

LEGAL POLITICS FORMATION OF LEGISLATION IN THE INDONESIA NATIONAL LEGAL SYSTEM

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Abstract

Indonesia is a state of law (rechtstaat) where the main joint of the national legal system is legislation. The conception of a state of law desired by the founding fathers since the beginning of the struggle for independence contains the basic ideas in the preamble to the 1945 Constitution of the Republic of Indonesia. Legislation is an instrument needed in national legal efforts. Discussing statutory regulations in essence, cannot be separated from discussing statutory politics based on the principle that laws and or statutory regulations are part of a political product. The form of statutory regulations in government can differ from laws and regulations in other governments. This depends on the authority of each government. Fundamental questions are related to the legal politics of forming laws and regulations in the national legal system and formulating regulations in the future. The discussion results show that the development of law and the updating of materials to be by the needs and implementation of existing provisions, as well as the preparation of laws and regulations, has a dimension of benefit that is large enough to realize the ideals of the formation of law.

Keywords: *Systems; Legislation; National Law; Indonesia.*

Abstrak

Negara Indonesia adalah negara hukum (rechtstaat) dimana sendi utama dari sistem hukum nasional adalah peraturan perundang-undangan. Konsepsi negara hukum yang diinginkan oleh founding fathers sejak awal perjuangan kemerdekaan ini jelas dimuatnya pokok-pokok pikiran dasar dalam pembukaan Undang-Undang Dasar Negara Republik Indonesia tahun 1945. Peraturan perundang-undangan juga merupakan instrument yang dibutuhkan dalam upaya pembaharuan hukum nasional. Membahas mengenai peraturan perundang-undangan pada hakikatnya tidak dapat dipisahkan dari membahas mengenai politik perundang undangan yang didasarkan pada prinsip bahwa hukum dan atau peraturan perundang-undangan merupakan bagian dari suatu produk politik. Bentuk peraturan perundang-undangan dalam suatu pemerintahan dapat berbeda dengan peraturan perundang-undangan di pemerintahan lainnya. Hal ini tergantung pada kewenangan masing-masing pemerintah. Pertanyaan mendasar terkait dengan politik hukum pembentukan peraturan perundang-undangan dalam sistem hukum nasional dan penyusunan peraturan di masa mendatang. Hasil pembahasan bahwa pembangunan hukum intinya adalah pembuatan dan pemutakhiran bahan hukum agar dapat sesuai dengan kebutuhan dan pelaksanaan ketentuan hukum yang ada serta penyusunan peraturan perundang-undangan memiliki dimensi manfaat yang cukup besar bagi mewujudkan cita-cita pembentukan hukum.

Kata Kunci: *Sistem; Legislasi; Hukum Nasional; Indonesia.*

A. Introduction

The state of Indonesia is a state of law. The affirmation of this can be seen in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. According to Daniel S. Lev, the constitutional-juridical affirmation by the founding fathers as above is very appropriate because, Sociologically, various groups of Indonesian people also support or agree with the rule of law for various reasons.¹ To make it happen, one of them must be supported by good national development. The national development planning system is a unified development procedure to produce long-term, medium-term, and annual development plans implemented by elements of state and community administrators at the central and regional levels.² The national development planning system in its implementation is based on the general principles of state administration, which aims to support coordination between development actors, ensure the creation of integration, synchronization, and synergy between regions, between spaces, across time, between government functions as well as between the center and regions, ensuring linkage and consistency between planning, budgeting, implementation and monitoring, optimizing community participation, and ensuring the achievement of efficient, effective, equitable, and sustainable use of resources.³ The goal of a country is the ideals of a country that the country wants to realize through the procedures or systematic legal instruments that exist in that country. According to Roger Soltau, the state aims to enable its people to develop and carry out their creativity as freely as possible.⁴ Legislation is a part or subsystem of the legal system. Therefore, in essence, discussing the politics of Legislation cannot be separated from discussing legal politics. The term politics of law or politics of Legislation is based on the principle that laws or laws and regulations are part of a political product because laws and regulations are a draft or result of the design of a political institution (political body).⁵ The Ehrlich school gives a message to lawmakers to create rules that do not conflict with the laws that live in society.⁶ As we know carefully that the form of Legislation at a particular time (government) can be different from the form of Legislation at other times, this depends on the authorities and their authority to form a

¹ Daniel S. Lev, "Hukum Dan Politik Di Indonesia: Keseimbangan Dan Perubahan," 1st ed. (Jakarta: LP3ES, 1990).

² Miftahul Qodri, "'Benang Merah' Penalaran Hukum, Argumentasi Hukum Dan Penegakan Hukum," *Jurnal Hukum Progresif* 7, no. 2 (2019): 181–182, doi:10.14710/hp.7.2.182-191.

³ "Undang-Undang Nomor 25 Tahun 2004 Tentang Sistem Perencanaan Pembangunan Nasional" (2004).

⁴ Ni'matul Huda, "Ilmu Negara" (Jakarta: Rajawali Press, 2013).

⁵ Mahfud MD, "Politik Hukum Di Indonesia" (Jakarta: Rineka Cipta, 2001).

⁶ Mochtar Kusumaatmadja, "Bhinneka Tunggal Ika Sebagai Asas Hukum Bagi Pembangunan Hukum Nasional" (Bandung: Citra Aditya Bakti, 2006).

decision in the form of Legislation.⁷ Example, several bills passed by the DPR have been in the spotlight of legal experts because they do not carry out democratic principles and ignore the role of the public as a form of people's sovereignty, as stated in Law No. 12 of 2011 concerning the Formation of Legislation. Because it contains detailed rules on how to draw up a law based on Pancasila and the 1945 Constitution as a reflection of Indonesian legal politics. The data from the Constitutional Court shows that the submission of applications for judicial review in 2020 reached 52 cases. This shows that there are formal and material problems in a law issued by the legislator as the legislator so that the public submits a judicial review lawsuit to the Constitutional Court.⁸

Based on the description of the research background above, the following problems can be formulated: 1). How is the legal politics of forming laws and regulations in the national legal system, and 2). How is the arrangement of laws and regulations strengthening the legal system in Indonesia.

B. Discussion

1. Legal Politics Formation of Legislation in the National Legal System

Indonesia is a legal state based on Pancasila and the 1945 Constitution. Based on the 4th paragraph of the 1945 Constitution, Indonesia is based on the law by the national legal system.⁹ Mahfud MD argues that legal politics include: 1. Legal development has the core of making and updating legal materials by needs, 2. Implementing existing legal provisions, including affirming institutional functions and fostering law enforcers.¹⁰ Meanwhile, other related elaborations on legal politics are tools or means, and steps that the government can use to create the desired national legal system and the ideals of the Indonesian people will be realized.¹¹ The politics of Legislation is a part or subsystem of legal politics; thus, it can be said that studying or understanding legal politics is the same as understanding or studying the politics of Legislation and vice versa because understanding legal politics includes the process the formation and implementation/application of laws that can indicate the nature of the direction in which the law

⁷ Soehino, "Hukum Tata Negara Teknik Perundang-Undangan" (Yogyakarta: Liberty, 2008).

⁸ Itsmaamul Wafaa Samudra, "Politik Hukum Indonesia 2020," Kumparan.Com, 2020, <https://kumparan.com/itmaamul-wafaa-s/politik-hukum-indonesia-2020-1vHTpuw6G6K>.

⁹ Zico Junius Fernando, "Pancasila Sebagai Ideologi Pemberantasan Kejahatan Korporasi Di Indonesia," *Supremasi Hukum* 29, no. 2 (2020): 80, doi:<https://doi.org/10.33369/jsh.29.2.78-90>.

¹⁰ Ahmad Badarus Syamsi, "Transformasi Hukum Ekonomi Islam Sebagai Ius Constituendum Menjadi Ius Constitutum," *Et-Tijarie* 4, no. 1 (2017): 2-3, doi:<https://eco-entrepreneur.trunojoyo.ac.id/ettijarie/article/view/3899>.

¹¹ C.F.G Sunaryati Hartono, "Politik Hukum Menuju Satu Sistem Hukum Nasional" (Bandung: Alumni, 1991).

will be developed and enforced.¹² The state administration in Indonesia has the aspiration to form a legal order based on Pancasila. As the philosophy of the Indonesian nation, Pancasila is expected to be able to accommodate the aspirations that grow and develop. It is also hoped that the formed legal products can adapt to a pluralistic national identity and collect every given aspiration.¹³ We are seeing that the national legal politics policy must be based on the desire to reform the legal system and politics based on 3 (three) basic principles that must be upheld by every citizen, namely the rule of law, equality before the law, and law enforcement in ways that are not contradictory with the law.¹⁴ These three basic principles are absolute in realizing the ideals of a peaceful and prosperous Indonesia (welfare states).¹⁵ If the rules are enforced and public order is realized, it is hoped that certainty, a sense of security, peace, or a harmonious life will be realized. For this reason, national legal politics must always be directed at efforts to overcome various problems in the administration of the legal system and politics, which include issues related to legal substance, legal structure, and legal culture.¹⁶

Therefore, a legal political development program was prepared, among others, by doing:¹⁷ a) Legal planning program; b) Law establishment program; c) Program to improve the performance of the judiciary and other law enforcement agencies; d) Program to improve the quality of the legal profession; and, e) Program to increase awareness of the law and human rights (HAM).

As we all know, legal products or regulations in Indonesia are political products. The House of Representatives (DPR) has the power to make laws, and each draft law is discussed by the House of Representatives (legislative) and the President (executive) for mutual approval. Likewise, the President (executive) has the right to submit draft laws to the House of Representatives (legislative).¹⁸ Planning for the preparation of laws is carried out in the National

¹² Bagir Manan, "Politik PerUndang-Undangan" (Jakarta: Makalah, 1994).

¹³ Maryanto, "Urgensi Pembaruan Sistem Hukum Ekonomi Indonesia Berdasarkan Nilai-Nilai Pancasila," *Jurnal Yustisia* 4, no. 1 (2015): 221–22, doi:<https://doi.org/10.20961/yustisia.v4i1.8638>.

¹⁴ Merdi Hajiji, "Relasi Hukum Dan Politik Dalam Sistem Hukum Indonesia," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 2, no. 3 (2013): 362, doi:[10.33331/rechtsvinding.v2i3.65](https://doi.org/10.33331/rechtsvinding.v2i3.65).

¹⁵ Muhammad Reza Winata, "Politik Hukum Dan Konstitusionalitas Kewenangan Pembubaran Organisasi Kemasyarakatan Berbadan Hukum Oleh Pemerintah," *Jurnal Penelitian Hukum De Jure* 18, no. 4 (2018): 446, doi:[10.30641/dejure.2018.v18.445-464](https://doi.org/10.30641/dejure.2018.v18.445-464).

¹⁶ A Wahyudi, "Politik Hukum Peradilan Tata Usaha Negara (TUN)," *HERMENEUTIKA: Jurnal Ilmu Hukum* 5, no. 1 (2021): 145–46, doi:[http://dx.doi.org/10.33603/hermeneutika.v5i1.4923](https://doi.org/10.33603/hermeneutika.v5i1.4923).

¹⁷ Zico Junius Fernando, "Pentingnya Restorative Justice Dalam Konsep Ius Constituendum," *Al-Imarah: Jurnal Pemerintahan Dan Politik Islam* 5, no. 2 (2020): 254, doi:[http://dx.doi.org/10.29300/imr.v5i2.3493](https://doi.org/10.29300/imr.v5i2.3493).

¹⁸ Mia Kusuma Fitriana, "Peranan Politik Hukum Dalam Pembentukan Peraturan PerUndang-Undangan Di Indonesia Sebagai Sarana Mewujudkan Tujuan Negara (Laws And Regulations In Indonesia As The Means Of

Legislation Program (PROLEGNAS), and the preparation of Regional Regulations (PERDA) is carried out in the Regional Legislation Program (PROLEGDA). In the formation of Legislation, it is necessary to look at the hierarchy. In theory, no single rule may conflict with the hierarchy of laws and regulations.¹⁹ If there is an overlap of laws and regulations with rules with higher hierarchies, then there is an evaluation mechanism. However, even though they are hierarchical, it does not mean that the formulation and stipulation of laws and regulations are always based directly above existing ones. The hierarchy or order of the laws and regulations is solely in synchronizing or avoiding implementation conflicts between one rule and another. So that every statutory regulation is expected to run for the purpose for which the Legislation was made.

Legislation in Indonesia must reflect several principles about the content of regulation. The principles are as follows:²⁰ a) *Protection Principle*, namely that the content of each statutory regulation must function to protect to create public peace; b) *Humanity Principle*, namely that the content of each statutory regulation must reflect proportionally the protection and respect for human rights (HAM) as well as the dignity and worth of every Indonesian citizen; c) *Family Principle*, namely that the content of each statutory regulation must reflect deliberation and consensus in every decision making; d) *Archipelago Principles*, namely that the content of each statutory regulation must take into account the interests of the entire territory of Indonesia, as well as the content of the statutory regulations which in the regions are also part of the national legal system based on Pancasila and the 1945 Constitution of the Republic of Indonesia; e) *The principle of Bhinneka Tunggal Ika*, namely that the content of each statutory regulation must pay attention to the diversity of the population, religion, ethnicity, and class, special conditions of the region and culture in the life of society, nation and state; f) *Principles of Justice*, namely that the content of each statutory regulation must reflect proportional justice for every citizen; g) *The Principle of Equality in Law & Government*, namely that the content of each statutory regulation may not contain discriminatory matters based on background, among others; religion, ethnicity, race, class, gender, or social status; h) *Principles of Order & Legal Certainty*, namely that the content of each statutory regulation must be able to create order in society through guarantees of legal certainty; i) *Principles of Balance, Harmony & Harmony*, namely that the content of each

Realizing The Country's Goal),” *Jurnal Legislasi* 12, no. 2 (2015): 12, doi:<https://doi.org/10.54629/jli.v12i2.403>.

¹⁹ Ibid.

²⁰ Ibid.

statutory regulation must reflect the balance, harmony, and harmony between the interests of individuals, society, and the interests of the nation and state.

In addition to these principles, the formation of laws and regulations must be carried out based on:²¹ a) The objectives to be achieved in its formation; b) Must be made by the right agency and indeed authorized; c) The content of the material must be appropriate and by the type and hierarchy; d) The effectiveness of its application in society, both socio-philosophical and juridical; e) Needed and helpful in regulating the life of society, nation, and state; f) Systematics, choice of words and even terms as well as legal language that is clear and easy to understand so as not to cause various kinds of interpretation in its implementation; g) All levels of society have the broadest opportunity to form laws and regulations.

According to Daniel S. Lev, the most decisive in the process of law formation is the conception and political power, namely that law is more or less always a political tool, and that the place of law in the state depends on the political balance, the definition of power, the evolution of political ideology, economics, social, and so on.²² Apart from that, society's influence in forming law gets a place and a comprehensive appreciation. Moreover, since the demands of the community in pressing for reform in all fields were won, marked by the fall of the new order under the authoritarian new order leadership, the reform era has brought significant changes in all fields marked by the birth of several laws that give such tremendous and broad appreciation.²³

2. Structuring Legislation in Strengthening the Legal System in Indonesia

Structuring laws and regulations have a considerable benefit to realize the ideals of establishing valuable laws. The main emphasis is to ensure legal certainty for the community. Guarantees of legal certainty in a state of law can be seen from the substance of the law and the format of the formed regulations. The implementation of the state based on law is manifested through laws and regulations with the hope that legal order can be realized.²⁴ Improvements to a legal substance rooted and comprehensive through an arrangement of laws and regulations are significant to implement because people always see the law as a subject to blame if there is a

²¹ Ibid.

²² Daniel Lev, "Hukum Dan Politik Di Indonesia: Keseimbangan Dan Perubahan". Op. Cit.

²³ Walter Lippmann, "Filsafat Publik" (Jakarta: Yayasan Obor, 1999).

²⁴ Diya Ul Akmal, "Penataan Peraturan Perundang-Undangan Sebagai Upaya Penguatan Sistem Hukum Di Indonesia," *Jurnal Legislasi Indonesia* 18, no. 3 (2021): 306, doi:<https://doi.org/10.54629/jli.v18i3.761>.

sense of injustice in law enforcement.²⁵ Structuring laws and regulations have many benefits to realize the ideals of establishing valuable laws. It can be seen in various aspects, such as historical aspects, a rule of law concept, or aspects of the government system that have developed and are used today.²⁶ The legal system is distinguished in a narrow sense and a broad meaning. In a narrow sense, it is defined as the rule of law itself (written or unwritten), while in a broad sense, apart from the rule of law, there are also legal institutions and legal culture.²⁷ Pancasila is the source of all legal sources, so informing laws and regulations must not conflict with Pancasila. However, Pancasila is not in the form of a norm but only a value that is used as the basis of the state (the opening of the 1945 Constitution of the Republic of Indonesia), even though the 1945 Constitution of the Republic of Indonesia is only used as a philosophical basis so that it needs to be normalized to clarify the position, let alone see Pancasila as a constitution.

In addition, when viewed in the hierarchical arrangement of the Laws and Regulations, it refers to Article 7 paragraph (1) Law Number 12 of 2011 concerning the Establishment of Legislation, as amended by Law Number 15 of 2019 concerning Amendments to Law Number 12 of 2011 concerning the Establishment of Legislation which reads Types and hierarchy of laws and regulations consist of 1. The 1945 Constitution of the Republic of Indonesia; 2. Decree of the People's Consultative Assembly; 3. Laws/Government Regulations in place of Laws; 4. Government Regulations; 5. Presidential Regulation; 6. Provincial Regulations; and 7. Regency/City Regional Regulations. There are still problems, such as the MPR TAP, whose existence seems only for legal certainty. The People's Consultative Assembly is currently no longer able to form an external TAP MPR (its legal force is binding on the whole community), there is no clarity on the institution that can examine the TAP MPR, so it should be removed to avoid confusion in the Indonesian legal system.

The state protects citizens through the institution of an independent and impartial judiciary and guarantees human rights and equal standing before the law.²⁸ The slow formation of laws that are not balanced with the quality in their formation is a complex problem. The cause of a problematic Law can occur because of the interests forced into it. The many limitations of interpreting the Constitution into Legislation have resulted in many requests for Judicial Review

²⁵ Ibid.

²⁶ H.A.S Natabaya, "Sistem Peraturan Perundang-Undangan Indonesia" (Jakarta: Konstitusi Press dan Tata Nusa, 2008).

²⁷ M. Solly Lubis, "Ilmu Pengetahuan Perundang-Undangan" (Bandung: CV. Mandar Maju, 2009).

²⁸ A. Ubaedillah, "Pancasila Demokrasi Dan Pencegahan Korupsi" (Jakarta: Prenadamedia, 2015).

to the Constitutional Court made by the public.²⁹ To overcome this, in the future, it is necessary to have a particular institution that has the authority to review the Draft Law of the Constitution (Judicial Preview).³⁰ In addition to the formation of laws and regulations, the formation of Regional Regulations (PERDA) is also inseparable from various problems that have implications for the cancellation of the Regional Regulation (PERDA), even though as is known, Regional Regulations (PERDA) are an essential part as well as a driving force in the development of regional autonomy. The problem is not limited to Regional Regulations (PERDA), but almost every rule in the Legislation. The establishment of a Regional Regulation (PERDA) must also have an institution to oversee it. If the prospect of this authority is given to the Supreme Court, it will not be easy to realize it because the authority of the Supreme Court is already substantial.³¹

So it can be concluded that the improvement or arrangement of the legal system in Indonesia must be seen from:³² a) Prospects of the fundamental legitimacy of the state and improvement of the hierarchical order of laws and regulations; b) The prospect of legitimizing the authority of state institutions in supervising the formation of laws and regulations; c) Creating legal order in the community by reinforcing valuable legal certainty.

As previously discussed, in a state of law, the constitution (UUD NRI 1945) must be a reference in the administration of the state and people's lives. In this case, the government system needs to show the existence of a legal system, which becomes the frame of legal norms to be interrelated and structured into a system.³³ Every legal norm in the system must not override or even contradict other legal norms.³⁴ Thus, in a state of law, the legal system must be structured in a hierarchical order of legal norms and must not conflict with each other between legal norms both vertically and horizontally. So that if there is a conflict between these norms, it will be subject to the logical norms, namely the basic norms that exist in the constitution.³⁵ Indonesia is a country that adheres to the concept of a modern religious welfare state. Therefore, the government has the task of building public welfare in various fields (*bestuurzorg*) to grant state

²⁹ Wilma Silalahi, "Penataan Regulasi Berkualitas Dalam Rangka Terjaminnya Supremasi Hukum," *Jurnal Hukum Progresif* 8, no. 1 (2020): 57–58, doi:10.14710/hp.8.1.56-66.

³⁰ Akmal, "Penataan Peraturan Perundang-Undangan Sebagai Upaya Penguatan Sistem Hukum Di Indonesia". *Op.Cit.*

³¹ *Ibid.*

³² *Ibid.*

³³ Aditya Yuli Sulistyawan, "Urgensi Harmonisasi Hukum Nasional Terhadap Perkembangan Hukum Global Akibat Globalisasi," *Jurnal Hukum Progresif* 7, no. 2 (2019): 179, doi:10.14710/hp.7.2.171-181.

³⁴ Andi Mattalatta, "Politik Hukum Perundang-Undangan," *Jurnal Legislasi* 6, no. 4 (2019): 579, doi:<https://doi.org/10.54629/jli.v6i4.334>.

³⁵ *Ibid.*

administrators independence in carrying it out. In the context of this *bestuurzorg*, they are given the freedom to act on their initiative to regulate their people's social life.³⁶

About what has been described above, several things in the formation of laws and regulations:³⁷

- a. National law must be a continuation (inclusive modernization) of customary law, with the understanding that national law must have the spirit of Pancasila. It means the soul of the five precepts of Pancasila must be able to meet the needs of the Indonesian people in the present and as much as possible in the future;
- b. Indonesian national law will not only revolve around the issue of choosing parts between customary law and western law but must consist of newly created rules according to the need to solve new problems as well;
- c. The formation of national legal regulations should be determined functionally. The new legal rules must substantially meet the community's needs. Furthermore, the rights or obligations to be created are also by our goal of achieving a just society in prosperity and prosperity injustice.

Therefore, in administering the rule of law, a national legal system must be built that:³⁸ a) It aims to ensure the integration of the nation and state both ideologically and territorially; b) Based on the people's agreement, whether it is decided through deliberation for consensus or voting, and the results can be tested for juridical consistency with *rechtsidee*; c) It aims to realize general welfare and social justice; d) It aims to realize civilized religious tolerance because it does not privilege or discriminate against certain groups or groups.

Because the direction of future legal development must include five aspects, as follows: a) Legal development based on the Unitary State of the Republic of Indonesia; b) Legal development based on the Welfare State; c) Legal development based on humanitarian principles; d) Legal development is based on affirmative action (affirmative action); and, e) Legal development reflects checks and balances.

³⁶ Mahfud MD, "Demokrasi Dan Konstitusi Di Indonesia: Studi Tentang Interaksi Politik Dan Kehidupan Ketatanegaraan" (Jakarta: Rineka Cipta, 2003).

³⁷ Sunarjati Hartono, "Dari Hukum Antar Golongan Ke Hukum Antar Adat" (Bandung: Alumni, 1971).

³⁸ Mahfud MD, "Politik Hukum Di Indonesia". Op. Cit.

C. Conclusion

Legal development with the core of making and updating legal materials so that they are by the needs and implementation of existing legal provisions, including affirming the function of institutions and fostering law enforcers. Therefore, a legal, political development program is prepared, among others, by conducting legal planning programs, law formation programs, performance improvement programs for judicial institutions and other law enforcement institutions, programs for improving the quality of the legal profession, and awareness-raising programs for law and human rights (HAM). About the material content of statutory regulation in Indonesia, it must reflect several principles such as the principle of protection, the principle of humanity, the principle of kinship, the principle of the archipelago, the principle of *Bhinneka Tunggal Ika*, the principle of justice, the principle of equality in law & government, the principle of order & legal certainty, and the principle of justice. In addition to these principles, informing Legislation, it must be carried out based on the objectives to be achieved in its formation, it must be made by the right and indeed authorized institution, the content material must be appropriate and by the type and hierarchy, the effectiveness of its application in society.

The state protects citizens through the institution of an independent and impartial judiciary and guarantees human rights and equal standing before the law. The slow formation of laws that are not balanced with the quality in their formation is a complex problem. The cause of a problematic Law can occur because of the interests forced into it. The many limitations of interpreting the Constitution into Legislation have resulted in many requests for Judicial Review to the Constitutional Court made by the public. To overcome this, in the future, it is necessary to have a particular institution that has the authority to review the Draft Law of the Constitution (Judicial Preview). Structuring laws and regulations have a huge benefit to realize the ideals of establishing valuable laws. Completion or restructuring of the legal system in Indonesia must be seen from the prospect of the fundamental legitimacy of the state and improvement of the hierarchical order of laws and regulations and the prospect of legitimizing the authority of state institutions in supervising the formation of laws and regulations, creating a legal order for society by affirming beneficial legal certainty because the direction of future legal development must include aspects of legal development based on the Unitary State of the Republic of Indonesia, legal development based on the Welfare State, legal development based on humanitarian principles.

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