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Legal political reconstruction is progressive responsive as a regulation reform effort to realize state goals

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ABSTRACT

Legal politics is a basic guideline in the process of determining values, establishing and shaping legal development in Indonesia. Legal development aims to establish an Indonesian national legal system that reflects the ideals, soul, spirit and social values that live in Indonesia. This study discusses legal politics in relation to legal development through a progressive legal approach that is certain to be able to realize the goals of the state. This study uses a normative method with a descriptive analysis approach,The data collection carried out in this study used primary and secondary data.The primary data includes, among others, the implementation of statutory regulations,The secondary data include laws and regulations, books, articles and journals, research supporting literature.. Concluding that the reconstruction of legal politics is sought to reform regulations in a better direction and by building legal politics that is characterized by progressive responsiveness, it can realize state goals that are devoted to justice and welfare.

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Introduction

In the perspective of constitutional law, the state is an organization of power, and that organization is a working system of state equipment which is a whole, a work procedure which describes the relationship and division of tasks and obligations between each of the state's equipment, to achieve a certain goal Soehino (1980) in (Suharyo, 2014). When viewed from the point of view of the essence of the state, the state is a container of a nation created by the state for regional boundaries in achieving the ideals or goals of its nation or it can also be said that the goals of the state are related to the essence of a state Soehino(1980) in (Riau, 2020). In terms of what the state is for, Aristotle argues that the state is formed and maintained because the state aims to organize a good life for all its citizens(Huda, 2013).

The goal of a country is actually 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 aim of the state is to enable its people to develop and carry out their creativity as freely as possible(Huda, 2013). Likewise, Emmanuel Kant argues that the purpose of the state is to establish and maintain law, which guarantees the legal position of individuals in society and also means that every citizen has the same legal position and should not be treated arbitrarily by the authorities(Huda, 2013). The 1945 Constitution stipulates that every Indonesian citizen has the same position before the law and the government (UUD 1945), which means that the law established by the state in this case through an authorized institution by involving the

people applies to anyone without exception. To achieve the goals of the state, the state must hold a separation of powers in which each power has the same high and the same low position, must not influence each other, interfere with each other and review each other Miriam Budiardjo(1991) in (Sanny et al., 2021).

The purpose of the establishment of the Unitary State of the Republic of Indonesia was confirmed in the Preamble to the 1945 Constitution of the Republic of Indonesia (UUD 1945). In the Preamble to the 1945 Constitution which is the Staat fundamenta norm stated that the objectives of the establishment of the Unitary State of the Republic are; (1) protect the entire Indonesian nation and the entire homeland of Indonesia, (2) promote public welfare, (3) educate the nation's life, (4) participate in implementing world order based on independence, eternal peace and social justice.Miriam Budiardjo(1991) in (Sanny et al., 2021)This provides direction and hope that the law will protect all people, all individuals from unfair treatment and arbitrary actions. The law will protect every citizen of the nation so that their rights as citizens and their human rights are(Mattalatta, 2018). Article 1 paragraph (1) of the 1945 Constitution of the Republic of Indonesia states "Indonesia is a state of law". The concept of the rule of law used by Indonesia is more directed to the Continental European legal tradition (civil law) which prioritizes written law in the form of legislation as the basis for every administration of government activities.

Indonesia has four times amended almost the entire material of the 1945 Constitution, this is directed at changing the principle of people's sovereignty which was originally fully implemented by the People's Consultative Assembly to be implemented by the Constitution. This is clearly intended to make all state institutions in the 1945 Constitution have an equal position and the principle of mutual supervision and balance (checks and balances) is implemented, as well as an effort to make the 1945 Constitution a basic reference that really lives and develops in the administration of the state. and the life of citizens (the living constitution). This is intended so that the constitutional supremacy that is desired in a state of law can be realized (Mattalatta, 2018).

As a state of law, of course, Indonesia in the formation of laws and regulations cannot be separated from legal politics. The term legal politics or statutory politics is based on the principle that laws and/or statutory regulations are basically the design or result of the design of a political institution (politicalbody) (HM. LaicaMarzuki (2006) in (Gunawan, 2019). Meanwhile, provides an understanding or definition of legal politics which can simply be interpreted as the direction of legal policies that will be or have been implemented nationally by the government. Legal politics is the official policy (legal policy) of the state regarding laws that will be enforced or will not be enforced (making new rules or revoking old rules) to achieve state goals M. Mahfud MD(2001) in (Muslim, 2018). Furthermore, stated that legal politics include; First, the development of the law which has the core of making and updating legal materials so that they can be in accordance with the needs. Second, the implementation of the existing legal provisions, including the affirmation of the function of the institution and the guidance of law enforcers M. Mahfud MD(2001) in (Muslim, 2018).

The emergence of the Reformation Order was the result where the Indonesian people for approximately 32 years in the new order regime, were under physical and psychological pressure from an authoritarian government, causing a wave of dissatisfaction, which in turn made people tend to no longer believe in the law (distrusting the law), ignoringthe law, disrespecting the law (disrespectful of the law) and finally in some cases abuse of the law (imsuse of the law), both this phenomenon is carried out by the wider community and by the public.holder of access to power (Harkristuti Harkrisnowo).

The phenomena and legal phenomena that have occurred in Indonesia so far are at the normative level in the form of many legislative products formed by the legislature and the government which show things such as the existence of a law whose articles are blurring of norms (blurred norms), articles that reveal there is a conflict of norms, and even there is no regulation of norms/vacuum of norms/laws for a certain act. Ideally, in the formation of a statutory product, legislators should pay attention to and master the technique of making legislation (legal drafting) so that the resulting product in the form of legislation is truly responsive, in the sense that it can be accepted by the community without defects, according to basic guidelines. as a general requirement in making a law that must absorb considerations of philosophical, sociological and juridical aspects (Sodiq, 2016).

Reconstruction of legal politics through regulatory reform efforts is carried out in order to achieve legal goals that will lead or lead to the achievement of state goals. As a means of achieving state goals, it is necessary to build responsive and progressive legal politics in achieving legal goals that must be achieved first so that state goals will be realized properly. Therefore, in this paper, the author will discuss in more depth the application of legal political reconstruction characterized by progressive responsiveness in regulatory reform efforts to achieve state goals.

Method

This research is normative research, normative research is also called doctrinal research. Normative legal research is a process to determine a rule of law, legal principles, and legal doctrines in order to answer the legal issues faced(Marzuki, 2017). This research is descriptive analysis. The method of data collection was carried out by literature study to obtain primary legal materials and secondary legal materials in the form of laws and regulations, books, articles and journals related to the object of research. The data collection carried out in this study used primary and secondary data. Primary data is a data source that directly provides data to researchers(Sugiyono, 2016), while secondary data is primary data processing and is presented in the form of tables or diagrams, by primary data collectors or by other parties (Umar, 2013). The primary data collection process was obtained based on a field survey by observing the research location. While secondary data is obtained based on data from related agencies and sources, including data that has been collected in similar studies. The primary data includes, among others, the implementation of statutory regulations. Data collection stagea search for political reconstruction data was carried out to obtain a real picture. In analyzing the impact of traffic required data to support the analysis process. Collecting data in the form of secondary data obtained from the agency. The secondary data include laws and regulations, books, articles and journals, research supporting literature.

Results and Discussions

Of Reconstruction of Legal Politics as Efforts to Reform

Legal Politics Etymologically comes from the Dutch language rechtspolitiek which consists of rechts which can be interpreted as law and politiekwhich can be interpreted as policy, so simply legal politics can also be interpreted as legal policy. According to PadmoWahjono, legal politics is a policy of state administrators that is fundamental in determining the direction, form and content of the law to be formed and about what criteria will be used to punish something (PadmoWahyono) Thus, legal politics according to PadmoWahjono is related to the law that applies in the future (iusconstituendum). Meanwhile, Satjipto Rahardjo (1991) in (Priyatno & Aridhayandi, 2018) defines legal politics as the activity of choosing and the methods to be used to achieve certain social and legal goals in society. According to Satjipto Rahardjo, there are several basic questions that arise in the study of legal politics, namely: (1) what goals are to be achieved with the existing legal system; (2) what methods and which are considered the best to be used to achieve these goals; (3) when the law needs to be changed and in what ways it should be done; and (4) can be formulated a standard and established pattern, which can help decide the process of selecting goals and ways to achieve these goals properly(Priyatno & Aridhayandi, 2018)

According to Bellefroid, legal politics is a legal discipline that regulates how to change iusconstitutumto iusconstituendum, or create new laws to achieve their goals. Furthermore, legal political activities include changing laws and creating new laws because of the fundamental interest for social change to be made by making a regeling(regulation) instead of beschiking(determination) (Fitriana, 2018).Article II of the Transitional Rules of the 1945 Constitution which has now been changed to Article I of the Transitional Rules of the 1945 Constitution of the Republic of Indonesia, has indicated that the legislators in Indonesia should be able to realize the ideals of national law. To be able to fulfill legal ideals, legal development and legal guidance are needed. In formulating and stipulating legal politics that has been and will be carried out, legal politics delegates legislative authority to state administrators, but still takes into account the values prevailing in society.(Frans MagnisSuseno)

The process of forming a statutory regulation plays a significant role in shaping national law. This is because laws and regulations are the main way of creating law, and are the main joint in building a national legal system. In addition, legislation is a very effective instrument inlawreformbecause of its binding and coercive legal force. This is because laws and regulations provide higher legal certainty than customary law, customary law, or jurisprudential law.

Legislation is a written regulation that contains legally binding norms in general and is established or determined by state institutions or authorized officials through the procedures stipulated in Law No. 15 of 2019 concerning Amendments to Law No. 12 of 2011 concerning the Establishment of Legislative Regulations. -invitation. In Law Number 15 of 2019, there are 15 (fifteen) articles of amendment which are regulated as follow(Indonesia, 2015) :

First,monitoring and review, namely activities to observe and assess the implementation of the applicable law so that it is known the achievement of the planned results, the impacts caused , and its benefits for the Unitary State of the Republic of Indonesia (Article 1 number 14 of Law 15 of 2019). The activity referred to is a new material in Law Number 12 of 2011 concerning the Establishment of Legislation which only regulates

the scope of the stages of formation of legislation from the stages of planning, drafting, discussing, ratifying or stipulating and legislation does not regulate monitoring and review materials.

Second, the preparation of the National Legislation Program within the Government is coordinated by the minister or head of the institution that carries out government affairs in the field of Formation of Legislation (Article 21 of Law Number 15 of 2019). This arrangement in Law Number 12 of 2011 concerning the Formation of Legislation was previously carried out by the minister who held government affairs in the legal field.

Third, in certain circumstances, the DPR or the President may submit a Draft Law (RUU) outside of the National Legislation Program, which ensures there is a national urgency for the bill that can be jointly approved by the DPR's apparatus that specifically handles the field of legislation and the minister or head of the institution that administers the affairs. government in the field of Formation of Legislation (Article 23 of Law Number 15 of 2019).

Fourth, the planning for the preparation of Government Regulations is coordinated by the minister or the head of the institution that carries out government affairs in the field of Formation of Legislations (Article 26 of Law Number 15 of 2019). This arrangement was previously carried out by the minister who held government affairs in the field of law.

Fifth, harmonization, unanimity, and consolidation of the draft of the Bill originating from the President is coordinated by the minister or head of the institution that carries out government affairs in the field of forming laws and regulations (Article 47 of Law Number 15 of 2019). This arrangement was previously carried out by the minister who held government affairs in the field of law.

Sixth, the minister who represents the discussion coordinates the preparation of the discussion with the minister or the head of the institution that carries out government affairs in the field of forming laws and regulations. (Article 49 of Law Number 15 of 2019). This arrangement previously coordinated with the minister who held government affairs in the field of law.

Seventh, harmonization, unification, and consolidation of the conception of the Draft Government Regulation is coordinated by the minister or head of the institution that carries out government affairs in the field of establishing laws and regulations (Article 54 of Law Number 15 of 2019). This arrangement was previously carried out by the minister who held government affairs in the field of law.

Eighth, harmonization, unification, and consolidation of the conception of the Draft Presidential Regulation is coordinated by the minister or head of the institution that carries out government affairs in the field of establishing laws and regulations (Article 55 of Law Number 15 of 2019). This arrangement was previously carried out by the minister who held government affairs in the field of law.

Ninth, harmonization, unification, and consolidation of the conception of the Provincial Raperda originating from the Governor is carried out by the ministry or institution that carries out government affairs in the field of forming laws and regulations (Article 58 of Law Number 15 of 2019). This arrangement was previously carried out by the legal bureau and could include vertical agencies from the ministry that administers government affairs in the legal field. This arrangement is an initial step for improvement, where previously harmonization was still carried out by the provincial government law bureau and the legal department both in the district/city, the current arrangement, harmonization is carried out by ministries or agencies outside the local government. Thus the previous harmonization process was only for laws, government regulations up to presidential regulations, so with this new regulation the harmonization is carried out up to regional regulations.

The harmonization, unanimity, and consolidation of the conception of the draft regional regulation carried out by the ministry is certainly the right step so that every regional regulation produced can be implemented and does not conflict with the laws and regulations above. This is also a preventive measure for the central government as a legal advisor in the regions, so that central government programs can be realized and implemented properly, because the preparation of regulations is continuous from the center to the regions. As is the widespread news that many regional regulations are problematic, hampering and so on. Thus, this provision is also expected to be able to answer the problems that so far there have been thousands of problematic regional regulations, so that good regulations are created from upstream to downstream.

Tenth, in the event that the discussion of the Bill has entered the discussion of the Problem Inventory List (DIM) during the current DPR membership period, the results of the discussion of the bill are submitted to the DPR for the next period and based on the agreement of the DPR, government, and/or DPD, the bill can be re-entered in Medium-term Prolegnas and/or annual priority Prolegnas (Article 71A of Law Number 15 of

2019). This provision is a new arrangement which in Law 12 of 2011 does not recognize the inheritance bill from the previous period of DPR membership. Setting this provision is a good step, sometimes every change of DPR members there will be new political promises, of course the new promises can be successful if regulated in the product of new laws and regulations.

Eleventh, the promulgation of laws and regulations in the State Gazette and/or State Gazette is carried out by the minister or the head of the institution that carries out government affairs in the field of establishing laws and regulations (Article 85 of Law Number 15 of 2019). This arrangement was previously carried out by the minister who held government affairs in the field of law.

Twelfth, the translation of statutory regulations into foreign languages is carried out by the minister or head of the institution that carries out government affairs in the field of establishing laws and regulations (Article 91 of Law Number 15 of 2019). This arrangement was previously carried out by the minister who held government affairs in the field of law.

Thirteenth, monitoring and reviewing the Law after the Law is enacted is carried out by the DPR, DPD, and the government; Monitoring and review is coordinated by the DPR through special equipment that handles the field of legislation; and the results of monitoring and review can be a recommendation in the preparation of the National Legislation Program (Article 95A of Law Number 15 of 2019). This arrangement is a new arrangement regulated in Law No. 15 of 2019.

Fourteenth, monitoring and review is carried out through the planning stage, implementation stage, and follow-up stage (Article 95B of Law No. 15 of 2019). This arrangement is a new arrangement regulated in Law Number 15 of 2019.

Fifteenth, at the time of the formation of the ministry or institution that carries out government affairs in the field of forming laws and regulations, the duties and functions of forming laws and regulations are still carried out by the minister who carries out government affairs in the field of law (Article 99A of Law Number 15 of 2019). This regulation is a transitional regulation, in order to fill a legal vacuum before the formation of a ministry or institution that carries out government affairs in the field of forming laws and regulations has not been formed. The formation of a ministry or institution that carries out government affairs in the field of making laws and regulations is also a political promise for Presidential Candidate Joko Widodo, who during the presidential election debate had revealed that he would combine it in the National Legislation Center, where the National Legislation Center is directly controlled by the president. doors so they don't overlap. Likewise, regional regulations must be consulted with the National Legislation Center, and will simplify everything. If there is an overlap, it can be seen immediately so that it can be revised. Thus, the re-election of Joko Widodo as President, fulfills one of the presidential campaign promises with a new arrangement in the provisions of Law Number 15 of 2019 concerning the Establishment of Legislation.

Indonesia based on Article 1 paragraph 3 of the 1945 Constitution is a country that adheres to the concept of "rechstaat" so that government power is regulated and limited by law. The regulation of government power is divided into three namely legislative, executive and judicial. The formation of laws is the domain of legislative power based on Article 20A of the 1945 Constitution, which is one of the functions of the House of Representatives (DPR). The formation of laws involves the legislature (DPR) and the executive (President). Before discussing the law, the DPR and the government must first submit a draft law (RUU). The bill can be submitted by the DPR and the government for mutual approval. The bill can also be submitted by the Regional Representatives Council (DPD) for the sake of representing the region (Moonti, 2019).Thus the legislation is a legal product as a form of mutual agreement between the executive (President) and the legislature (DPR) as a constitutional mandate.

Based on several definitions of legal politics, it can be concluded that legal politics is related to the determination of state policies in shaping the legal order in order to achieve state goals. Legal politics is not only about the process of forming laws that will apply in the future, legal politics also includes the process of changing and revoking existing laws(Hum et al., 2020). Through a political perspective, law is seen as a product or output of a political process or the result of consideration and formulation of public policy. However, in addition to law as a product of political considerations, there is legal politics which is the line or policy basis for determining the law that should apply in the country. In a democratic country, the inputs that are taken into consideration for determining the law come from and are the aspirations of the people which are channeled through people's representatives which are then processed so that they appear as outputs in the form of legal regulations (Fitriana, 2018).

Quoting the opinion of SatjiptoRahardjo in the book of legal science, he states that legal politics is an activity of choosing and the method to be used to achieve certain social and legal goals in society

.Furthermore, SatjiptoRahardjo stated that there are several basic questions that arise in the study of legal politics, namely First, what are the objectives to be achieved with the existing legal system; Second, what methods and which are considered the best to be used to achieve these goals; Third, when is the time for the law to be changed and in what ways should the change be made; and Fourth, can a standard and established pattern be formulated, which can help decide the process of selecting goals and ways to achieve these goals properly(Priyatno & Aridhayandi, 2018).

That in order to create a good legal mechanism, which does not cause bad legal phenomena, including violations of the law, the law must work supported by complete legal elements. As stated by Lawrence M. Friedman about the three elements of the Legal System (Three Elements of Legal System) are as follows: 1) Substance (substance) includes written legal rules, or those that are not written including court decisions. 2) Structure,including law enforcement institutions, including law enforcement. 3) Legal culture (legal culture) includes opinions, habits, ways of thinking and ways of acting, both from law enforcers and from citizens (Achmad All) In terms of legal substance, for example, there are still many positive legal substances that are not yet harmonious, causing difficulties in implementation and legal uncertainty. There are also many complaints about the formation of positive law which is only based on momentary considerations and does not touch the interests of the wider community. In the legal structure component, the weakness of law enforcement agencies also contributes to the bad appearance of the law in society (Musni Umar et al). For this reason, continuous efforts are needed to carry out legal development through careful planning in a comprehensive development design, so that the expected development of national law can be realized.

In every law formation, laws making must refer to existing norms as stated by Hans Kelsen, in his General Theory of Norms, that the function of norms animates the elements of commanding (ordering), permitting (what is allowed), empowering (authorizing) and derogating (if violated) will be considered as setback(Kelsen, 2019). In relation to the makers of regulations (laws) it will be determined by the quality of the agency/person making it, such as the quality of human resources, supporting facilities, time of manufacture, mechanisms (legal drafts) and so on. So that the manufacture of a statutory product fulfills the requirements both juridically, philosophically and sociologically (according to the teachings of Gliding Theori from Hans Kelsenso that a statutory regulation can be implemented and its behavior is effective in society (Kelsen, 2019).

Criteria in making laws (laws) or the criteria of law making, must adhere to the criteria of moral obligation by avoiding the following: 1) Failure to establish rules at all, leading to absolute uncertainty; 2) Failure to makes rules public to those required to observe them; 3) Improper use of retroaktive law making; 4) Failure to make comprehensible rules; 5) Making rules which contradict each other; 6) Making rulles which impose requirements with which compliance is impossible; 7) Changing rules so frequently that the required conduct becomes wholly unclear; 8) Discontinuity between the stated content of rules and their administration in practiceHilaire Me (1996) in (Hadi, 2017). So it can be concluded that a created legal regulation, if it contains the elements as mentioned above, then the functions that should be carried out by law (legal regulations) will not be able to carry out legal functions universally according to the expectations of the wider community.

Building legal politics characterized by progressive responsiveness in realizing state goals

In general, national development includes: political development, defense and security development, legal development and state administration, socio-cultural development, human resource development, economic development, regional development, infrastructure development, resource development natural resources and the environment. In legal development, the goal to be achieved is to establish an Indonesian national legal system that reflects the ideals, soul, spirit and social values that live in Indonesia. Efforts have been made, among others: reform of laws and regulations; empowerment of existing legal institutions/institutions; increasing the integrity and morale of law enforcement officers and other legal apparatus; accompanied by an increase in adequate legal facilities and infrastructure.

In the implementation of national and state life, law is not only a set of norms that embodies social values and rules of behavior, but is also an instrument to mobilize and direct social dynamics to realize the goals of the State. Through a political perspective, law is seen as a product or output of a political process or the result of consideration and formulation of public policy. However, in addition to law as a product of political considerations, there is legal politics which is the line or policy basis for determining the law that should apply in the country. In a democratic country, the inputs that are taken into consideration for determining the law come from and are the aspirations of the people which are channeled through people's representatives which are then processed so that they appear as outputs in the form of legal regulations. As we know that legal products in Indonesia are political products. The House of Representatives holds the power to make laws and each draft law is discussed by the House of Representatives and the President for mutual approval.(UUD 1945) Likewise, the President has the right to submit draft laws to the House of Representatives. So that the ratification of a Draft Legislation into Law is a form of mutual agreement between the President (Executive)

and the House of Representatives (Legislative). This is the current legal politics as mandated by the constitution.(UUD 1945)

National law is all laws that apply in the territory of the Unitary State of the Republic of Indonesia, both in the form of written and unwritten laws. Legislation is one form of written law that exists. Legislation and the process of its formation play a significant function in the development of national law. This is because, in Indonesia, legislation is the main way of creating law, legislation is the main joint of the national legal system. In addition, legislation is a very effective instrument in law reform because of its binding and coercive legal force. Legislation also provides higher legal certainty than customary law, customary law, or jurisprudence law.(UUD 1945).

Planning for the preparation of laws is carried out in the National Legislation Program (Prolegnas) and planning for the preparation of Regional Regulations is carried out in the Regional Legislation Program (Prolegda). The purpose of Prolegnas and Prolegda is to realize a national legal system in Indonesia. The existence of Prolegnas and Prolegda does not mean that you cannot make a Draft Law or Raperda outside the Prolegnas and Prolegda. However, in certain circumstances, the DPR or the President may submit a bill outside the National Legislation Program to address extraordinary circumstances/conflicts/natural disasters or other certain circumstances related to the national urgency of the bill. In the same way as the Raperda, the DPRD or the Governor may submit a Raperda outside the Prolegda to deal with extraordinary circumstances/conflicts/natural disasters, as a result of cooperation with other parties and certain other circumstances related to the regional urgency of the Raperda which can be mutually agreed upon by the Regional Legislation Agency. and Provincial Law Bureau (UUD 1945).

Regarding the content of a statutory regulation in Indonesia, it must reflect several important principles. These principles are (UUD 1945): 1) The principle of protection, namely that the content of each statutory regulation must function to provide protection to create public peace; 2) The principle of humanity, namely that the content of each statutory regulation must reflect proportionally the protection and respect for human rights as well as the dignity and worth of every Indonesian citizen; 3) The principle of kinship, namely that the content of each statutory regulation must reflect deliberation and consensus in every decision making; 4) The archipelago principle, namely that the content of each statutory regulation must pay attention to 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; 5) The principle of Bhinneka Tunggal Ika, namely that the content of each statutory regulation must take into account the diversity of the population, religion, ethnicity and class, special conditions of the region and culture in the life of society, nation and state; 6) The principle of justice, namely that the content of each statutory regulation must reflect proportionally justice for every citizen; 7) The principle of equality in law and 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; 8) The principle of order and legal certainty, namely that the content of each statutory regulation must be able to create order in society through guarantees of legal certainty; 10) The principle of balance, harmony and harmony, namely that the content of each legislation must reflect the balance, harmony and harmony between the interests of individuals, society and the interests of the nation and state; 11) These principles must be adhered to by the legislators, so that in their formation they will fulfill all the rules holistically or thoroughly. These principles are the guidelines for the formation of legislation. In addition to these principles, the formation of laws and regulations must be carried out on the basis of:

The objectives to be achieved in its formation: 1) Must be made by the appropriate and authorized institution; 2) The content of the material must be appropriate and in accordance with the type and hierarchy; 3) The effectiveness of its application in society, both socio-philosophical and juridical; 4) Really needed and useful in regulating the life of society, nation and state; 5) 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; 6) All levels of society have the widest opportunity to provide input in the formation of laws and regulations.

The direct public participation in a draft legislation has been guaranteed in the law. The guarantee of community participation is regulated in Law Number 12 of 2011 concerning the Establishment of Legislation in Indonesia. The public has the right to provide input orally and or in writing in the formation of legislation, which can be done through public opinion meetings, work visits, socialization and or seminars/workshops/discussions (UUD 1945). The community in question is an individual or group of people who have an interest in the substance of the Draft Law and Regulations. Likewise, every Draft of Laws and Regulations must be easily accessible by the public.

With the existence of Law Number 15 of 2019 which has been agreed upon by the legislators, namely the President and the DPR, the process of forming laws and regulations at the central level is politically legal, there are three important things in this law change, namely: 1) Carry-over, that the Draft Law which has reached the discussion of the Problem Inventory List (DIM) and has not been completed, is submitted to the DPR for the next period and can be re-entered in the mid-term national legislation program and/or national legislation program according to national needs; 2) Monitoring and reviewing the law, this activity is to find out the achievements, thoughts, and benefits of implementing a law; and 3) The formation of laws and regulations within the government is coordinated by the ministers and heads of institutions that regulate government affairs in the field of forming laws and regulations.

The establishment of a ministry or institution that regulates government affairs in the field of forming laws and regulations as a form of legal politics taken by legislators. This realization certainly hopes that there will be continuity between the central government and local governments in the formation of laws and regulations that can be controlled.Meanwhile, the legal politics of the formation of laws and regulations for regional level regulations, namely with the harmonization, unification, and consolidation of the conception of the provincial Raperda originating from the governor is carried out by the ministry or institution that carries out government affairs in the field of forming legislation. This arrangement was previously carried out by the legal bureau and could include vertical agencies from the ministry that administers government affairs in the legal field. Of course, this arrangement is the first step for improvement, where previously harmonization was still carried out by the provincial government law bureaus, and the legal department at both the district/city. Thus, the process of harmonization, unanimity, and consolidation of the conception of draft laws and regulations based on this new law is carried out up to regional regulations. This provision is also expected to be able to answer the problem that so far there have been thousands of problematic regional regulations, so that good regulations are created from upstream to downstream.

Philippe Nonet dan Philipe Selznick, dalambukunya yang berjudul Law and Society in Transition, Toward Responsive Law: 1978, presents 3 models/types of law, namely(Sodiq, 2016): 1) Repressive law; 2) Autonomous law; 3) Responsive law.

In the model/type of repressive law, it shows characteristics such as, in the running government which dominates is political power, the purpose of the law is only order, the norms are rough and detailed, the power of coercion is intensive, very weak to bind the maker (ruler), legally the whole law seems very submissive to the politics of power . Meanwhile, the characteristics of this repressive law are, the process of making it is centralized, its function is positivist-instrumentalistic and the material content is very interpretive. That is, it has the potential to be interpreted according to the political interests of the interpreter Mahfud MD(1996) In (Novitasari, 2017) In the autonomous legal model/type, when viewed in terms of substance and purpose, it can be said to be of higher quality, than the repressive legal model, this autonomous legal model emphasizes the issue of legitimacy or legal legality in the context of achieving justice (even though it is still at the level of procedural justice). has not achieved substantive justice as Jeremy Bentham's (the greatest happiness of the greatest number) hopes for the greatest happiness for as many people as possible(Sodiq, 2016). Responsive law is a law whose manufacturing process is participatory (in the sense of paying attention to the participation of the community and the judiciary to participate in determining it), the function of use is aspirational (in the sense of accommodating as many aspirations and interests of the wider community as possible, and the material content or substance is limitative in the meaning is sufficiently detailed and clear so that it does not open up opportunities for legal interpretation with the subjective visions of the authorities Mahfud MD (1996) in (Novitasari, 2017).

In a constitutional perspective, responsive law that is aspirational in the sense of accommodating all the interests of the community at large, and thus also means that the law is protective (social defense) finds its legitimacy in the 1945 Constitution of the Republic of Indonesia. make amendments to the 1945 Constitution, by incorporating (absorbing) the aspirations of the people or the nation through the declaration in articles of the 1945 Constitution (amendments) such as those concerning human rights as contained in Articles 28A to 28J of the 1945 Constitution of the Republic of Indonesia. Follow-up on elaboration Articles of the 1945 Constitution of the Republic of Indonesia need to be responded to and realized with responsive (in the broadest sense) legal development steps, through policies (policy) from the state in all aspects of life with responsive legal nuances through legal transplantation from the common law system (as long as required) den Bro, slightly shifting the formalistic positivist mindset, in order to balance the demands for legal needs that move dynamically, so that there is no legal vacuum or legal lag, because due to a case that appears there is no or no basis for processing it and the dynamics of the law have developed very quickly and rapidly(Sodiq, 2016).Inclusive and substantive public consultation must be part of a process that is continuously monitored from planning to implementation, even covering aspects of monitoring and evaluation. The direction of legal

development must also be flexible and adaptive, especially with regard to changes resulting from advances in science and technology and all of their applications. Thus this Legal Development will be able to place the law in the right position, which not only follows human activities in its various dimensions, but is also adaptive to current needs and anticipatory to future needs. The 1945 Constitution is the source of the entire Indonesian national legal politics. But in practice, the law is often a reflection of the will of the holder of political power so that not a few people view that law is the same as power. The 1945 Constitution recognizes rights (including property rights) and individual freedoms as human rights, but at the same time places common interests above personal interests. As stated in the fourth paragraph of the Preamble of the 1945 Constitution, it is stated that the purpose of the Indonesian state government is to protect the entire Indonesian nation and to promote general welfare, educate the nation's life, and participate in carrying out world order based on independence, eternal peace and social justice. Institutions within the Indonesian government system work together and support each other to realize the goals of government in Indonesia.

The concept of progressive law is a selective adaptation to new demands and pressures which are characterized by: First, a shift in emphasis from rules to principles and goals; Second, the importance of populist character (populist) both as a legal goal and its achievement. The result is that law-making and law-enforcement are no longer ends in themselves, but are the result of the larger social goals they serve. Seen from this point of view, the rules of law lose quite a bit of their power nature. These rules are seen as specific ways to achieve a more general goal and the many kinds of rules are expanded or even discarded, if they are seen as better in terms of the goals to be achieved.The paradigm in progressive law is that "law is for humans". This basic grip, optic or belief does not see the law as something central in law, but rather humans are at the center of the legal cycle. The law revolves around the human being at its center. Law exists for humans, not humans for law. If we hold on to the belief that humans are for the law, then humans will always be tried, maybe also forced, to be biased into the schemes that have been made by law. Progressive law refuses to maintain the status quo in law. Maintaining the status quo has the same effect, as when people argue, that the law is the standard for all and people are for the law(Nuryadi & SH, 2016).In the context of Indonesia, seen from the constitutional aspect, the positivist position of the law now and in terms of reality (current juridical social facts (read; the reform era), the choice to build and develop a responsive and progressive - dynamic legal model (type) is justified / the right choice In fact, it is a must. From a constitutional perspective, for example, responsive law that is aspirational in the sense of accommodating all the interests of the community at large, and thus also means that the law is protective (social defense) finds its legitimacy in the 1945 Constitution of the Republic of Indonesia.

According to Solly Lubis, the rule is considered perfect if the following conditions are met: (M. Solly Lubis): 1) The regulation provides justice for those concerned, for example whether the workers, farmers, fishermen, street vendors, women, teachers and lecturers feel that with the presence of the legal regulations their interests will be truly protected; 2) The legal regulation provides certainty, in the sense of legal certainty, that with the enactment of the regulation it will be clear the boundaries of the rights (recht, right) and obligations (plicht, duty) of all parties involved in a legal relationship (rechtsbetrekkingen), for example in labor relations , marital relations, wholesale employment, and so on; 3) The regulation provides clear benefits for those who have an interest in the presence of the regulation. Generally, if the two previous conditions have been met, the third condition will also be fulfilled.

In the era of democracy, the state does not become an entity of absolute power without control, so it can make laws arbitrarily without looking at the interests of the people. In addition, the people are not helpless. In the era of democracy, the people have a position that can influence the course of government policies. This is none other than the influence of the rule of law and constitutionalism. The state is a power that has a political "infrastructure" if there is no control it will result in acts of violation of the rights of the people. One of the "infrastructure" owned by the state is the legislation. Therefore, it is important to protect and guarantee fair legal certainty for the rights of the community in the formation of laws and regulations. Therefore, in the process of forming the law, it should be able to accommodate the aspirations of the existing community. Not the other way around, it even harms the affected community from the implementation of a statutory regulation.

According to Sampford, the one who sparked the Chaos Theory on law, states that society is in reality always in a condition of disorder or chaos, or society is always in an unpredictable and unsystematic condition. This happens because there are many factors that influence in society, for example, power or power that attracts each other. Hence how such a situation is described as an orderly condition. The view that considers the situation as an orderly situation will only reduce the real reality of society (Law, 2013). As stated by Sampford that the disorder that exists is caused by the relationship between the unbalanced forces that exist in society. However, these imbalances and irregularities are temporary. The condition will return to its regular

state. It is therefore that disorder exists to be orderly. Temporary irregularity is caused by the presence of a strange attractor that encourages order or order to occur. The attractive forces in the universe are the strong or weak nuclear force and gravity. Whereas in the social field there is power or power. The pulling power manifests itself in law and state power. Law and state power are two institutions that have the ability to turn an irregular atmosphere into order (Syarifudin & Febriani, 2015).Policies in legal development are formulated in the politics of national legal development. The main foothold in the politics of national law development until 2045 is Pancasila, which is the basis of the state and at the same time the way of life of the Indonesian nation which is extracted from the wisdom of the nation, and which is proven to be able to deliver and maintain the continuity of the Indonesian nation. The 1945 Constitution of the Republic of Indonesia which has been amended several times, which is the State Constitution also provides policy directions in legal development, including the development of 2045 law. The direction of legal development must also be able to accommodate various interests proportionally so that the development planning made can be implemented effectively, efficiently and coherently.

Conclusions

The state of Indonesia is a state of law, so the legal politics of the laws and regulations are based on the 1945 Constitution of the Unitary State of the Republic of Indonesia. For this reason, the vision of legal development which is the direction of national legal politics must also be placed above the national development goals as determined by the founding our fathers in the Preamble of the 1945 Constitution. This is necessary to realize the supremacy of the constitution and make the constitution truly live and develop in the administration of the state and the life of citizens (the living constitution). In that case, the legal politics of reforming laws and regulations is directed towards a harmonious legal unification within the framework of a grand design, so that the norms do not conflict with each other both vertically and horizontally, or even make our law "out of orbit". Although it must be realized that unification and harmonization can be violated as long as this is due to the uniqueness of Indonesia, lex specialis and more beneficial for the nation and state.The choice to build and develop a responsive and progressive – dynamic legal model (type) is justified/the right choice is even a must. In a constitutional perspective, responsive law that is aspirational in the sense of accommodating all the interests of the community at large, and thus also means that the law is protective (social defense) finds its legitimacy in the 1945 Constitution of the Republic of Indonesia.

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