

Analysis of Legal Unification toward the National Legislation Program in Indonesia

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Article	Abstract
<p>How to cite: Ahmad Althof 'Athooillah & Muhammad Faisol, 'Analysis of Legal Unification toward the National Legislation Program in Indonesia' (2023) Vol. 4 No. 1 Rechtenstudent Journal Sharia Faculty of KH Achmad Siddiq Jember State Islamic University.</p> <p>DOI: 10.35719/rch.v4i1.230</p> <p>Article History: Submitted: 13/12/2022 Reviewed: 10/02/2023 Revised: 07/03/2023 Accepted: 25/04/2023</p> <p>ISSN: 2723-0406 (printed) E-ISSN: 2775-5304 (online)</p>	<p>This study aims to identify and reconstruct various national legal issues. The results of the study were obtained by emphasizing that national law reform is a political process whose success depends on the balance of power between actors within it so that a dialectical process involving all components is carried out by improving legislation. The type of research used is library research which focuses on the library. Data sources are obtained by tracing the literature as well as regulations and norms related to the issues to be studied which originate from books on legal politics, the development of national law, and the science of legislation. The results of this study are (1) That the concept of legal unification in the National Legislation Program is that it must ensure the integration of the nation and state both territorially and ideologically as well as integrating nomocracy (2) because legal unification has succeeded in producing a legal building with modern characteristics with the characteristic of accelerating the integration process, namely development, unity & unity (3) That the conception of legal unification in the future amidst legal pluralism is through the mechanism of harmonization and synchronization of laws and regulations by taking into account several aspects namely legal substance, legal structure, legal culture, and supporting infrastructure.</p> <p>Keywords: <i>Unification, National Legislation Program, Indonesia.</i></p> <p>Abstrak Penelitian ini bertujuan untuk mengidentifikasi dan merekonstruksi ulang berbagai permasalahan hukum nasional. Hasil kajian diperoleh dengan menegaskan bahwa pembaruan hukum nasional adalah proses politik yang keberhasilannya tergantung pada pertimbangan kekuatan antar aktor di dalamnya, sehingga proses dialektika yang melibatkan seluruh komponen itu dilakukan dengan cara memperbaiki legislasi. Jenis penelitian yang digunakan adalah kepustakaan yang memusatkan pada perpustakaan. Maka sumber data diperoleh dengan menelusuri literatur maupun peraturan dan norma yang berhubungan dengan masalah yang akan dikaji yang bersumber dari buku-buku mengenai politik hukum, pembangunan hukum nasional, ilmu perundang-undangan. Hasil dari penelitian ini adalah (1) Bahwa konsep unifikasi hukum dalam Prolegnas harus menjamin integrasi bangsa dan negara baik teritori maupun ideologi serta mengintegrasikan nomokrasi (2) Karena unifikasi hukum telah berhasil melahirkan bangunan hukum yang bercirikan modern dengan ciri khas mempercepat proses integrasi yakni pembangunan, kesatuan & persatuan (3) Bahwa konsepsi unifikasi hukum ke depan di tengah pluralisme hukum ialah melalui mekanisme harmonisasi dan sinkronisasi peraturan perundang-undangan dengan memperhatikan beberapa aspek yakni substansi hukum, struktur hukum, budaya hukum, dan sarana prasarana pendukung.</p> <p>Kata Kunci: <i>Unifikasi, Program Legislasi Nasional, Indonesia.</i></p>

Introduction

The rule of law is the normative structure as well as the institutional structure of an institution or developed country where the legal system is entrusted with the task of providing guarantees for individual rights, limiting power, and authorizing power because there is the rule of law.¹ Legal Policy as an act of choice and a mechanism to achieve social and legal goals in the eyes of the public. There are questions that often arise in the study of legal politics namely First, what goals will be achieved using the Legislative system Second, what techniques and which are considered the best to achieve these goals Third, when is the ideal time for the law to be codified through a number of ways how to codify Fourth, is it possible to formulate a standard and efficient pattern that can provide assistance in establishing the process of selecting goals and procedures to achieve these goals properly.²

In the theory of legal positivism, law is used as a unifying medium in the development process which places law as an important instrument whose goal is to maintain security for the people. For this reason, it is clear that legal development in Indonesia is really influenced by the legal positivism school of thought, because reform is more focused on laws.

The idea of creating a unification of national law in Indonesia as a strategy for legitimacy actually emerged from the views of Sunaryati, former chairman of the National Legal Development Agency (BPHN) during the New Order era. social planning tool "a tool of social engineering", implies that laws are functioned not only to maintain order but also as a way to achieve change in the social field that transitions society from traditional to modern.³ Particularly in legal unification, of course, the value of community unity must be considered, including what is inherent to this day is culture. In efforts to foster national law, it aims to obtain the basic character, nature, forms and principles of national law.⁴

Looking at the formulation of Indonesian National Legal Politics at the beginning of the Reform Era as contained in the Decree of the MPR R.I. No. IV/MPR/1999 concerning the Outlines of State Policy for 1999-2004, it can be seen that there are different characteristics from the National Legal Politics which were drawn up during the New Order government (before the Reformation Era). The difference in these characteristics can be seen in the formulation of point 2 Chapter IV Part A (Policy Directions in the Legal Sector) Decree of the MPR R.I. No. IV/MPR/1999 regarding the Outlines of State Policy for 1999-2004, which reads: "Organizing a comprehensive and integrated national legal system by recognizing and respecting religious law and customary law and updating colonial heritage legislation and discriminatory national laws , including gender inequality and its incompatibility with the demands for reform through the legislation program".⁵

Observing the meaning of MPR RI Decree No.IV/MPR/1978, RI MPR Decree No. II/MPR/1983 and MPR RI Decree No. II/MPR/1988, it is clear that the type of legal change or renewal used is through codification and unification, both of which are not explained in MPR RI Decree No. IV/MPR/1999. The fact is that codification is still used for legal renewal in Indonesia, this can be seen in addition to the codification of religious teachings in the form of

¹ Nanik Prasetyoningsih, "Substansi Gagasan dalam Beberapa Konsep Negara Hukum" *Nurani Hukum : Jurnal Ilmu Hukum*, Vol. 3 No. Desember (2020), 62.

² Jimly Ashiddiqie, *Pengantar Ilmu Hukum*, 14.

³ Mochtar Kusumaatmadja, *Fungsi dan Perkembangan Hukum dalam Pembangunan Nasional*, (Bandung: Lembaga Penelitian Hukum dan Kriminologi Universitas Padjadjaran), 11-12.

⁴ Mochtar Kusumaatmadja, *Fungsi dan Perkembangan Hukum dalam Pembangunan Nasional*, 12.

⁵ MPR R.I. No. IV/MPR/1999 concerning Outlines of State Policy for 1999-2004

laws or regulations, as implemented in the Nanggroe Aceh Darussalam region (codification of Islamic criminal law).⁶

Referring to the explanation above, it will be seen the direction of Legal Politics that will be carried out while at the same time seeing where development through legislation or legislation carried out by the DPR will be oriented, as what is stated in Article 20 paragraph 1 states "DPR holds the power to form Laws". Furthermore, it was further strengthened by Article 1 number 9 of Law no. 10 of 2004 which states "Prolegnas is an instrument for planning and forming laws that are prepared in a planned, integrated and systematic manner, by including a portrait of the legal plan for a certain period along with the procedures that must be followed in its formation".⁷

As already stated in the Prolegnas draft, the priority scale for development direction in the field of legislation is as follows. First, continuing development in order to achieve a prosperous Indonesia. Second, strengthening the pillars of democracy to strengthen institutions or agencies aimed at creating public order, eliminating all forms of discrimination, strengthening human rights, and freedom of accountability. Third, uphold justice in all fields including reducing income disparities, reducing development disparities between regions (including villages, cities/districts), and reducing gender inequality.⁸

Research Methods

This type of research utilizes library research. Library research will be research that highlights and focuses on library research to obtain information without directing field examinations.⁹ For the research approach used by researchers is first, the statutory approach or "statute approach". is an approach that is applied to related provisions, namely MPR RI Decree No. IV/MPR/1999 related to the Outline of State Policy which contains the Development of National Law through the Legislation Program. Second Concept Approach¹⁰, namely the concept used regarding legal unification which is used as a reference in every development and even renewal of national law through the Legislative Program. Third Historical Approach.¹¹ is the approach taken in looking at the historical side in the development of Indonesian National Legal Politics which still uses products of colonial heritage to this day. The Fourth Comparative Approach.¹²

For data sources or sources of legal research materials, primary and secondary data will be used. First, Primary Data is legal data that can be obtained directly from data sources that have a specific purpose. The primary data used by researchers is about written regulations which in fact these regulations are used as a reference and basis in this study which includes Pancasila, the 1945 Constitution, Laws, MPR Decree No.IV/MPR/1999 regarding the Outline of State Policy and those concerned regarding legal unification and & the National Legislation Program. Second, secondary data are data sources obtained from data sources by the author indirectly through intermediary media (obtained and recorded from other parties). In general,

⁶H. Cecep Cahya Supena, "Analisis Historis Tentang Pembaharuan Politik Hukum Nasional Indonesia Di Awal Era Reformasi" Jurnal Moderat Volume 5 Nomor 4 November (2019), 549.

⁷ MPR R.I. No. IV/MPR/1999 concerning Outlines of State Policy for 1999-2004

⁸ <http://www.dpr.go.id/id/baleg/prolegnas/31/Arah-kebijakan-prolegnas-> (Accessed on 2 Agustus 2022)

⁹Mestika Zed, *Metode Penelitian Kepustakaan*, (Jakarta : Yayasan Obor Indonesia, 2004), 2.

¹⁰ Johnny Ibrahim, *Teori, Metode dan Penelitian Hukum Normatif*, 31.

¹¹ *Ibid*, 31.

¹² *Ibid*, 33.

secondary data is in the form of evidence, records, or historical reports that have been compiled in every archive that is published or not published, namely related to law which includes a number of textbooks, dictionaries, legal encyclopedias, several legal journals and several comments related to Unification Law or National Legislation Program.

Result and Discussion

The Concept of Legal Unification in the National Legislation Program

As a social rule or norm, law is inseparable from the values that apply in society, it can be stated that law is a reflection and concretization of some of the values that apply in society one day. The relationship between law and politics cannot be separated between its formation and implementation¹³ In principle, the main framework of the political strategy for the development of national law over the last three decades has the same basic concept, namely the 1945 Constitution and on the other hand, the operational political basis is the same, namely the national objectives contained in the preamble of the 1945 Constitution as a valid Constitution, as well as the structural foundation of government institutions to be implemented. development based on a presidential system of government.¹⁴

The formulation of national law is carried out with the aim of discovering the basis, nature, structure and principles of national law. Unification is the idea of national law that is to be realized, meanwhile codification is related to the form of law. This implies that the codification of national law is not at the same time a unification of national law within it, for this reason it becomes very urgent for the role of politics in the context of codification and unification of national law. The understanding of the state government regarding the condition of society and the development of laws that must be regulated and harmonized, so that if there is codification and unification of law it will be aimed at codification and unification that is open and accountable.¹⁵

Meanwhile, the biggest problem in the development of state law has not changed, especially in the text of the 1945 Constitution, namely the principle of social justice which is clearly in favor of the people's prosperity as much as possible. The populist paradigm and the surface of social justice show that this idea must be used to rearrange the legal system which will affect the order of political life, both in terms of organization, elections and the construction of the people's representation system including power and finance between the central and regional governments for many years. year.¹⁶

This has led to a paradigm shift in political and constitutional life in Indonesia, namely from an authoritarian system to a democratic system and from a centralized system to an autonomous system. This paradigm shift certainly has an impact on the legal system that has been adhered to so far. This also has an impact on several things, namely first, the tendency for the autonomous system to be more expanded. Second, the tendency of a multi-party

¹³ Mia Kusuma Fitriana, "Peranan Politik Hukum Dalam Pembentukan Peraturan Perundang-Undangan Di Indonesia Sebagai Sarana Mewujudkan Tujuan Negara" Jurnal Fungsional Perancang Peraturan Perundang Undangan Kanwil Kemenkumham Kaltim (2015), 10.

¹⁴ Wicipto Setiadi, "Pembangunan Hukum Dalam Rangka Peningkatan Supremasi Hukum", Jurnal Rechtvinding Volume 1 No.1 (2012), 7.

¹⁵ Anajeng Esri Edhi Mahanan, "Peranan Politik Hukum dalam Upaya Kodifikasi dan Unifikasi Hukum guna Pembangunan Hukum Nasional yang sesuai dengan Pancasila serta Prinsip Kebhinekaan di Indonesia", Jurnal Res Publica Vol 1, No 1 (2017), 6.

¹⁶ Wicipto Setiadi, 8.

system that has an impact on the presidential cabinet system that has been adhered to in the 1945 Constitution. Third, the tendency for strict separation (not differentiation) between the executive, legislative and judicial.¹⁷

Legal unification is the nature of national law that is to be realized in order to realize legal reform in Indonesia. It should be noted that Indonesian law is the result of colonial legal inheritance and therefore is not in accordance with the characteristics of the Indonesian nation. For this reason, it is a legal obligation for inheritance to be replaced by legal products that represent a number of local wisdom values. So that the law currently in force is not in accordance with the current rapid development of law and many legal regulations are currently incompatible with the current situation. For example, colonial products such as BW (KUHPerdata) or WVS (KUHP) should only be temporary laws or transitional laws towards Indonesian National Law.¹⁸

Building a quality national law product is very important in order to achieve the goals of the state as a constitutional welfare state, so how to create quality progressive law is a big responsibility for the stakeholders in charge.¹⁹

The legal politics related to the plan for the development of legal materials in Indonesia is currently included in the National Legislation Program. Which means a map or portrait of a planned law that will be implemented within a certain period of time, because legal policies can be seen in the Prolegnas. Prolegnas is prepared by the DPR together with the government with a legitimized mechanism.²⁰

Arrangements related to Prolegnas are regulated in Article 16 of Law no. 12 of 2011 regarding the Formation of Legislation which states "That the planning for drafting the Law is carried out in the National Legislation Program."²¹ Technically, according to Article 20 of Law No. 12 of 2011 stipulates that:

"The national legislation program contains a list of priority scales for bills that will be formed in a certain period. There is a period of 5 years, which is referred to as a medium-term or 5-year national legislation program and there is also a period of 1 year, which is referred to as an annual priority national legislation program. The 5-year national legislation program in its implementation is divided into annual priorities or the year's Prolegnas. The 5-year Prolegnas can be evaluated or adjusted to developments every year at the same time as the annual Prolegnas is determined."²²

Meanwhile, there are several main problems that make the National Legislation Program still the subject of critical study ²³ :

1. The quality of the law or law that is produced is not enough, it does not bring direct benefits to people's lives
2. The target number of bills in the National Legislative Program has not been met The bill review process is not transparent, making it difficult for the public to access

¹⁷ *Ibid*, 8.

¹⁸ Muhammad Noor, "Unifikasi Hukum Perdata Dalam Pluralitas Sistem Hukum Indonesia" Jurnal Mazahib : Vol. XIII, No. 2, Desember (2014), 8.

¹⁹ M. Ilham F, "Politik Hukum Perundang-Undangan: Mempertegas Reformasi Legislasi Yang Progresif" Jurnal Rechtvinding Volume 1 No.1 (2012), 9.

²⁰ Mahfud MD, *Membangun Politik Hukum, Menegakkan Konstitusi*, (Jakarta : PT Raja Grafindo Persada), 33.

²¹ Law No. 12 of 2011 concerning the Principles of Forming Legislation

²² Law No. 12 of 2011 concerning the Principles of Forming Legislation

²³ National Legal Development Agency, National Legal Development Planning 2015-2019, National Legal Development Planning Center (Jakarta BPHN, 2012), 125-127.

3. More than 50 lists of national legislation programs are only programs for amending existing laws, not new laws
4. The new law is more skewed towards politics and government. It becomes a kind of ritual where the law is always changing according to the different political interests of those in power.
5. The laws made do not reflect the quality of the law. So that it is always the subject of cases in the Constitutional Court
6. Less qualified as a good law
7. Return to the old attitude to the old attitude. The law does not need to be developed, the most important thing is politics and economics (New Order) while during the reform period, law development was carried out by eradicating corruption and everything else would move on its own.

In addition, Bayu Dwi Anggono stated that there were several things that created confusion in the drafting of the national legislature, among others:²⁴

1. An understanding of all things can become material for the content of the law
2. Legislative political ambiguity
3. Setting the target for the National Legislation Program has not fully considered the capacity and availability of legislation
4. The determination of the number of bills, has not fully used clear and precise criteria, in relation to existing legal requirements
5. Determination of the list of titles included is often not accompanied by the availability of supporting documents
6. The commitment to Prolegnas as the only planning instrument for the formation of laws and regulations has not been fully complied with.

This is proven by several sample data including:²⁵

- a. The House of Representatives for the 2014-2019 period stipulates 189 bills in the 2015-2019 Prolegnas
- b. There are 91 draft bills to become laws, which include 36 bills on the 2015-2019 National Prolegance List (about 19%), as well as 55 open cumulative bills covering the ratification of certain international agreements, as a result of the Constitutional Court's decision, the state budget and the stipulation or repeal of the Perppu into law.
- c. The previous period (2009 – 2014) ratified 125 bills, namely 69 bills out of the 247 bills listed in the Prolegnas (about 28%) and as many as 56 bills from outside the Prolegnas

Prolegnas position in the quantitative context of the bill will be misleading. For example, when the direction of developing legal documents uses a codification system or simplification of regulations, the completion of two or three bills becomes more important and meaningful than many regulations, inconsistent determinations. Therefore, when viewing Prolegnas as a political portrait of national law, at this time it has not provided a clear picture of the direction of legal documents in the future, for example regarding the replacement of legal products inherited from colonialism, the codification system and the principle of unity.

²⁴ National Webinar on the Faculty of Sharia UIN KHAS Jember with the Theme “Pelatihan teknik perencanaan peraturan Perundang-Undangan” on Wednesday 06 February 2021 Via zoom Metting, Slide Power Point 7

²⁵ National Webinar on the Faculty of Sharia UIN KHAS Jember with the Theme “Pelatihan teknik perencanaan peraturan Perundang-Undangan” on Wednesday 06 February 2021 Via zoom Metting, Slide Power Point 7

Furthermore, DPR RI Regulation No. 1 of 2012 regarding Procedures for Compiling the National Legislation Program and DPR RI Regulation No. 1 of 2012 jo DPR RI Regulation No. 1 of 2014 regarding the DPR RI Standing Orders which bind DPR members who are members of the Commission, the Legislation Body (Baleg) and factions in the DPR RI in drafting a bill. The mechanism for drafting and proposing bills in the Perpres and DPR RI Regulations is binding in the form of DPR RI Decrees regarding the annual Prolegnas and priority Prolegnas each year.²⁶ For this reason, before mentioning the number of bills, there should be a narrative regarding the direction of the construction of the legal documents that will be handled. In addition, the House of Representatives of the Republic of Indonesia, BPHN, as well as academics and practitioners must begin to think about and develop a master plan for the future development of legal documents.

The Urgency of Legal Unification in the National Legislation Program

The formal fact that occurs in legal development in Indonesia is the increasing dominance and strengthening of state law without being accompanied by space for the existence of other legal systems (the other law), so that they become marginalized and scattered. This state policy intervention towards legal cultural pluralism, in the long run will have an impact on weakening legal pluralism (weak legal pluralism), which is actually capable of enriching the repertoire of national law which is able to maintain local wisdom values.²⁷

There are 2 (two) things that must be carefully studied and addressed and thought about in order to find a solution, the first is about discourse, that substantively the 1945 Constitution contains several weaknesses in terms of regulation. However, it must be realized that not all of the weaknesses in the constitution or the 1945 Constitution have a significant relationship with the emergence of the phenomenon of corruption or the judicial mafia in Indonesia and secondly, is the fact that the problem of corruption is already very acute in the legislative and executive sectors, as well as the problem of legal mafia (judicial corruption) that undermines the world of justice (judiciary) must be addressed immediately.²⁸

Against the background of various problems of plural legal culture in Indonesia, legal reform in Indonesia is increasingly required to pay more attention to various aspects, including religious, ethnic, migrant issues, or forms of regulations that apply to certain social institutions. In order to achieve legal certainty and provide impetus for better development, several special steps (extraordinary actions) are needed in the form of restoring regulations to make national legislation a means of achieving social welfare, social justice and legal certainty. For that there are several things that must be done, viz:²⁹

- a. Optimizing the analysis and evaluation of national legislation
- b. Improving the quality of academic papers
- c. Increasing the role of national legislation

²⁶ Agus Riwanto, "Strategi Politik Hukum Meningkatkan Kualitas Kinerja Dpr Ri Dalam Produktivitas Legislasi Nasional" Jurnal Cita Hukum, Fakultas Syariah dan Hukum UIN Jakarta Vol.4 No.2 (2016), 270.

²⁷ Djaka Suhendra, "Realitas Kemajemukan Hukum Dalam Masyarakat" Jurnal Hukum "Jentera" Edisi 3 Tahun II, November (2004), 11.

²⁸ Zulfan. "Restorasi Pembangunan Hukum Nasional Yang Berdaulat" Kanun Jurnal Ilmu Hukum No. 63. Th. XVI (2014), 23.

²⁹ National Legal Development Agency of the Ministry of Law & Human Rights, National Legal Development Document Based on the Results of 2016-2017 Legal Analysis and Evaluation, (Jakarta: BPHN, 2017), 9.

- d. Optimization of legal document and information services by utilizing technology or e-legislation
- e. Strengthening legal advocacy in the formation of a culture of legal awareness, namely based on: Adequate and quality human resources (human resources), good facilities and infrastructure, the right way of working, and the right budget.

In relation to the above issues, many legal experts are of the opinion that the system of codification and unification must be used as a guideline in the process of making laws, because systematization of unification can bring benefits to the process of making laws and the development of Indonesian law. Codification can guarantee legal certainty, meanwhile unification is more suitable for Pancasila because it accelerates the process of integration (building unity and integrity) of a pluralistic Indonesian nation.³⁰

Renewal of national law is carried out with the starting point that the products of legislation that apply in the territory of the Republic of Indonesia must depart from and reflect the values of the Indonesian people themselves. Renewal of national laws was also carried out in order to face the challenges of the trend of economic globalization and the acceptance of the world's market economic system which is getting stronger.³¹ Legal development based on the principle of unification has succeeded in producing a legal structure with modern characteristics. Indonesia has many written regulations that are reasonable, clear and relatively systematic. Such a legal regulation strategy is essentially a manifestation of the liberal political theory adopted by the Dutch East Indies government and then continued to the present day by the Indonesian government.³²

In response to the development of national law which is being carried out through legal unification as described above, it is necessary to remember that the construction of the national legal system within the framework of the development of the national legal system still pays attention to the concept of legal ideology related to "*ius constitutum and ius constituendum*" so that the development of the national legal system can be predicted with in such a way that the direction of legal development in the future through reflecting the current positive law as material for consideration and reference for the development of several legal aspects that will be harmonized with the development of society.

The construction of the national legal system must be maintained in a long-term direction during the implementation process. Thoughts related to the development of national law in the future must certainly be considered in determining the direction of development of national law. The spirit of "Indonesian taste" in every legal product produced must be maintained, a spirit of taste that is certainly not contradictory and contrary to a number of other values that are still firmly held and can be accepted by the people. The dilution of the "Indonesian taste" in the development of national law is avoided as much as possible so that the development of national law in the future is really a law that is suitable for Indonesian citizens.

The Urgency of Legal Unification in the National Legislation Program

³⁰ Oksep Adhayanto, "Perkembangan Sistem Hukum Nasional", Jurnal Ilmu Hukum Volume 4 No. 2 Februari-Juli (2014), 10.

³¹ F.C. Susila Adiyanta, "Pembaruan Hukum Nasional: Pruralisme, Unifikasi Hukum, dan Hubungan Kewenangan antara Pemerintah Pusat dengan Pemerintah Daerah", Jurnal Administrative Law & Governance Journal Volume 2 1 March (2019), 6.

³² Oksep Adhayanto, 11.

The middle of the 19th century the diversity of legal systems adopted by citizens in various parts of the world was regarded as a symptom of legal evolution, then in the 20th century this diversity was responded to as a symptom of legal pluralism.³³ Legal pluralism is dubbed the Era of Legal Modernization, why is that? Legal pluralism encourages the mobility of human resources from one place to another, causing anthropogenic changes in all aspects of human life, including laws and regulations.

Currently, Indonesia is entering the final stage of the 2005-2025 RPJPN, namely stage IV 2020-2024. Like the vision and mission stated in the RPJMN 2020-2022, it is necessary to evaluate its achievements until 2045. Indicators for achieving legislation in the RPJMN for the 2020-2022 period can be seen from the objectives achieved in the form of establishing stability and effective judicial institutions, achieving an efficient justice system and responsive to technology, achieving easy access to justice for citizens, building an effective and stable anti-corruption system, legal regulations and governance of cybercrime.³⁴

Furthermore, in order to achieve the vision and mission of Indonesia's law development goals until 2045, it is necessary to develop milestones and development directions for 5 years, in which the budget is adjusted to the country's culture. national development plan (RPJMN). As has been described in the previous section, the goals for legal development in Indonesia's 2045 Vision are divided into three decades, namely the goals for 2025, 2035 and 2045.³⁵ Therefore, the stages and directions of legal development in 5 years can be described as follows:

1. Period RPJM I (2005-2009)

Based on the values and attitudes of the people towards the law that existed during the previous law-making period, the priority goal of the first stage of law-making is the development of a legal culture, the law of the government apparatus (internal). legal culture). This aims to create a foundation for the high legal awareness of Indonesian citizens, in the life of society, nation and state. This legal culture is also intended to strengthen the unitary state of the Republic of Indonesia as a stable legal state, supported by a strong government and a society that is cultured in law and is anti-corruption. In addition to priority objectives, this phase must also continue to reform the justice sector so that it is effective and efficient in formulating regulations and promoting national legislation, which is set forth in the RPJMN phase for the 2020-2024 period.³⁶

2. Period RPJM II (2010-2014)

Indonesia's second RPJM was held from 2010-2014 with priority scales and programs namely "increasing awareness and law enforcement, strengthening state law enforcement and implementing human rights, and continuing a systematic national legal structure."³⁷

3. Period RPJM III (2015-2019)

³³ Tim Humas, *Pluralisme Hukum, Sebuah Pendekatan Interdisiplin*, (Jakarta: Perkumpulan Untuk Pembaharuan Hukum Berbasis Masyarakat Dan Ekologis, 2005), 117.

³⁴ National Legal Development Agency, 2020 National Document, 152.

³⁵ *Ibid*, 155.

³⁶ Presidential Regulation Number 18 of 2020 Concerning the National Medium-Term Development Plan (RPJMN) 2020-2024

³⁷ Directorate General of Legislation, *Harmonisasi Peraturan Perundang-undangan*, (Jakarta: Ministry of Law and Human Rights of the Republic of Indonesia), 79.

The third RPJM starts from 2015 to 2019 in the field of law with a priority scale and program, namely "Increasing awareness and application of law in various fields of life, professionalism of the state apparatus at the center and in the regions. increasingly capable of supporting national development."³⁸

4. Periode RPJM IV (2020-2024)

The priority scale and development agenda in the legal field of the 2020-2022 RPJM are: law and implementation of human rights. This condition is supported by the achievement of a strong national legal system based on Pancasila and the 1945 Constitution to uphold the rule of law, the realization of good, clean and authoritative government based on the rule of law.³⁹

Based on a long-term development orientation for the 2005-2025 period in the field of law and the formulation of priority scale medium-term development plans. Reconciliation or harmonization of the bill, especially at the planning stage, must first answer the following questions, first of all, is the bill on the agenda priority scale in the RPJP good or not and its progress. Second, whether the contents of the bill can become a tool to achieve the legal direction of development that has been determined or not. Third, whether the bill can support development programs in other regions or become a legal basis for development in other regions.⁴⁰

In harmonization of draft laws, development plans must be considered carefully, because development plans contain the vision, mission, direction or development strategy and development programs as well as development priorities, including development in the field of law.⁴¹ So that laws and regulations or planning policies are in the form of regulations that can be aligned with the development agenda that has been determined either at the time of the formulation of the national RPJP or its development.

5. Periode RPJM V (2030-2034)

Continuing the development of legal culture in a sustainable manner from stage I, namely building the legal culture foundation. At this stage the problem is not only the development of the internal legal culture of the government apparatus but also the external legal culture of the whole society. The emphasis on development is also added to having legitimacy that upholds a number of Pancasila values and is sensitive to and precedes various technological advances and their implementation based on good management practices, in accordance with international standards and Indonesian needs and demands. Legal characteristics and infrastructure that are efficient and responsive to technological developments.⁴²

6. Periode III (2035-2039)

Continuing the development of a legal culture in a sustainable manner from Stages I and II, when the foundation of the legal culture of the community and government apparatus is at a higher level. At this stage, legislation focuses on achieving a stable legal structure that can effectively and efficiently support the implementation of the law. At this stage, development and completion of regulatory

³⁸ Directorate General of Legislation, Harmonisasi Peraturan Perundang-undangan, 81.

³⁹ Directorate General of Legislation, Harmonisasi Peraturan Perundang-undangan, 82.

⁴⁰ Directorate General of Legislation, Harmonisasi Peraturan Perundang-undangan, 82.

⁴¹ Directorate General of Legislation, Harmonisasi Peraturan Perundang-undangan, 82.

⁴² National Legal Development Agency, 2016 National Legal Development Document, (Jakarta: BPHN, 2016), 155.

and legal infrastructure and infrastructure that are efficient and technologically responsive. Technology is used to provide support to the law-making process, which in turn facilitates wider citizen engagement with complex deliberations.⁴³

7. Periode IV (2040-2045)

Development of a sustainable legal culture from Stages I, II and III, by continuing efforts to institutionalize the legal perceptions of society and government officials, and hopes that the results will be seen, namely a society that is cultured in law and cultured in law. fighting corruption. At this stage, the purpose of making laws is to strengthen the development of laws and regulations, both qualitatively, structurally, physically which are mutually supportive.⁴⁴

A law was born that was influenced from various parts of the world which entered the territory of a country without boundaries and continued to move to target all existing human resources. In this way, there is interaction, adoption, contact and competition between national laws in the era of legal modernization against customary law in certain socio-political contexts.⁴⁵ In another discussion, it is stated that Legal Unification is the imposition of a certain type of law on all people in a certain country. If a law is stated to apply in a unified manner, then in that country only one particular type of law applies so that it gives rise to its own character for that nation, and does not apply to various laws or legal pluralism.⁴⁶

On the other hand, Indonesian legal pluralism empirically often creates interactions between the legal order and a number of moral values that develop in society. A number of ethical values can be reflected in the view of Pancasila as a guideline for the attitudes and actions of society. Indonesian legal pluralism determines the legitimacy of values and norms such as law through the state's vision and mission as well as the views of Pancasila itself.⁴⁷ This differs from the concept of legal pluralism in that the hierarchical structure of state law does not have the flexibility to adapt to changes, challenges and global hatred. Indonesia's unique legal pluralism offers multiple voices that may not be available to more decentralized institutions. Therefore, we can see that pluralism structures are more stable than hierarchical structures over time.⁴⁸

This differs from the concept of legal pluralism in that the hierarchical structure of state law does not have the flexibility to adapt to changes, challenges and global disputes. Indonesia's distinctive legal pluralism offers openness to multiple voices that may not be available to more decentralized institutions. Therefore, we can see that a pluralist structure is more stable than a hierarchical structure over time.⁴⁹

Indonesian legal pluralism regards social justice as paramount to legal validity and reflects the 5th precept of Pancasila. Indonesian legal pluralism is theoretically studied through two approaches, namely relationalism and consequentialism. In terms of relationalism, this concept emphasizes the plural nature of the legal order which eventually

⁴³ National Legal Development Agency, *Dokumen Pembangunan Hukum Nasional* tahun 2016, 159.

⁴⁴ National Legal Development Agency, *Dokumen Pembangunan Hukum Nasional* tahun 2016, 162.

⁴⁵ Tim Humas, *Pluralisme Hukum, Sebuah Pendekatan Interdisiplin*, 9.

⁴⁶ Muhammad Bakri, "Unifikasi Dalam Pluralisme Hukum Tanah Di Indonesia, (Rekonstruksi Konsep Unifikasi Dalam Uupa)" *Jurnal Kertha Patrika* Vol. 33 No. 1 Januari (2008), 2.

⁴⁷ Fradhana Putra Disantara, "Konsep Pluralisme Hukum Khas Indonesia Sebagai Strategi Menghadapi Era Modernisasi Hukum" *Jurnal Al-Adalah : Jurnal Hukum dan Politik Islam* Vol. 6 No. 1, Januari (2021), 7.

⁴⁸ Sulastriyono, Sulastriyono, "Adat Law as An Alternative Option In Law Pluralism Perspective In Indonesia", *Journal of Indonesian Adat Law (JIAL)* 1, no. 1 October (2020), 38.

⁴⁹ *Ibid*, 38.

creates cooperation between the three systems and also influences each other.⁵⁰ In terms of consequentialism, the concept of Indonesian legal pluralism can create empowerment that brings the scope of legal education to citizens through different legal forums. Second, the concept creates the availability of normative and institutional choices as well as the potential for procedural and legal institutional innovations because people are more able to adapt to protect their rights.⁵¹

This is one of the concepts of democracy in which hierarchically in the implementation of the Indonesian government system there is the term regional autonomy which is conceptualized with the appendage of decentralization, this policy develops to give birth to a legal product, one of which is regional regulations (PERDA) which have pluralist characteristics in their respective regions. Each as an example of Sharia regional regulations that are implemented in various regions. Among them Aceh, West Sumatra, Cianjur etc. With various problems, the plurality of legal culture in Indonesia, which has a diverse background in religion, culture, customary values, traditions, and environmental conditions, is a major factor for consideration in the formation and development of national law through legal unification that is able to accommodate various interests and backgrounds. Behind it, hence legal reform in Indonesia is increasingly required to pay more attention to various aspects, including religious, ethnic, migrant issues, or forms of rules that apply to certain social institutions.⁵²

The development of national law takes place through a process of reforming legal substance, legal structure, legal culture of the legal basis and its infrastructure. Therefore, in order to determine the design of the national legal development system as a whole, it is necessary to determine development policies for each part of the national legal system, namely legal substance, legal structure, legal culture and legal development, legal institutions and infrastructure. Based on the description above, legal policies to support national development up to 2045 are determined with the vision and mission of national legal development as a whole, then equipped with identification of success indicators, achievements, and identification and priorities.⁵³

Conclusion

The concept of legal unification in the National Legislative Program is that it must guarantee the integration of the nation and the state, both territorial and ideological, as well as integrating nomocracy, which means inviting participation and absorbing people's aspirations through fair, transparent and accountable procedures and mechanisms.

Legal Unification has succeeded in producing a legal building with modern characteristics that is in line with what is aspired to in the development of national law with the characteristic of accelerating the Integration Process, namely Development, unity and unity by considering the *ius constitutum* and *ius constituendum*.

Whereas the concept of legal unification in the future in the midst of legal pluralism is through the mechanism of harmonization and synchronization of laws and regulations by emphasizing the quality of substance and consistency, in addition to carrying out regulatory

⁵⁰ *Ibid*, 40.

⁵¹ *Ibid*, 39.

⁵² *Ibid*, 5.

⁵³ National Legal Development Agency, 2020 National Document, (Jakarta: BPHN, 2020), 133.

reforms on an ongoing basis and overseeing the direction of development of national law by paying attention to several aspects namely legal substance, legal structure, legal culture, and supporting infrastructure which until now has become the foundation or basis for the formation of laws.

Bibliography

Book

- Muhammad, Abdul Kadir. 2004. *Hukum dan Penelitian Hukum*. Jakarta: PT. Citra Aditya Bakti
- National Legal Development Agency. *Perencanaan Pembangunan Hukum Nasional 2015-2019*, Pusat Perencanaan Pembangunan Hukum Nasional (Badan Pembinaan Hukum Nasional 2012)
- National Legal Development Agency. *Dokumen Pembangunan Hukum Nasional Tahun 2019 : Kajian Awal Grand Design Pembangunan Hukum Nasional*. (BPHN Kementerian Hukum dan HAM 2019)
- Direktorat Jenderal Peraturan Perundang-undangan Kementerian Hukum dan HAM RI. *Harmonisasi Peraturan Perundang-undangan*
- Ibrahim, Johny. 2007. *Teori Metode dan Penelitian Hukum Normatif*. Jakarta: Bayumedia Publishing
- MD, Mahfud. 2002. *Membangun Politik Hukum, Menegakkan Konstitusi*. Jakarta: PT Raja Grafindo Persada
- Kusumaatmadja, Mochtar. 2004. *Fungsi dan Perkembangan Hukum dalam Pembangunan Nasional*. (Lembaga Penelitian Hukum dan Kriminologi Universitas Padjadjaran).
- Zed, Mestika. 2004. *Metode Penelitian Kepustakaan*. Jakarta: Yayasan Obor Indonesia
- Ashiddiqie, Jimly. 2006. *Pengantar Ilmu Hukum Tata Negara*. Mahkamah Konstitusi RI
- Tim Humas. *Pluralisme Hukum, Sebuah Pendekatan Interdisiplin*. (Perkumpulan Untuk Pembaharuan hukum Berbasis Masyarakat Dan Ekologis 2005)

Journal

- Adhayanto, Oksep. 2014. Perkembangan Sistem Hukum Nasional. *Jurnal Ilmu Hukum* Volume 4 No. 2
- Adiyanta, F.C. Susila. 2019. Pembaruan Hukum Nasional: Pluralisme, Unifikasi Hukum, Dan Hubungan Kewenangan Antara Pemerintah Pusat Dengan Pemerintah Daerah. *Jurnal Administrative Law & Governance Journal*: Volume 2 Issue 1 March
- Bakri, Muhammad. 2008. Unifikasi Dalam Pluralisme Hukum Tanah Di Indonesia, (Rekonstruksi Konsep Unifikasi Dalam Uupa). *Jurnal Kertha Patrika* Vol. 33 No. 1)
- Disantar, Fradhana Putra. 2021. Konsep Pluralisme Hukum Khas Indonesia Sebagai Strategi Menghadapi Era Modernisasi Hukum. *Jurnal Al-Adalah : Jurnal Hukum Dan Politik Islam* Vol. 6 No. 1 Januari
- Fitriana, Mia Kusuma. 2015. Peranan Politik Hukum Dalam Pembentukan Peraturan Perundang-Undangan Di Indonesia Sebagai Sarana Mewujudkan Tujuan Negara. *Jurnal Fungsional Perancang Peraturan Perundang Undangan: Kanwil Kemenkumham Kaltim*
- M. Ilham F. 2012. Politik Hukum Perundang-Undangan Mempertegas Reformasi Legislasi Yang Progresif. *Jurnal Rechtvoinding* Volume 1 No.1

- Mahanan, Anajeng Esri Edhi. 2017. Peranan Politik Hukum dalam Upaya Kodifikasi dan Unifikasi Hukum guna Pembangunan Hukum Nasional yang sesuai dengan Pancasila serta Prinsip Kebhinekaan di Indonesia. *Jurnal Res Publica* Vol 1 No 1
- Noor, Muhammad. 2014. Unifikasi Hukum Perdata Dalam Pluralitas Sistem Hukum *Indonesia. Jurnal Mazahib* : Vol. Xiii, No. 2
- Prasetyoningsih, Nanik. 2020. Substansi Gagasan dalam Beberapa Konsep Negara Hukum. *Nurani Hukum : Jurnal Ilmu Hukum*. Vol. 3 No. 2. ISSN. 2655-7169
- Setiadi, Wicipto. 2012. Pembangunan Hukum Dalam Rangka Peningkatan Supremasi Hukum. *Jurnal Rechtvoinding* Volume 1 No.1
- Suhenedra, Djaka. 2004. Realitas Kemajemukan Hukum Dalam Masyarakat. *Jurnal Hukum Jentera* Edisi 3 Tahun II November
- Sulastriyono, Sulastriyono. 2020. Adat Law As An Alternative Option In Law Pluralism Perspective In Indonesia. *Journal Of Indonesian Adat Law (JIAL)* 1 No. 1
- Supena, H. Cecep Cahya. 2019. Analisis Historis Tentang Pembaharuan Politik Hukum Nasional Indonesia Di Awal Era Reformasi. *Jurnal Moderat* Volume 5, Nomor 4: 2442-3777
- Zulfan. 2014. Restorasi Pembangunan Hukum Nasional Yang Berdaulat. *Kanun Jurnal Ilmu Hukum* No. 63. Th. XVI

Online Source

<http://www.dpr.go.id/id/baleg/prolegnas/31/Arah-kebijakan-prolegnas->

Sharia Faculty National Webinar UIN KHAS Jember. 2021. "Pelatihan Teknik Perencanaan Peraturan Perundang-Undangan.

Statutory Regulations

MPR R.I. No. IV/MPR/1999 Concerning Outline of State Policy

Law No. 12 of 2011 concerning the Principles of Forming Legislation

Presidential Regulation Number 18 of 2020 Concerning the National Medium-Term Development Plan (RPJMN) 2020-2024