

law etiquette

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Law Etiquette; The Paradigm of Legal Protection

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ABSTRACT

This article aims to explain law development in Indonesia as well as the legal behavior as a paradigm of legal protection. This article applies a sociological research method with a legal philosophical approach. The results of the research showed that the development of law in Indonesia depends on particular interests which cause the law to experience various problems. Therefore, it is necessary to have legal etiquettes which function as a legal paradigm that is capable to protect the law from the attraction of certain interests that can be disadvantageous to the law. The law etiquettes by definition are placing the law in its place and position in accordance with all its strengths and weaknesses as well as adjust the law according to God's rightful way. The legal ethics is more oriented towards human reform in understanding and implementing laws not only for the sake of the world, but also for the benefits of the hereafter. The reformation of Physical and mental legal which is treated in humanized ways is very imperative in a legal situation that is occupied with interests.

Keywords: *Etiquettes, Law, Indonesia.*

1. INTRODUCTION

In modern times, humans' rational ability has become a major factor in life. With the ability to think and reason, humans continue to try to fulfill all their necessities of life. All fields of science are created to be more advanced by various scientific engineering. This Includes law of science which has also undergone a change to become legal science and this is based on aspects of human interests. The results of law from a political product that are based on interest functions as a guideline for determining the law. Law enforcement officers work based on the law and the law is based on the political product, as a result the law enforcement officers are only function to achieve interests which are wrapped in law.

Worldly interests seek to separate law from the afterlife. The concept of secularism adopted by the connoisseurs of the world has eliminated human nature as God's creation. The role of God has been replaced by logical mind that continues to develop and adapt to the demands of life. According to the view of secularism, humans are intelligent beings who can determine righteousness for themselves. The law as a result of human thought was created to fulfill the needs of human physical desires, but the needs of the spirit or human

heart were neglected. So that it causes incompatibility of laws in the human body and mind [1].

Law in Indonesia tends to be used as a tool to legalize actions to achieve humans' certain interests. Such as the problem of corruption which is often carried out by officials, legal mafia games involving high-ranking officials in the law enforcement apparatus, and various other legal cases that have scratched the conscience of the people. For example, the Novel Baswedan sprinkling of hard water and the Joko S. Candra case that dragged several high-ranking officials at the National Police and the Attorney General's Office. This shows that Indonesian law has certain requirements. Legal debates that seize the public lead to unclear laws in Indonesia. The human interest has greatly regulated the law. It was as if the law was raw materials that could be made according to human desires.

Basically, legal problems that occur in Indonesia nowadays do not happen due to legal errors, but because of humans themselves. Humans have corrupted the law for certain purposes. The human mind that has empirically cultivated law can be proven to exist in accordance with human interests [2]. As a result it raises various legal problems in Indonesia. The tug of war between various interests in the law has resulted in the

inability of the law to reach solutions to solve legal problems itself.

It is time for us to restore the true law of crime. Law fraud has been systematic in enforcing the law in Indonesia. In order to restore the law, a new paradigm with strong character is needed, so that it can function as the fundamental essence of the law itself. The law should not be created as a political product which conditioned with certain interests, but the law is created as a guide for noble human life to the path of God and apart from certain human interests [3].

Legal ethics is a legal science paradigm that seeks to restore the law to the true path, which is the laws that govern for the decency in the world and the hereafter. The knowledge of the law is a gift from God that is given to humans to be used in a way that is pleasing to God [4]. Legal ethics is legal knowledge that has been purified from the elements of humans' bad interests. Legal ethics ratifies all perceptions of the law created by humans. Legal manners are legal knowledge that tries to accept the absoluteness of God's law. As explained in the Koran as follows: "He who teaches humans what he does not know" (Surah al-Alaq: 5).

2. METHODOLOGY

The research method used in this paper is legal realism, [5] which views law as a living and developing norm in the social realities of society [6]. By looking at law as a form of system of values and rules in social behavior in society. [7] This is in accordance with the theme of research which examines the realities of the problems of legal development in Indonesia which are required with the interests and paradigms of saving the law. The approach used in this research is a philosophical approach, which is to examine law in a more profound and substantial way to touch on aspects that are valuable to the meaning of life. Philosophy can provide information, verification, correction, complement and explanation in more detail. [8] In addition, philosophy which contains the meaning of thinking deeply to the core, [9] so that philosophy of law is often referred to as the highest approach in law [10].

3. RESULT AND DISCUSSION

3.1 The Development of Law in Indonesia

Since the reformation began in Indonesia, the development of the law has undergone significant changes. Law in Indonesia is adapted to the realm of democracy which is the main problem. The vast nature of democracy in Indonesia has several impacts. The positive impact that is expected will gradually be eroded by the negative impact due to the lack of readiness of all elements of the nation to carry out a democratic life

properly. A broad democracy opens up various interests to be transacted with other interests. Democracy is defined as the freedom to achieve interests that are legalized by law. Indonesian law is used as a tool to protect certain interests. So that the term order of law appears to describe Indonesian law.

As evidence that the law in Indonesia is used as a tool to legalize interests is the emergence of various state policies that deviate from the nature of the law that they should. Products of laws and regulations that do not reflect public justice, laws that are interfered with by political power, corruption that is difficult to eradicate, disputes with state institutions, criminalization and various existing legal problems. Law in Indonesia is no longer used to see good or bad, but has been distorted only to see right or wrong. So that it is inevitable that the perception of law is always different and creates conflict. Not only this causes inner-human conflict, but also conflict with other human beings, groups, organizations, institutions, and even conflicts with the views of life.

The law in Indonesia is dichotomized as an instrument that regulates world affairs and separates itself from matters of the hereafter. This can be seen from the goals to be achieved since there is no way the law will conflict with religion that guides people to the afterlife of God. The interest only views the element of God as a formal legal requirement such as the words that are always written in every legal policy in Indonesia "For the sake of justice based on God Almighty", but the material essence which is the main goal of law has been distorted by humans, so that it is against God's way.

An ironic thing in Indonesia is that it has the largest number of Muslims in the world, yet it is a country that is far from religious life. Secularism has become a problem in law enforcement in Indonesia. Moreover, it is worsened by the reality that those who bring down Indonesian law are human beings who have a fairly high educational background in the field of law. Legal problems in Indonesia are an unclear dialectic, because they try to draw the human perception of law here and there according to their personal interests. Nevertheless, Human interest is the condition with the element of subjectivity which is not necessarily in accordance with God's way.

3.2 Law Etiquettes as a Paradigm of legal Protection.

Law etiquette consists of the words etiquette and law, etiquette according to the large Indonesian dictionary is morals, refinement and good character. Etiquette functions as a form of progress and height of

inner and outer intelligence. Etiquette is the knowledge of beautiful things that prevents mistakes. [11] This meaning is almost the same as the definition of manners, which is the process of obtaining knowledge that is learned to prevent humans from making mistakes. There are those who define etiquette as associated with carrying out syari'at and tawheed.

Law according to natural law schools such as Thomas Aquines says that law is all regulations that come from God as an almighty substance over everything, which is then described in regulations made by humans. [12] Law that comes from God is a law that is absolutely universal, eternal and has a higher position than the law that comes from humans. Natural law is the basis for the formation of positive laws that apply in the country [13].

The law of etiquette means as placing the law according to the rules, fair and its ultimate goal towards God. Legal ethics from semantic analysis, means the introduction and recognition of the reality that law and everything that exists consists of a hierarchy according to its categories and levels. Humans have their respective places in relation to reality, capacities, physical, intellectual and spiritual potential. There is a deeper and more comprehensive manner of law that relates to certain matters, that is human, social, natural and divine persons [14] since law is a part of science that must be accountable to God, as written in the Koran as follows: "And do not follow what you do not have knowledge of. Verily hearing, seeing and heart, all of them will be held accountable "(al-Isra ': 36).

Legal ethics is a good attitude towards law, in which realizing one's responsibility to God, understanding and fulfilling the law towards oneself and others and striving to improve every aspect on him towards being an insan kamil. [15] Legal ethics is a real form of science based on God; humans are only creatures who are given a little understanding to use them. Humans who have more knowledge of the law will use the law properly according to God's way. Because God knows more with certainty about what's the best for human life. As has been explained in the Koran as follows: "and this Koran is a perfect explanation for humans, so that they will be warned by it, so that they know that He is God Almighty and that people who are wise take lessons" (QS Ibrahim: 52).

Legal etiquette is simply not violating the law itself. Using the law properly, applying the law to its objects fairly and being able to identify and sort out good things. [16] The method for attaining the goodness of the law must also be in accordance with God's way. Legal etiquette for humans means understanding their responsibility as a soul who has tied the promise in the Primordial Covenant (Surah al-A'raf: 172) with God.

Whatever the human profession is, the bonds of promise are always applied in every activity. So that legal etiquette always keeps people from corrupting the law for certain interests [17].

In classical Islam era, people only knew the word "adab" or etiquette to show knowledge that was in accordance with the way that was blessed by Allah SWT. So that all the knowledge produced by human reason is appropriate and will not deviate from the way of Allah SWT. All books containing this knowledge are named kutub al-adab. Humans who are aware of their nature as God's creatures must always use the law in God's way. As has been explained in the al-Quran surah al-Isro ': 36, that everything that exists in humans will be held accountable by Allah SWT, including how to use the law. Accountability becomes heavy if the law is only used as a tool to achieve interests. Human worldly desires have shackled the law, establishing law as a science that comes from God is not fully implemented; as a result it causes various legal problems.

Legal etiquette as a paradigm of legal protection is a model that can be used to carry out certain thoughts and physical activities. [18] Legal etiquette is a choice that must be taken to overcome various legal problems in Indonesia since whatever thoughts about law do not have a good effect, before humans understand the law's manners. Legal etiquette is the main basic foundation for humans to use law. Legal etiquette places law as a science that must be applied in accordance with God's way. Legal etiquettes are laws that are purified from all human interests. Legal etiquette relatively accepts all legal thoughts produced by the human mind, but legal ethics also accepts God's law absolutely [19].

Legal ethics is a part of science that has a clear methodology. Even the methodology used by law is not only accountable in the world, but also in the hereafter. Because the methodology used by law is an integral methodology based on religion, it means a methodology that accepts relatively all legal thoughts generated by the human mind and also absolutely accepts God's law.

Religion-based integrals are used as a legal etiquette methodology based on a basis that upholds the principle of wisdom. This principle can be seen from the relative acceptance of all thoughts about the law produced by the human mind and accepting absolutely God's law. This methodology is also in accordance with the principles of humanity and divinity, which is principles that recognize human rights and realize that God is almighty and human beings must submit to God. As explained in the Koran: "and look for what Allah has given you (happiness) the village of the hereafter, and do not forget your happiness from worldly pleasures" (Surah al-Qoshosh: 77).

Legal etiquette has objectivity in understanding law; the objectivity of legal etiquette can be seen from the relative acceptance of all genres, concepts and legal systems produced by the human mind. So that the law does not justify or blame one particular legal thought. All thoughts about law can be accepted as legal as long as the legal thinking is appropriate and does not conflict with the God's way. Legal etiquette have objectivity by realizing the imperfections of laws made by humans and perfecting them using God's laws [20].

Legal etiquette is a form of legal rationality itself. Because legal etiquette is a science resulting from pure human thought that rejects certain interests. Legal etiquette is the result of human thought which has the principle of obedience, thus the result of that thought will lead people to the path of God. Humans are given a mind by God to know God's power. So that humans rationally realize that the law is used properly in order to create a good life as well [21].

Empirically, legal etiquette can be proven by the reality that has happened. We can see and feel either the consequences of the law are used properly or not. This reality becomes empirical evidence whether or not law enforcement is used in people's lives. Thus it empirically shows that in Indonesia legal etiquette is not used because there are still many legal problems arising from legal abuse to achieve certain interests.

The study of the philosophy of science will discuss how law is treated in terms of ontology, epistemology and axiology. The ontology of legal etiquette explains that legal objects or sources of law can be explored. Legal etiquette has a clear legal object, and that is law as a science that has been refined from certain human interests. The law as a science is the result of human reasoning that is in accordance with and does not conflict with God's way. The existence of law as a science of knowledge must be neutral and objective based on religion. Legal etiquettes are extracted from the results of the relative human mind and also from God's absolute law, thus the source of law etiquette combines the relative elements of humans with the absolute elements of God.

Epistemologically, law etiquette describes the method used to explore the law. Legal etiquettes are extracted from reliable sources in the world and hereafter. This is because law etiquette uses an integral method based on religion and it means that a methodology accepts relatively all legal thoughts produced by the human mind and accepts God's law absolutely [22].

Religion-based integrals are used as law etiquette methodologies based on the principle of wisdom. It is seen from the relative acceptance of all thoughts about law produced by the human mind and absolute

acceptance of God's law. This methodology is also in line with the principle of human and divine life, which is the principle that recognizes humans and realizes that God is almighty everything and humans must submit to Him. [23]

Legal etiquette in axiological way describes the use of law, both for life in the world and the hereafter. The law etiquette is using the law properly in accordance with the human common sense and the way of God. The laws of human thought are used to regulate human life to be good. With a mind that is based on religion, legal etiquette has fundamental uses. Because law etiquette uses the law in the way it should be, it does not divert the law for certain interests. Legal etiquette views the law as being useful if the law is used in accordance with God's thoughts and ways. Humans as intelligent creatures of God can certainly think, make a distinction and choose what is good and bad for their life [24].

4. CONCLUSSION

The development of law in Indonesia shows that the law has been misused as a means of legalizing policies to achieve human interests. Legal problems in Indonesia have become an unclear dialectic, because they try to draw the perception of law here and there in accordance with their individual interests. The law of etiquette acts as a paradigm of legal protection to solve legal problems in Indonesia. Legal etiquette is the main basic foundation of humans in legal knowledge. The law of etiquette functions as knowledge that must be in accordance with the path that is pleasing to God. Legal etiquettes are laws that are refined by rejecting all human interests. Legal etiquette accepts relatively all legal knowledge produced by human reason, and legal etiquette accepts absolutely the laws determined by God. Law in Indonesia should be reformed fundamentally in the aspect of reasoning, so that the law has more comprehensive considerations from various points of view.

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