatibility as a Characteristic of Sociotechnical Systems-Goals and Standardized Requirements. *Business & Information Systems Engineering, 57,* 103-113. https://doi.org/10.2139/ssrn.2654373

Ifrani, I. (2021). The Political Law of National Economic Development: A Nation of Law Perspective. *Unifikasi: Jurnal Ilmu Hukum, 8,* 1-9. https://doi.org/10.25134/unifikasi.v8i1.2795

Ilmar, A. (2004). *Hukum Penanaman Modal di Indonesia*. Kencana.

Indriani, I. (2019). Pengaruh Perkembangan Pembangunan Nasional Sebagai Aspek Pengubah Hukum Dari Segi Ekonomi. *Rechtsregel Jurnal Ilmu Hukum, 2,* 589-600. https://doi.org/10.32493/rjih.v2i1.2987

InforMEA-the United Nations Information Portal on Multilateral Environmental Agreements (2019). *National Law: Definition (s)*. https://www.informea.org/en/terms/national-law

Irnawati, Mustari, dan Bahri (2021). Perjuangan Baharuddin Lopa Dalam Penegakan Hukum di Indonesia (1982-2001). *Phinisi Integration Review, 4,* 538-547.

Ismayawati, A. (2018). Pancasila sebagai Dasar Pembangunan Hukum Di Indonesia. *Yu-*

disia: Jurnal Pemikiran Hukum dan Hukum Islam, 8, 53-74. https://doi.org/10.21043/yudisia.v8i1.3231

Jenkin, D. C., Mahgoub, H., Morales, K. F., Lambach, P., & Nguyen-Van-Tam, J. S. (2019). A Rapid Evidence Appraisal of Influenza Vaccination in Health Workers: An Important Policy in an Area of Imperfect Evidence. *Vaccine X., 2,* 100036. https://doi.org/10.1016/j.jvacx.2019.100036

Juwana, H. (2017). Reformasi Pendidikan Hukum Di Indonesia. *Jurnal Hukum & Pembangunan, 35,* 1-26. https://doi.org/10.21143/jhp.vol35.no1.1458

Kelsen, H. (2007). *Pure Theory of Law: Legality and Legitimacy* (Ttranslated by Lars Vinx). Oxford University Press.

Kenan, R. S., Kremnitzer, M., & Alon, S. (2016). Facts, Preferences, and Doctrine: An Empirical Analysis of Proportionality Judgment. *Law & Society Review, 50,* 348-382. https://doi.org/10.1111/lasr.12203

Ketetapan Majelis Permusyawaratan Rakyat Republik Indonesia Nomor XVIII/MPR/1998 tentang Pencabutan Ketetapan Majelis Permusyawaratan Rakyat Republik Indonesia Nomor II/MPR/1978 tentang Pedoman Penghayatan dan Pengamalan Pancasila (Eka-prasetia Pancakarsa) dan Penetapan tentang Penegasan Pancasila Sebagai Dasar Negara.

Kongres Advokat Indonesia (2022). *Mengenal 3 Elemen Hukum, Substansi, Struktur dan Kultur*. https://www.kai.or.id

Latif, Y. (n.d.). *Pancasila Sebagai Norma Dasar Negara: Implikasinya terhadap Perumusan Konstitusi*. https://www.bphn.go.id

Marzuki, P. M. (2007). *Penelitian Hukum*. Kencana Prenada Group.

Maysarah, A. (2017). Perubahan dan Perkembangan Sistem Hukum di Indonesia. *Jurnal Warta,* Edisi 52, 1-14.

Muhammad, I. W. (2022). *Sejumlah Pakar Tawarkan Konsep Pendidikan Hukum Berkarakter Pancasila*. https://www.mkri.id

Mursid, F. (2022). *Survei Indikator: Persepsi Ekonomi Hingga Penegakan Hukum Cenderung Negatif*. https://news.republika.co.id

Nanda, S. (2022). *Tahapan Menjadi Dokter di Indonesia, Butuh Berapa Tahun?* Ruang Guru. https://www.brainacademy.id/blog/perjalanan-karir-menjadi-dokter-di-indonesia

Nareza, M. (2020). Ini Macam-Macam Dokter Spesialis Yang Perlu Anda Ketahui. *Alodokter*. https://www.alodokter.com

Nawiasky, H. (1948). *Allgemeine Rechtslehre als System der rechtlichen Grundbegriffe*. Benziger.

Pacher, A. N., & Hamann, H. (2023). Is Every Law for Everyone? Assessing Access to National Legislation through Official Legal Databases around the World. *Oxford Journal of Legal Studies, 20,* 1-24.

Pandey, A., & Tripathi, A. (2022). *Concept of Justice under Indian Constitution*. Manupatra Articles. https://articles.manupatra.com

Pane, T. (2011). Kemungkinan Peraturan Di Bawah Undang-Undang Sebagai Obyek Pengujian Mahkamah Konstitusi. *Jurnal Hukum & Pembangunan, 41,* 396-419. https://doi.org/10.21143/jhp.vol41.no3.253

Peraturan Pemerintah Pengganti Undang-Undang Nomor 1 Tahun 2020 tentang Kebijakan Keuangan Negara dan Stabilitas Sistem Keuangan untuk Penanganan Pandemi Covid-19 dan/atau Dalam Rangka Menghadapi Ancaman yang Membahayakan Pere-

konomian Nasional dan/atau Stabilitas Sistem Keuangan.

Pistorius, J. M. (2023). A Modern-Day Florestan: Fidelio on Robben Island and South Africa's Early Democratic Project. *Twentieth-Century Music, 20,* 107-125. https://doi.org/10.1017/S1478572222000500

Pryima, S. V. (2021). A Legal Norm: General Theoretical Characteristic. *Problems of Legality, No. 155,* 51-68. https://doi.org/10.21564/2414-990X.155.243848

Putranto, R. D. (2022). Dua Isu Perlunya Perbaikan Pendidikan Hukum di Indonesia, Hukumonline.com. https://www.hukumonline.com

Radbruch, G. (1950). *Legal Philosophy, in the Legal Philosophies of Lask, Radbruch and Dabin* (Translated by Kurt Wilk). Harvard University Press.

Rahardjo, S. (2009). *Pendidikan Hukum sebagai Pendidikan Manusia*. Genta Publishing.

Raz, J. (1975). The Institutional Nature of Law. *The Modern Law Review, 38,* 489-503. https://doi.org/10.1111/j.1468-2230.1975.tb01426.x

Riyanto, H. R. B. (2020). Pembangunan Hukum Nasional Di Era. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional, 9,* 161-181. https://doi.org/10.33331/rechtsvinding.v9i2.455

Sahlan, S. (2010). The Other Laws di Era Otonomi Daerah (Studi Antropologi Hukum). *Pandecta Research Law Journal, 5,* 149-159.

Sanday, E. (2012). *Plato's Laws: Force and Truth in Politics. Studies in Continental Thought*. Indiana University Press.

Sendari, A. A. (2021). *Hukum adalah Aturan yang Mengikat dalam Masyarakat, Kenali Macamnya*. https://www.liputan6.com

Septianingrum, A. (2018). Invasi Yunani Ke Persia Sebagai Bukti Kebangkitan Kebudayaan Hellenis. *Diakronika, 18,* 1-17. http://diakronika.ppj.unp.ac.id https://doi.org/10.24036/diakronika/vol18-iss1/58

Shavell, S. (2003) Economic Analysis of the General Structure of the Law. *NBER Working Paper No. w9699*. https://ssrn.com/abstract=408195 https://doi.org/10.2139/ssrn.383443

Simanjuntak, E. (2019). Peran Yurisprudensi dalam Sistem Hukum di Indonesia. *Jurnal Konstitusi, 16,* 83-104. https://doi.org/10.31078/jk1615

Soekanto, S., & dan Mamuji, S. (1995). *Penelitian Hukum Normatif, Suatu Tinjauan Singkat*. PT. Raja Grafindo Persada.

Soemitro, R. H. (1988). *Metodologi Penelitian Hukum dan Jurimetri*. PT. Yudhistira Ghalia Indonesia

Studocu (2023). *Infrastruktur dan Suprastruktur Hukum*. Ilmu Perundang-undangan (HUK24108) Universitas Sriwijaya. Dalam Studocu 2023 Studeer Snel B.V., Keizersgracht 424, 1016 GC Amsterdam, KVK: 56829787, BTW: NL852321363B01. https://www.studocu.com/id

Sudarto (2016). *Tradisi Hukum Adat Dan Pembangunan Hukum Di Indonesia Ditinjau Dari Sosiologi Hukum*. Thesis, Program Magister Hukum Fakultas Hukum Universitas Sebelas Maret Surakarta. https://file.hukum.uns.ac.id

Tamanaha, B. Z. (2011). A Vision of Social-Legal Change: Rescuing Ehrlich from "Living Law". *Law & Social Inquiry, 36,* 297-318. https://www.jstor.org/stable/23011878 https://doi.org/10.1111/j.1747-4469.2010.01232.x

Tenripadang, A. (2016). Hubungan Hukum Internasional Dengan Hukum Nasional. *Jurnal Hukum Diktum, 14,* 67-75.

The Judicial Learning Center (2019). *Law and the Rule of Law*.

https://judiciallearningcenter.org

The UN General Assembly (2006). *Peace, Dignity, and Equality on a Healthy Planet, Global Issues: Democracy*. United Nations. https://www.un.org

Tommasoli, M. (2012). *Rule of Law and Democracy: Addressing the Gap between Policies and Practices*. United Nations. https://www.un.org

Triwijaya, A. F., Fajrin, Y. A., & Wibowo, A. P. (2020). Quo Vadis: Pancasila Sebagai Jiwa Hukum Indonesia. *Jurnal Pendidikan Pancasila dan Kewarganegaraan, 1,* 115-129. https://doi.org/10.26418/jppkn.v1i2.41083

Undang-Undang Nomor 3 Tahun 2020 tentang Perubahan atas Undang-Undang Nomor 4 Tahun 2009 tentang Pertambangan Mineral dan Batubara.

Undang-Undang Nomor 7 Tahun 2020 tentang Perubahan Ketiga atas Undang-Undang Nomor 24 Tahun 2003 tentang Mahkamah Konstitusi.

Undang-Undang Republik Indonesia Republik Indonesia No. 5 Tahun 2004 tentang Perubahan atas UU No. 14 Tahun 1985 tentang Mahkamah Agung.

Universitas Gajah Mada (UGM) Yogyakarta—UGM Has 13 (Thirteen) Concentration of Specialization in the Law Undergraduate Program, Gajahmada University Law Undergraduate Study Program (S1) in 2023. https://www.ugm.ac.id

Wahyudi, H. T. (2014). *Urgensi Sistem Hukum Di Indonesia Dalam Perspektif Pembentukan Hukum Nasional Yang Berfalsafah Pancasila*. Dipublikasikan oleh Iwan Kartiwan pada on 12 Februari 2014 di Direktorat Badan Peradilan Agama Mahkamah Agung Republik Indonesia. atau Ditjen Badilag MA RI. https://badilag.mahkamahagung.go.id

Warassih, E. (2001). *Pemberdayaan Masyarakat dalam Mewujudkan Tujuan Hukum (Proses Penegakan Hukum dan Persoalan Keadilan).* Pidato Pengukuhan Guru Besar pada Fakultas Hukum Universitas Diponegoro, Semarang, 14 April 2001. https://digilib.undip.ac.id

Wignjosoebroto, S. (1994). *Dari Hukum Kolonial ke Hukum Nasional-Dinamika Sosial-Politik dalam Perkembangan Hukum di Indonesia*. PT. Raja Grafindo Persada.