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The Law Development in Indonesia under Soekarno's Presidency (1950-1966) and New Order Regime (1966-1990) and its Relevance to National Law Development

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ABSTRACT

This research discusses the thoughts of Professor Soetandyo Wignjosoebroto as outlined in the book "Dari Hukum Kolonial ke Hukum Nasional" which discusses the development of socio-political dynamics in the development of law in Indonesia during the period of half a century (1840-1990). This research aims to identify the development of national law during the reign of President Soekarno, the development of national law during the reign of the New Order regime, and the relevance of the development of national law at the beginning of independence to the development of Indonesian law today. This is a normative juridical research with statutory, case, comparative, and conceptual approach. The findings of this research indicate that the development of national law during the early years of independence was confronted with the desire to form a national law that was independent of colonial law and faced with legal certainty and development. The relevance of the law development at the beginning of independence with the current Indonesian law development suggests that law development cannot be separated from the existing values in the society.

Keywords: *Development, Law, New Order, Old Order*

INTRODUCTION

This research discusses the thoughts of Professor Soetandyo Wignjosoebroto as outlined in the book “Dari Hukum Kolonial ke Hukum Nasional”, which discusses the development of socio-political dynamics in the development of law in Indonesia during the period of half a century (1840-1990). Composed of 12 chapters, the book highlights the introduction and development of foreign law in the lives of indigenous people, which continued after independence under the old and new order regimes. The long dynamics of law development are still relevant to be discussed in the context of national law formation to this day. This is due to the fact that the legal history of each country cannot be separated from its life in general.¹ Law develops in accordance with the history that integrates with social life.²

Following the independence, the spirit of nationalism prompted Indonesia to introduce various changes in its legal system. This involved a transition from colonial law to national law, which was grounded in fundamental Indonesian values. These values include elements that are modern, relevant to the present and future-oriented. It is important to point out that this does not imply a complete disregard for Indonesia's historical past. Instead, more contemporary perspectives attempt to contextualize the past into a more modern and relevant Indonesian context to determine the future of Indonesia.³

However, it is inevitable that independence as a diffusion of values, norms, beliefs and social institutions culturally and structurally, causes the organizational system of the colonized country to be similar to the organizational system of the colonizing country. The legal traces of the colonial rule are still clearly visible in the Indonesian legal system. Dutch law, which adheres to the civil law system, is still applied in Indonesia's legal system to this day. The judicial system is built on written law and the codification of Dutch laws and regulations, such as the Criminal Code (KUHP) or *Wetboek van Strafrecht*, the Civil Code (KUH Perdata) or *Burgelijk Wetboek*, and the Commercial Code (KUHD) or *Wetboek van Koopandhel*. The codification of these laws and regulations characterizes civil law, which to this day still dominates Indonesian law.

While some codified laws and regulations are outdated and have been replaced by new regulations, these laws and regulations still become a general basis for the resolution of cases in the courts. There are various factors that hinder

¹ Jeremy Waldron, “The Rule of Law,” in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta and Uri Nodelman (Metaphysics Research Lab, Stanford University, 2023), <https://plato.stanford.edu/archives/fall2023/entries/rule-of-law/>.

² Jonaedi Efendi and Fitri Ana Rahmayani, *Sejarah Hukum* (Surabaya: Jakad Media Publishing, 2019), <http://eprints.ubhara.ac.id/id/eprint/1484>.

³ Bagir Manan, *Nilai-Nilai Dasar Keindonesiaan Dan Negara Hukum: Bunga Rampai Memperkuat Peradaban Hukum Dan Ketatanegaraan Indonesia* (Jakarta: Sekretariat Jenderal Komisi Yudisial Republik Indonesia, 2019).

the removal of the Dutch legal tradition, such as modern procedures and law enforcement that have already been established from the colonial legacy.⁴

In his other works, Soetandyo mentions the term legal transplantation when colonial law was enacted in Indonesia. He described this condition as being in a vicious circle due to the fact that this country was being trapped in serious difficulties to get rid of the colonial influence. This situation occurred because no effective new laws were prepared after independence, while the existing laws were not in accordance with the character of the nation due to their oppressive and exploitative aspects.

The development of legal system in Indonesia is still inseparable from the colonial heritage law as emphasized by Soetandyo. Legislative changes in various aspects have attempted to characterize Indonesia as Indonesia-centric, but on the other hand, the demands of Indonesia's international social, economic and political relations have also affected the formation of national law. Therefore, Soetandyo's book entitled "Dari Hukum Kolonial ke Hukum Nasional" is very interesting to be discussed as a reflection on the current development of national law.

Based on the previous description, this research aims to further discuss the development of national law during the reign of President Soekarno, the development of national law during the New Order regime, and the relevance of the development of national law in the early days of independence to the development of Indonesian law today.

RESEARCH METHODOLOGY

The research method is a scientific way to obtain valid data with the aim of discovering, proving, and developing knowledge in order to understand, solve, and anticipate problems.⁵ This research uses normative juridical research methods through an approach based on primary legal materials by examining theories, concepts, legal principles and laws and regulations.⁶ Research using normative juridical methods is legal research conducted by examining secondary data as basic material to be researched by examining laws and regulations and literature related to the topic being studied.⁷ The approach used in this research is normative juridical in which secondary sources of material are examined in the form of theories, regulations and legal rules using a statutory approach, case approach, comparative approach, conceptual approach.⁸ The data sources used in this

⁴ Soetandyo Wignjosoebroto, *Dari Hukum Kolonial Ke Hukum Nasional Dinamika Sosial-Politik Dalam Perkembangan Hukum Di Indonesia* (Jakarta: Penerbit Huma, 2014).

⁵ Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif, Dan R&D* (Bandung: Alfabeta, 2017).

⁶ Johnny Efendi, Jonaedi & Ibrahim, *Metode Penelitian Hukum Normatif Dan Empiris*, 1st ed. (Depok: Prenada Media Group, 2016).

⁷ Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: Rajawali Pers, 2015).

⁸ Peter Mahmud Marzuki, *Penelitian Hukum*, Cet 13 (Jakarta: Kencana, 2017).

research are secondary data sources. Secondary data sources are data obtained from literature related to the research object.⁹

RESULT AND DISCUSSION

The Development of Law in Indonesia following the Physical Revolution during Soekarno's Presidency

In his book, Soetandyo begins the discussion of legal developments in the Soekarno presidential era marked by the end of the history of the Republic of Indonesia Union (RIS) on August 17, 1950, which was replaced by a unitary republic. The Constitution of the Republic of Indonesia was in effect for less than eight months and was replaced by a new Constitution, the Provisional Constitution of the Republic of Indonesia (promulgated as Law No. 7/1950 on August 15, 1950 in the State Gazette of 1950 No. 56).¹⁰

As legislation in general, the enactment of the Provisional Constitution of 1950 also adheres to the principle of enforcing all statutory and administrative provisions that have been enacted previously as long as the provisions stipulated in the law are not revoked, supplemented or amended based on the new law. This aims to prevent a legal vacuum that can have an impact on the emergence of an atmosphere of uncertainty in the political competition that occurs between nationalist groups supporting customary law and Muslim groups that encourage fiqh law. A legal vacuum could open up the opportunity for struggles to fill the legal void.

In the formation of laws and regulations, the principle of *lex posterior derogat legi priori* means that new laws (legal norms/regulations) are commonly practiced by including a derogation norm in the closing provisions of the regulations formed. The norm states that with the enactment of the new regulation, the previous regulation is declared revoked and does not apply.¹¹ The principle applies to avoid conflicts as occurs when the command in the provisions of a norm and what is commanded in the provisions of other norms are incompatible, so that complying with or implementing one of the norms will inevitably lead to a violation of the other norm.¹²

Prior to the enactment of the Provisional Constitution, many regulations were derived from the Dutch East Indies government, the period of the Proclamation of the Republic of Indonesia, and the post-war Dutch East Indies. In addition, the existence of semi-independent states and regions, along with the Republic of Indonesia, made ensuring legal certainty extremely complex. The

⁹ Ishaq, *Metode Penelitian Hukum Dan Penulisan Skripsi* (Bandung: Alfabeta, 2016).

¹⁰ Wignjosoebroto, *Dari Hukum Kolonial Ke Hukum Nasional Dinamika Sosial-Politik Dalam Perkembangan Hukum Di Indonesia*.

¹¹ Nurfaqih Irfani, "Asas Lex Superior, Lex Specialis, Dan Lex Posterior: Pemaknaan, Problematika, Dan Penggunaannya Dalam Penalaran Dan Argumentasi Hukum," *Jurnal Legislasi Indonesia* 16, no. 3 (2020): 312.

¹² Irfani.

process of committing to establish a unitary state was confronted by the reality of a diverse society, both culturally and legally. This pluralism posed a major challenge to the formation of national law.¹³ The duty of national law formation is faced with a dilemma between the choice of reality, plurality, and the ideals of unification as a reflection of the spirit of unity and integrity in the Indonesian revolution. The choices made were not only based on socio-juridical aspects, but also political-ideological aspects.¹⁴

Soetandyo distinguishes the early period of President Soekarno's era into two sub-periods. The first sub-period began from 1950 to 1959 under the Provisional Constitution. The legal order at that time moved one step further with the enactment of the Provisional Constitution of 1950, revealing an autonomous legal order. At that time, procedural law was unified, while substantive law remained pluralistic as it was at the time independence was proclaimed. During that period, the challenges were related to the pluralism of society, which was reflected in the pluralism of political currents as well as the pluralism of ideas and views within the parliament from the past. This resulted in the parliament being unable to work effectively to accomplish its duties, as mandated by Article 102 of the Provisional Constitution.¹⁵ Meanwhile, the provisions of Article 25 and Article 102 of the Provisional Constitution also raise issues as the interpretation of these articles confuses people whether to continue pluralism or proceed immediately to legal unification.¹⁶

During the colonial period, Indonesia's complex legal system was actually a compromise between the policies of colonial supporters. At this point, it is still uncertain whether Indonesia will adopt pluralism, or legal unification. Plural customary law, or standardized, codified, and unified Islamic law? Following the common law with judge-made-law, or the civil law model with codified traditions such as French and Dutch law?

Legal development in Indonesia is challenged with the responsibility of creating a legal system for a nation based on statehood, independence, and a great spirit to maintain unity and integrity, which in reality is based on tribal, cultural and religious differences. The choice of legal submission was indeed implemented during the Dutch East Indies with a civil law tradition that prioritized legal certainty, although it was not favored by the indigenous people at that time. The development and improvement of Indonesian law since the beginning of independence has been strongly influenced by the ambivalence of nationalist jurists who are committed to upholding customary law as a symbol of the nation's

¹³ Wignjosoebroto, *Dari Hukum Kolonial Ke Hukum Nasional Dinamika Sosial-Politik Dalam Perkembangan Hukum Di Indonesia*.

¹⁴ Wignjosoebroto.

¹⁵ Wignjosoebroto.

¹⁶ Wignjosoebroto.

cultural strength.¹⁷ At different times, the question arises whether customary law functions as an asset to progress or an obstacle to it.

Customary law is in doubt as to whether it is able to accommodate Indonesia's needs in terms of accelerating economic and social welfare growth that in practice faces the needs of industry, commerce, and the life of a pluralistic society in urban areas. In that case, a more certain law is needed, so that legal prescriptions can be codified and unified to unite the nation, maintain political stability, and the efficiency of government administration as well as economic growth. This situation left supporters of customary law and Islamic political groups as the majority religious believers who wanted Islamic fiqh unrealized. During the 1950s, Indonesia had only just entered the process of nationalizing judicial organizations, while the process of nationalizing material law had yet to be completed.

The second sub-period, according to Soetandyo, began in 1959-1966. Entering the late 1950s, there was still no clarity regarding the certainty of the development and construction of national law. Debates still arose from the point of view of liberal ideology, conservatives, universalists, and particularists.¹⁸ Meanwhile, the West Irian conflict in the 1960s contributed to the urge to break free from colonialism, which was followed by an attempt to separate itself from the influences and ideas in its legal system. The takeover of Dutch companies added to the interest of jurists in deciding to abandon Western civil and commercial law and replace it with customary law.

During this period of hesitancy, a political event occurred in 1959 when the parliamentary directive of the Provisional Constitution was replaced by guided democracy through President Soekarno's decree to restore the 1945 Constitution. The Presidential Decree and the failure of the Constituent Assembly to form a new constitution to replace the Provisional Constitution cannot be separated. In TAP MPRS No. XX/MPRS/1996, it is stated that the decree is one of the sources of legal order. From July 5, 1959, the Presidential Decree became the legal basis used to restore the 1945 Constitution, as the state of the country was deemed to threaten unity and safety. At that time, the political atmosphere was more chauvinistic, with dogmatics on the idea of "the revolution is still unfinished" and an increasingly strong rejection of anything that seemed foreign. Even symbolically, there is a change in the legal symbol that previously derived from Europe, the figure of the Lady Justice, which was later replaced by the Banyan tree. The Banyan tree is known in Javanese culture as a symbol of protection. This change reflects a form of expression of change in the function of law, from its original role as a provider of justice to a provider of protection. It also reflects an intention to return to certain traditions and philosophical understandings.¹⁹

¹⁷ Wignjosoebroto.

¹⁸ Wignjosoebroto.

¹⁹ Wignjosoebroto.

Upon changing the symbol, the next task is to change the actual substance and essence of the law's character. In practice, there is a view that there are no changes that are too fundamental in terms of the substance of the law.²⁰ The legal order shown was a repressive legal order, because at that time the political configuration was contrary to what had happened in the era of parliamentary democracy. At that time, the legal product that can be used as an example is Law No. 5/1960 concerning Basic Agrarian Principles (UUPA). The Agrarian Law aimed to eliminate legal dualism in the field of agrarian law, which revoked the provisions contained in Book II of the Civil Code (*Burgelijk Wetboek*). The Agrarian Law explicitly states that land rights in the law are based on the legal principles of the Indonesian nation by providing the phrase that land has a "social function". Although it claims to be based on customary law, The Agrarian Law disregards many local customary law rules by limiting customary interests to those that do not conflict with the national law.²¹

Another development in law was found in 1961. At that time, the government reformed the National Law Development Institute (LPHN) under the Minister of Justice. This institution was in charge of drafting new regulations to replace colonial law. However, the establishment of the National Law Development Institute did not satisfy President Soekarno who felt that the way of thinking that overemphasized legal certainty was not revolutionary enough. Therefore, in 1961, President Soekarno delivered his criticism before the plenary of the Indonesian Law Scholars Association Congress, quoting Liebknecht's remarks, "*Met de juridten kan ik wiel van de revolutie niet draaien*".²²

The criticism received a response from the Minister of Justice, Sahardjo, who responded by accelerating legal reform in Indonesia. He suggested that the *Burgelijk Wetboek* and *Wetboek Van Kophandel* should no longer be considered positive law. This idea received support from Wirjono Prodjodikoro, the Chief Justice of the Supreme Court, who then issued a Circular Letter on September 5, 1963. For some experts, the Supreme Court Circular Letter (SEMA) was considered as an action that could eliminate legal certainty and was considered incompatible with the principle of *stufenbau*.²³

²⁰ Joko Riskiyono, "Public Participation in the Formation of Legislation to Achieve Prosperity," *Aspirasi* 6, no. 2 (2015): 159–76.

²¹ Wignjosoebroto, *Dari Hukum Kolonial Ke Hukum Nasional Dinamika Sosial-Politik Dalam Perkembangan Hukum Di Indonesia*.

²² Wignjosoebroto.

²³ Wignjosoebroto.

The Development of Law in Indonesia during the New Order Regime

By 1966, there was a major change in government in Indonesia with the end of President Soekarno's reign and the new order government under the presidency of President Soeharto. This period began with the most historic event in the journey of the Indonesian nation, the September 30 Movement of 1966 (G30S/PKI). The policy taken was to implement the 1945 Constitution purely. Politically, during this administration, the emphasis on anti-colonialism and anti-imperialism was not as powerful as in previous administrations. Economic issues became the top priority, with an emphasis on raising people's welfare, eradicating illiteracy, and improving health services. The focus of the current administration is more on these issues rather than merely dealing with the issue of "combating neocolonialism."

The development of national law in the New Order era began with restoring Indonesia's identity as a state of law, purely implementing the 1945 Constitution, which was based on Pancasila, the Proclamation of Independence of August 17, 1945, the Decree of July 5, 1959, the Basic Law of the Proclamation and the Order of March 11, 1966 (SUPERSEMAR).²⁴ Supersemar has legal force that binds all Indonesian people at that time. During this period, the legal structure was based on MPRS No. XX/MPRS/1966. With the implementation of MPR Decree No. V/MPR/1973 regarding the review of legal products, there was a legal hierarchy consisting of the provisions in Appendix II on "The Order of Legislation of the Republic of Indonesia according to the 1945 Constitution" letter A. This hierarchy includes the 1945 Constitution of the Republic of Indonesia, Decrees of the MPRS/MPR, Laws/Government Regulations in Lieu of Laws, Government Regulations, Presidential Decrees, and other implementing regulations, such as ministerial regulations and ministerial instructions.²⁵

The growth of law in this era was integrated in the Five-Year Development Plan (Repelita) I in 1969, which showed recognition of the role of law in the national development effort. The Repelita explicitly stated that national development without progress in the legal sector would be a useless endeavor. Furthermore, in Repelita, the concept of rule of law was introduced, covering three aspects including recognition of human rights, an independent and impartial judicial system, and a commitment to the principle of legality. Efforts to strengthen the idea of the rule of law were then realized in the establishment of Law No. 14/1970 on Judicial Power. During the New Order era, common law was transformed into development law, no longer revolutionary in character. Thus, it is certain that anti-colonialism views were no longer prioritized as they had been during the Old Order. In the judicial sphere, with Soebekti as the head of the

²⁴ Wignjosoebroto.

²⁵ Edy Asnawi, "Kedudukan Hukum Ketetapan MPRS/MPR Sebelum Dan Sesudah Perubahan UUD 1945," *Jurnal Hukum Respublica* 20, no. 1 (November 30, 2020): 1–13, <https://doi.org/10.31849/respublica.v20i1.6016>.

Supreme Court, judges began to refer to the formulations of articles in the *Burgelijk Wetboek* while deciding cases.²⁶

During the New Order regime, attention to legal development was comparable to the focus on economic development. These two aspects seemed to operate closely related, complementing and supporting each other. Success and progress in the economic sphere was considered unattainable without progress in the legal sector, which served as a source of regulation and social order. In the persistent spirit of New Order development, where this era identified itself as the Period of Development, statutory law was used as a tool to regulate the order of life. Law functioned as a means to implement social engineering, with Mochtar Kusumaatmadja recognized as its main figure.²⁷ Recognizing the role of law in development is necessary to assure that change occurs in an orderly manner.²⁸

Mochtar argues that developing countries need to use law as a tool to guide the development of society. Therefore, according to Mochtar, law should be supported by authority as an essential element in a legal order. However, this authority must be subject to the limits set by the law. In other words, in Mochtar's view, law without authority is simply a fantasy, while authority without law is considered a form of abuse.²⁹

During this period, the history of customary law was considered an oppositional concept with the argument that customary law excelled in its flexibility in relation to people's perceptions of justice. Proponents of customary law only had restrictive guidelines, but lacked positive alternatives that could be implemented to respond to change.³⁰ Ultimately, proponents of customary law could only rely on the creativity of judges to develop the merits of customary law in contingent principles. This involves the ability of judges to be innovative amidst all the limitations they face in conducting their duties.³¹

The Relevance of the Development of National Law at the Beginning of Independence with the Current Development of Law in Indonesia

The development of law cannot only be understood literally when the law already exists, but also requires a comprehensive understanding of the process of its formation. Similarly, the development of law cannot be separated from the overall state and nation life, including in the context of the history of the

²⁶ Wignjosoebroto, *Dari Hukum Kolonial Ke Hukum Nasional Dinamika Sosial-Politik Dalam Perkembangan Hukum Di Indonesia*.

²⁷ Wignjosoebroto.

²⁸ Mochtar Kusumaatmadja, *Konsep-Konsep Hukum Dalam Pembangunan; Kumpulan Karya Tulisan Prof. Dr. Mochtar Kusumaatmadja, S.H.,LL.M, Ed.* (Bandung: PT Alumni, 2014).

²⁹ Kusumaatmadja.

³⁰ Wignjosoebroto, *Dari Hukum Kolonial Ke Hukum Nasional Dinamika Sosial-Politik Dalam Perkembangan Hukum Di Indonesia*.

³¹ Wignjosoebroto.

formation of the state.³² The history of the formation of law in Indonesia began after the proclamation which was surrounded by various political dynamics. The first two presidencies after the proclamation were relatively long-ruling regimes, the Old Order period for 22 years and the New Order for 32 years. The government in the early days of independence was also followed by a long period of power and greatly influenced the development of law in the next period of government. Thus, in relation to the development of law at the beginning of independence, this sub-chapter will identify the relevance of the development of law at the beginning of independence to the current development of law in Indonesia.

Development in the term 'legal development' could be interpreted as an effort to make improvements from unfavorable conditions towards a better direction, thus the word development in this case could be synonymous with reform.³³ Reform is an effort to reorient and renew something that will be pursued through policy.³⁴ The development of law is an effort to change the legal order with conscious and directed planning with reference to the future based on observed trends. The development of law is a political action. As a political action, the development of law will more or less depend on the seriousness of political actors as they are the ones who are in control of determining the direction, style, and purpose of the law.³⁵

According to Soetandyo, in the two periods of political control at the beginning of independence, there were two main aspects that became the focus of national legal development. The first focus involved a strong determination to maintain the sustainability of national laws grounded in the values of society, particularly customary law which was considered the *volkgeist* or spirit of the Indonesian nation. This was reinforced by the government's political opposition to colonialism and imperialism, where all colonial-related elements were considered something to be avoided. The second focus is the guarantee of legal certainty as the antithesis of customary law which is considered inadequate in terms of providing legal certainty to fulfill the implementation of governance and development. This legal certainty then returned to the legal system through written laws and regulations, as known in the civil law legal system popularized by the Dutch East Indies colonial government.

³² Himawan Estu Bagijo, "Hukum Sebagai Produk Sejarah," *Jurnal Perspektif* 25, no. 2 (2010): 158.

³³ Sulaksono, "Legal Culture Deconstruction in Indonesia Legal System," *IUS POSITUM (Journal of Law Theory and Law Enforcement)* 2, no. 1 (January 11, 2023): 1–10, <https://doi.org/10.56943/jlte.v2i1.227>.

³⁴ Barda Nawawi Arief, *Bunga Rampai Kebijakan Hukum Pidana*, Cetakan 6 (Jakarta: Kencana, 2017).

³⁵ Mai Hassan, Daniel Mattingly, and Elizabeth R. Nugent, "Political Control," *Annual Review of Political Science* 25, no. 1 (May 12, 2022): 155–74, <https://doi.org/10.1146/annurev-polisci-051120-013321>.

In the era of the New Order, there was an ongoing development of law known as the legal doctrine of development, which included the concept of social engineering or law as a tool of social engineering. Although the main attention was still given to legal certainty, the process of forming laws and regulations also took into account the values prevailing in society. For instance, Law No. 1/1974 on Marriage is considered a prominent example of a popular regulation since it is considered to be the result of social engineering by considering the sociological values of Indonesian society. This suggests that, although the government upholds legal certainty through written regulations, some changes in legislation derived from colonial law also still consider and adjust to the sociological values of Indonesian society. Thus, legal certainty can be realized because people perceive that the written rules reflect the positivization of values that have existed in the development of society.³⁶

Ultimately, regardless of the extent of political aspirations in national legal development efforts to this time, the process in Indonesia remains closely linked to the social dynamics of society involving various values, demands of national interests, and international influences. Legal development in Indonesia is confronted with the diversity and customs in society that are part of the legal culture, and this is considered a value in national legal development efforts. To accomplish this goal, the development of law needs to refer to several values, including ideological values based on the national ideology, Pancasila; historical values rooted in the history of the Indonesian nation; sociological values in accordance with the cultural values of Indonesian society; juridical values in accordance with the laws and regulations in force in Indonesia; and philosophical values centered on a sense of justice and truth in society. Therefore, the direction of the development of law cannot stand alone, but should be integrated with the direction of development in other fields that require coordination. Apart from adhering to the principles in the 1945 Constitution, the direction of development of law also needs to be aligned with the expected level of development of society in the future.³⁷

CONCLUSION

The development of law in Indonesia following its independence was characterized by various political dynamics that influenced law development. The development of law during Soekarno's presidency was heavily influenced by anti-colonial ideology. Meanwhile, during the New Order regime of President

³⁶ Teguh Prasetyo and Arie Purnomosidi, *Membangun Hukum Berdasarkan Pancasila* (Bandung: Nisa Media, 2018).

³⁷ Udiyo Basuki and Rudi Subiyakto, "77 Tahun Negara Hukum: Refleksi Atas Dinamika Politik Hukum Dalam Tata Hukum Menuju Masyarakat Hukum Indonesia Yang Demokratis," *Supremasi: Jurnal Pemikiran Dan Penelitian Ilmu-Ilmu Sosial, Hukum, & Pengajarannya* 16, no. 2 (2021): 163, <https://doi.org/10.14421/sh.v11i2.2747>.

Soeharto, the development of law was more directed towards social engineering to support development. The relevance of legal development from the two early periods following independence indicates that the development of national law in Indonesia cannot be separated from the values and customs that live in the community as part of the development of national law.

REFERENCES

- Arief, Barda Nawawi. *Bunga Rampai Kebijakan Hukum Pidana*. Cetakan 6. Jakarta: Kencana, 2017.
- Bagijo, Himawan Estu. "Hukum Sebagai Produk Sejarah." *Jurnal Perspektif* 25, no. 2 (2010): 158.
- Bagir Manan. *Nilai-Nilai Dasar Keindonesiaan Dan Negara Hukum: Bunga Rampai Memperkuat Peradaban Hukum Dan Ketatanegaraan Indonesia*. Jakarta: Sekretariat Jenderal Komisi Yudisial Republik Indonesia, 2019.
- Basuki, Udiyo, and Rudi Subiyakto. "77 Tahun Negara Hukum: Refleksi Atas Dinamika Politik Hukum Dalam Tata Hukum Menuju Masyarakat Hukum Indonesia Yang Demokratis." *Supremasi: Jurnal Pemikiran Dan Penelitian Ilmu-Ilmu Sosial, Hukum, & Pengajarannya* 16, no. 2 (2021): 163. <https://doi.org/10.14421/sh.v11i2.2747>.
- Edy Asnawi. "Kedudukan Hukum Ketetapan MPRS/MPR Sebelum Dan Sesudah Perubahan UUD 1945." *Jurnal Hukum Respublica* 20, no. 1 (November 30, 2020): 1–13. <https://doi.org/10.31849/respublica.v20i1.6016>.
- Efendi, Jonaedi & Ibrahim, Johnny. *Metode Penelitian Hukum Normatif Dan Empiris*. 1st ed. Depok: Prenada Media Group, 2016.
- Efendi, Jonaedi, and Fitri Ana Rahmayani. *Sejarah Hukum*. Surabaya: Jakad Media Publishing, 2019. <http://eprints.ubhara.ac.id/id/eprint/1484>.
- Hassan, Mai, Daniel Mattingly, and Elizabeth R. Nugent. "Political Control." *Annual Review of Political Science* 25, no. 1 (May 12, 2022): 155–74. <https://doi.org/10.1146/annurev-polisci-051120-013321>.
- Irfani, Nurfaqih. "Asas Lex Superior, Lex Specialis, Dan Lex Posterior: Pemaknaan, Problematika, Dan Penggunaannya Dalam Penalaran Dan Argumentasi Hukum." *Jurnal Legislasi Indonesia* 16, no. 3 (2020): 312.
- Ishaq. *Metode Penelitian Hukum Dan Penulisan Skripsi*. Bandung: Alfabeta, 2016.
- Kusumaatmadja, Mochtar. *Konsep-Konsep Hukum Dalam Pembangunan; Kumpulan Karya Tulisan Prof. Dr. Mochtar Kusumaatmadja, S.H.,LL.M, Ed.* Bandung: PT Alumni, 2014.

- Marzuki, Peter Mahmud. *Penelitian Hukum*. Cet 13. Jakarta: Kencana, 2017.
- Prasetyo, Teguh, and Arie Purnomosidi. *Membangun Hukum Berdasarkan Pancasila*. Bandung: Nisa Media, 2018.
- Riskiyono, Joko. "Public Participation in the Formation of Legislation to Achieve Prosperity." *Aspirasi* 6, no. 2 (2015): 159–76.
- Soekanto, Soerjono, and Sri Mamudji. *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. Jakarta: Rajawali Pers, 2015.
- Sugiyono. *Metode Penelitian Kuantitatif, Kualitatif, Dan R&D*. Bandung: Alfabeta, 2017.
- Sulaksono. "Legal Culture Deconstruction in Indonesia Legal System." *IUS POSITUM (Journal of Law Theory and Law Enforcement)* 2, no. 1 (January 11, 2023): 1–10. <https://doi.org/10.56943/jlte.v2i1.227>.
- Waldron, Jeremy. "The Rule of Law." In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta and Uri Nodelman. Metaphysics Research Lab, Stanford University, 2023. <https://plato.stanford.edu/archives/fall2023/entries/rule-of-law/>.
- Wignjosuebrotto, Soetandyo. *Dari Hukum Kolonial Ke Hukum Nasional Dinamika Sosial-Politik Dalam Perkembangan Hukum Di Indonesia*. Jakarta: Penerbit Huma, 2014.