

The Role of Legislative Science in the Formation of Fair and Effective Laws in Indonesia

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Abstract

Legislation science plays a crucial role in forming fair and effective laws in Indonesia. The law-making process that is transparent and involves public participation will result in legal outcomes that are acceptable to all levels of society. This paper aims to explore how legislation science ensures that laws are aligned with the principles of justice, legal certainty, and effectiveness. The creation of fair laws requires the legislative process to consider not only formal legal aspects but also the existing social context. This research adopts a descriptive- analytical approach to explain the role and challenges of implementing legislation science in Indonesia.

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1. INTRODUCTION

Legislation is an inseparable part of the state's legal system which has an important function to regulate and direct the social, economic and political life of society. As the main legal instrument, legislation plays a role in creating a just and orderly order. In order to build an effective legal system, a regulatory process that is adequate, transparent and involves public participation is needed. A good and correct legislative process does not only prioritize fulfilling legal formalities, but must also consider aspects of benefit to the wider community.

In this context, legislative knowledge plays a very important role. This knowledge not only helps in formulating formally valid legal texts, but also ensures that every legal product produced is able to reflect the principles of justice, legal certainty and social benefit.

The formation of fair regulations must accommodate various interests in society, as well as pay attention to the developing social and cultural context. Therefore, legislative science acts as an instrument to avoid overlapping rules, ensure that the resulting regulations can be implemented well, and guarantee that these rules are not only fair on paper, but also in the field.

Furthermore, the application of legislative knowledge also includes the application of good legal drafting techniques, starting from planning, formulation, to monitoring its implementation. By following an appropriate methodology, every regulation made can be accepted by society, not only in terms of legality, but also in terms of ethics and social justice. Good law is law that can be applied in everyday life by providing real benefits, not just as a formal document written on paper.

BACKGROUND

As a rule of law country, Indonesia needs a legislative system that is clear, systematic and in line with the needs of society. This is important because law not only functions as a

tool to regulate, but also as a means to achieve social goals and justice. The creation of appropriate laws depends on a variety of factors, including a deep understanding of the country's social, cultural and economic context. The process of forming laws that do not only refer to formal law but also take into account social and cultural conditions, is an important step in creating equitable justice. Legislative science plays a major role in providing a theoretical framework and approach that can guide legislators in drafting appropriate legislation. This knowledge not only provides a strong theoretical basis, but also suggests good procedures in drafting laws that can provide correct guidance in the legislative process and ensure that the resulting regulations can be implemented effectively and efficiently.

There are several problem formulations that can be identified from this background. First, what is the important role of legislative science in the formation of fair and effective laws in Indonesia? Legislative science has a major role in providing clear theoretical guidance on how a law or statutory regulation can be implemented effectively and adequately in the very diverse context of Indonesia. Second, how can the application of the basic principles of legislative science create laws that are not only effective but also accepted by society? The formation of laws that are not only valid but also accepted by society is very dependent on the ability of legislative science to bridge legal needs with the social and moral values that live in society. Third, what are the challenges faced in implementing laws and regulations in Indonesia? Problems such as overlapping regulations, lack of public understanding of their rights, and difficulties in implementing regulations are major challenges that require more in-depth study in legislative science⁶.

Based on these problems, the author felt it necessary to write this scientific work with the title *The Role of Legislative Science in the Formation of Fair and Effective Laws in Indonesia*. This scientific work aims to provide a deeper understanding of the role of legislative science in creating fair and effective laws. Apart from that, this article also aims to identify the challenges faced in the formation of law in Indonesia and how legislative science can provide solutions to these problems. Through this article, it is hoped that readers can better understand how a good legislative process can produce laws that are not only valid but also accepted and implemented effectively in Indonesia.

2. RESEARCH METHOD

The method used in this research is a descriptive analytical approach. The descriptive approach aims to describe in detail the process of forming laws in Indonesia, starting from planning, discussion, to ratification of statutory regulations. The analysis in this research will focus on the application of the principles of legislative science in each stage of legislation to assess the extent to which the law formation process in Indonesia meets the criteria for justice and legal effectiveness⁸. The author will also analyze external factors that influence law making, including the social, political and cultural dynamics that exist in Indonesian society.

The data used in this research comes from various sources that are relevant for the study of legal science. The main data sources include law books, journal articles related to legal theory and practice, as well as applicable laws and regulations in Indonesia. The books and journal articles used will provide a strong theoretical basis regarding how the law should be formed so that it can be accepted by society and implemented effectively⁹. The sources of legislation used will include the 1945 Constitution of the Republic of Indonesia as well as various other laws and regulations that are relevant to this research topic.

3. DISCUSSION

1. The Role of Legislative Science in Legal Formation

Legislative science has a very important role in the formation of law in Indonesia, because this science provides the theoretical and methodological basis for the legislative process. In practice, legislative knowledge is not just a technical guideline, but also a rationale that enables the achievement of quality legislative results. One of the main elements in legislative science is the principle of openness, which demands transparency in every stage of law formation. Through this openness, the public can participate in the process of making regulations relating to their lives. Another principle that is no less important is justice, which ensures that every legal product produced not only benefits some parties, but is also fair to all levels of society. In this case, legislative science seeks to overcome disparities in legal drafting which tend to ignore the needs of certain groups. Apart from that, legislative science also supports public participation, which provides the public with the opportunity to voice their opinions and aspirations regarding the draft law being discussed. Thus, legislative science plays a key role in ensuring that every legal regulation implemented can reflect the needs and expectations of society at large.¹¹

2. Stages of Law Formation in Indonesia

The process of forming laws in Indonesia involves several important stages to ensure that the legal products produced can be accepted by society and implemented effectively. The first stage is initiation, where ideas or concepts regarding the need for a new regulation emerge, both from the government, DPR and society. After that, the discussion stage begins, which involves intensive discussions between various interested parties, including in-depth discussions regarding the substance and legal impact of the draft law. This process is very crucial because at this stage, various perspectives and interests are integrated to produce a balanced and targeted legal formulation. The next stage is ratification, where the draft law that has been jointly agreed by the government and the DPR is passed into valid law. However, this ratification is not the end of the process, because the law that has been passed still needs to be implemented in the field through the implementation stage. This is where compliance with the specified procedures is important, because only by going through the correct and appropriate stages can a law be accepted and implemented effectively by all relevant parties.¹²

3. Challenges in Implementing Legislation in Indonesia

Even though the procedures for forming laws in Indonesia are clear, their implementation still faces various challenges that cannot be ignored. One of the main challenges is the overlap in regulations which causes confusion for the authorities in implementing the law. This overlap can cause legal uncertainty and weaken the effective implementation of existing laws. Apart from that, the public's lack of understanding of existing regulations is another obstacle to implementation. Most people still do not fully understand their rights and obligations according to applicable regulations, which causes a lack of compliance with these regulations. Another challenge is the limited resources the government has in implementing this policy. Limited funds, manpower, and facilities and infrastructure to implement policies are significant obstacles in ensuring that each law can be implemented optimally. Legislative science exists to provide solutions to these problems by offering more systematic and efficient ways of implementing regulations. For example, by providing technical guidance regarding the implementation of laws and developing effective monitoring and evaluation mechanisms.¹³

4. Formation of Fair and Effective Laws

In forming fair and effective laws, it is very important to prioritize the principles of justice and legal certainty. Legislative science plays an important role in ensuring that each stage of legislation takes these principles into account. Fair laws do not only apply to some parties, but must provide balanced benefits for all levels of society. Therefore, in every law formation process, policy makers must always consider the social, economic and cultural needs of society as a whole. Apart from that, legal certainty is also an aspect that is no less important. Legal certainty ensures that every regulation that has been established can be applied consistently and does not change. The success of a law is not only measured at the time of its enactment, but more than that, by the extent to which the regulation can be implemented and have a positive impact on people's daily lives. A regulation is considered effective if it can resolve existing problems, provide concrete solutions for society, and is accepted by the various parties involved in its implementation.

Thus, legislative science not only plays a role in providing a theoretical basis for the formation of laws, but also in resolving challenges that arise during the implementation of laws. Through an in-depth understanding of the basic principles in legal formation, the legislative process can produce legal products that are fair, effective and acceptable to all elements of society.

4. CLOSURE

Conclusion

Legislative science plays an inseparable role in the formation of fair and effective laws in Indonesia. A legislative process that is transparent and involves community participation can produce laws that are useful and accepted by many parties. Although there are challenges in implementation, legislative science provides important guidance in dealing with legal problems that arise.

5. SUGGESTION

- a) The law formation process needs to involve more parties, as well as strengthen the principles of transparency and accountability.
- b) There needs to be an effort to increase the community's understanding of the applicable laws so that they better understand their rights and obligations.
- c) Supervision of regulatory implementation must be stricter to reduce the problem of regulatory overlap and ensure the effectiveness of existing regulations.

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