

Indonesian Legal Dynamics in Global Capitalism Reality: Analysis of the Formation of Indonesia's Regulations

Imam Mahdi

State Islamic University Fatmawati Sukarno Bengkulu, Indonesia
imam.mahdi@mail.uinfasbengkulu.ac.id

| Received: 02-07-2024

|| Revised: 03-08-2024

|| Accepted: 6-9-2024

| Published On: 30-10-2024

Abstract: Consumer protection in muamalah transactions is a critical aspect that emphasizes the principles of justice and balance in Islamic law. This article examines the mechanisms of consumer protection in muamalah transactions, focusing on both the rights of consumers and the responsibilities of producers or sellers. The study employs a qualitative approach through literature review, referring to Islamic legal sources such as the Quran, Hadith, and scholarly fatwas. The findings reveal that *fiqh muamalah* includes several provisions explicitly designed to protect consumers, such as prohibitions against *gharar* (uncertainty), *riba* (interest), and *tadlis* (fraud). Additionally, the principles of honesty (*sidq*) and transparency in transactions are strongly emphasized to ensure that consumers receive clear and complete information about the products or services they purchase. The implications of this study highlight the need for increased awareness and enforcement of laws in muamalah transactions to safeguard consumers from harmful practices. This article also recommends strengthening regulations and educating business practitioners to adhere to sharia principles in their operations.

Keywords: Consumer Protection, Muamalah Transactions, Fiqh

Abstrak: Perlindungan konsumen dalam transaksi muamalah merupakan aspek penting yang menekankan prinsip keadilan dan keseimbangan dalam hukum Islam. Artikel ini membahas mekanisme perlindungan konsumen dalam transaksi muamalah, dengan fokus pada hak-hak konsumen dan tanggung jawab produsen atau penjual. Studi ini menggunakan pendekatan kualitatif dengan metode studi literatur, mengacu pada sumber-sumber hukum Islam seperti Al-Qur'an, Hadis, dan fatwa para ulama. Hasil penelitian menunjukkan bahwa *fiqh muamalah* memiliki beberapa ketentuan yang secara eksplisit melindungi konsumen, seperti larangan terhadap *gharar* (ketidakpastian), *riba* (bunga), dan *tadlis* (penipuan). Selain itu, prinsip kejujuran (*sidq*) dan transparansi dalam transaksi sangat ditekankan untuk memastikan bahwa konsumen menerima informasi yang jelas dan lengkap tentang produk atau layanan yang mereka beli. Implikasi dari studi ini adalah perlunya peningkatan kesadaran dan penegakan hukum dalam transaksi muamalah untuk melindungi konsumen dari praktik-praktik yang merugikan. Artikel ini juga merekomendasikan penguatan regulasi dan pendidikan kepada pelaku usaha agar mematuhi prinsip-prinsip syariah dalam operasional mereka.

Keywords: Perlindungan Konsumen, Transaksi Muamalah, Fiqh

How to cite this article:

Imam Mahdi, Indonesian Legal Dynamics in Global Capitalism Reality: Analysis of the Formation of Indonesia's Regulations, *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan*, 09.2 (2022), 295-309



Copyright (c) 2022 The Author

Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi, dan Keagamaan

Published by Faculty of Sharia, State Islamic University of Fatmawati Sukarno Bengkulu

This work is licensed under a [Creative Commons Attribution-ShareAlike 4.0 International License](#)

Introduction

Capitalism does not only apply in the world of economy and free trade as it has been understood so far. The theory of Karl Marx's.¹ Capitalist interests can shape economic policies through regulatory changes, as seen in Indonesia during the 1997/1998 crisis when IMF intervention led to capitalist-driven legislation.² IMF aid frequently leads to a "debt trap," with countries like Argentina and Brazil experiencing ongoing economic problems such as inflation and currency devaluation.³

Turkey's IMF Stand-By Arrangement (SBA) in December 1999 initially stabilized the economy with falling inflation and interest rates. However, real exchange rate appreciation led to higher domestic demand and a larger current account deficit, while delayed fiscal and structural reforms raised market concerns.⁴ In Thailand, the value of bath dropped ergifrenthy 40%. While and Brazil, a senous social crisis was eidentitas 12,9 million became jobles.⁵

In Indonesia, IMF recommendations led to privatization and deregulation, which allowed foreign entities to control previously government-owned companies. This increased Indonesia's debt and exacerbated the economic crisis.⁶

In Indonesia, law formation aims to serve the nation's interests as outlined in the 1945 Constitution, focusing on improving public welfare and global peace. Pragmatic law development seeks to create laws reflecting national values, emphasizing justice, mutual cooperation, and alignment with both divine principles and democracy. As Achmad Irwan Hamzani⁷ rgues that Indonesian national law should focus on public welfare, justice, and order, reflecting the values of its people. Development law should facilitate community growth, security, and education. Soepomo adds that Indonesian law must represent national identity and customary law while incorporating international principles in line with Pancasila and the 1945 Constitution.⁸

¹ Agus Trisa, *Cara Kapitalisme Menguasai Dunia (Ways Capitalism Conquers the World)*, <https://www.kompasiana.com>, 2015, : Karl Marx's work has had an everlasting impact on the arena of sociology in that his views opened the door to the study of how one's social class has a direct influence on one's life experiences and life chances. His work also opened the door for many differing perspectives on the issue of the wealthy and the poor in society. (Robert S., *Karl Marx: Becoming a Socialist*, <https://study.com/>, 2018)

² Elly Karmeli dan Siti Fatimah, *Krisis Ekonomi Indonesia (Indonesian Economic Crisis)*, *Journal of Indonesian Applied Economics* Vol. 2 No. 2 Oktober 2008, 164-173 : Stephen Grenville, *The IMF and the Indonesian Crisis*, *Journal Bulletin of Indonesian Economic Studies* Volume 40, 2004 - Issue 1, <https://www.tandfonline.com/>, Published online: 12 Jul 2010.

³ Ryan Dube and Jeffrey T. Lewis, *Argentine Peso Dives After Populist Peronists Gain Edge in Vote*, *The Wall Street Journal*, <https://www.wsj.com/>, 2019 : Melani Agustina, *Ekonomi Argentina Makin Memburuk (Argentina's economy is getting worse)*, [www://https.liputan6. Com](http://www.liputan6.com). 2018.

⁴ Mihai Macovei, *Growth and Economic Crises in Turkey: Leaving behind a Turbulent Past*, European Commission Directorate-General for Economic and Financial Affairs Publications B-1049 Brussels Belgium

Economic Papaer *European Affair*, 2009: Hasan Cömert, *A Tale of Three Crises in Turkey: 1994, 2001 and 2008–09*, Department of Economics, Middle East Technical University, ERC Working Papers in Economics 18/09 June / 2018 Ankara, Turkey. : Nazim Kadri Ekinci, *Turkish Currency Crisis of 2000–2001, Revisited*. *Journal International Review of Applied Economics* Volume 21, 2007

⁵ Chris Nătescu, *Globalization and Thailand's Financial Crisis*, *Journal of Economic Issues* Vol. 33 No. 2 June 1999, <http://pratclif.com>.

⁶ Yoga Sukmana, *Dua Puluhan Tahun Pasca Krisis Ekonomi 1997-1998, Pemerintah Masih Memiliki banyak kewajiban. Salah satunya yakni membayar utang akibat krisis tersebut. "Sri Mulyani: Akibat Krisis '98, Pemerintah Masih Utang Rp 244 Triliun (Twenty years after the 1997-1998 economic crisis, the government still had many obligations. One of them is paying off debt due to the crisis. "Sri Mulyani: As a result of the '98 Crisis, the Government Still Debt Rp 244 Trillion)*. <https://money.kompas.com/>, 2017.

⁷ Achmad Irwan Hamzani, dkk., *Pembangunan Hukum Nasional Sebagai Implementasi Tujuan Nasional (Development of National Law As Implementation of National Goals)*, Prosiding SENDI_U 2018 ISBN: 978-979-3649-99-3

⁸ Nur, SR., *Membina Hukum Adat Menjadi Penghayatan Pancasila di Bidang Hukum Adat (Fostering Customary*

Since 1945, Indonesia has advanced in legal reform and amended the 1945 Constitution multiple times. However, substantive legal changes are slow, with many laws still rooted in colonial legacies. Legal development often deviates from the ideals of the Preamble and Pancasila, favoring the pragmatic interests of specific groups. Legislation remains essential for national legal development, offering binding legal certainty that surpasses customary or jurisprudential law.⁹

Legal formation in Indonesia has diverged from reform goals due to foreign interference and global capitalism. Rizal pointed out that over 21 foreign-funded laws have harmed Indonesia's economy, particularly in natural resource management, resulting in low state revenues.¹⁰ Eva Kusuma Sundari said that there was foreign interference involved in the drafting of dozens of laws in Indonesia, the draft being carried out by foreign parties.¹¹ Research on Indonesian legal politics examines the shift from colonial laws to local reforms, including updates to the Criminal Code, Civil Code, and Commercial Law. It also focuses on aligning legal policies with national identity and goals, as noted by Mahfud, emphasizing the need

to enforce new laws and replace outdated ones to meet national objectives.¹²

Legal politics in Indonesia seeks to address public needs and future goals by: 1) Integrating customary law and Pancasila into national law, 2) Creating new rules for emerging issues, and 3) Establishing laws that ensure fairness and prosperity.¹³

This paper explores Indonesian legal politics, focusing on how law formation deviates from established principles. It examines: 1) deviations in legal product creation, 2) application of laws, 3) causes of disharmony, and 4) the impact of foreign influences. The study argues that legal formation is swayed by political and legal interests, with executive and legislative power shifts often favoring specific groups over public welfare, perpetuating global capitalism.¹⁴

Literature Review

Indonesian law evolution is linked to political shifts. Initially, the founders aimed to base the legal system on Pancasila's noble values, which are rooted in Indonesian culture and reflect existing values rather than new concepts.¹⁵ European exploration and colonial expansion, starting with Columbus

Law Becomes appreciation of the Principles of Customary Law), dalam Bunga Rampai Pembangunan Hukum Indonesia, Eresco, Bandung, 1995, hlm 191

⁹ Mia Kusuma Fitriani, *Peranan Politik Hukum Dalam Pembentukan Peraturan Perundang-Undangan Di Indonesia Sebagai Sarana Mewujudkan Tujuan Negara (The Role of Legal Politics in the Formation of Laws and Regulations in Indonesia as a Means of Realizing the State's Goals)*, 2013.

¹⁰ Rizal Ramli, *Banyak Undang-Undang Pesanan Asing (Many Foreign Orders Act)*, <https://www.beritasatu.com>. 2010.

¹¹ Eva Kusuma Sundari, *Asing Intervensi 76 Undang-undang (Foreign Interventions 76 of the Act)*, <https://nasional.tempo.com>. 2019.

¹² Moh. Mahfud MD, (1993), *Perkembangan Politik Hukum, Studi tentang Pengaruh Konfigurasi Politik terhadap Karakter Produk Hukum (Development of Legal Politics, Study of the Effect of Political Configuration on the Character of Legal Products)*, Disertasi doctor dalam Ilmu Hukum

di Program Pascasarjana UGM, Yogyakarta, 1993 hlm. 233.

¹³ C.F.G. Sunaryati Hartono, dkk, *Pembangunan Hukum Indonesia (Indonesian Legal Development)*, Laporan Tim Penelitian BPHN Tahun 2011: Sujana, *Hakikat Adil Dan Makmur Sebagai Landasan Hidup Dalam Mewujudkan Ketahanan Untuk Mencapai Masyarakat Sejahtera Melalui Pembangunan Nasional Berdasarkan Pancasila (The Nature of Fair and Prosperous as the Foundation of Life in Realizing Resilience to Achieve Prosperous Communities through National Development Based on Pancasila)*, Jurnal Ketahanan Nasional, Vol. 24, No.2, Agustus 2018, Hlm. 135-151.

¹⁴ Dwi Cindro Triono, *Hegemoni Kapitalisme Dunia (World Capitalism Hegemony)*, <https://scholar.google.com>, 2013.

¹⁵ Syarif Hidayat, *Noto Negoro dan Relegiusitas Pancasila (Noto Negoro and Pancasila Religiosity)*, Jurnal Filsafat Vol. 39, Nomor 1, April 2006 <https://www.researchgate.net>. : Adi Suryanto, *wawasan kebangsaan dan nilai-nilai bela negara modul*

and da Gama, introduced early capitalism and aggressive colonization. This competition among European powers significantly reshaped Indonesian society and economy.¹⁶

A crucial question is why Indonesia's legal system should be uniquely Indonesian. B. Arief Sidharta notes that despite independence, Indonesian law remains heavily influenced by Western legal positivism.¹⁷ This is evident in the law-making process, where laws are crafted to advance legal development and the national system, starting with rational planning or structured programs.¹⁸

The rapid evolution of capitalism in Indonesia often outpaces legal regulation, causing the legal framework to struggle in keeping up with its fast-paced changes.¹⁹ Then the government system in Indonesia from time to time underwent several changes.²⁰ Historically, the application of capitalism and neoliberalism in Indonesia was driven by the New Order's goal to restore the

nation's dignity and economy following the 1965 uprising.²¹ Max Weber argued that capitalism centers on maximizing profits for capital owners, often ignoring social welfare and shared interests.²²

The state protects the most influential capitalists and the destructive effects of reform.²³ Politics today often favors specific groups and individuals, sidelining the broader public interest and prioritizing the goals of a few over the needs of the community.²⁴ Capitalists, guided by technocrats from industrialized countries, have mainly benefited industrialized nations while exploiting developing countries. To counter this dependency, developing countries should focus on local wisdom and robust governance.²⁵

Method

This study uses descriptive terminology and qualitative analysis, meaning it does not require large amounts of data, making it

I pelatihan dasar calon pegawai negeri sipil golongan II, dan golongan I (Nationality Insight And National Defense Values Module I Basic Training For Prospective Civil Servants In Class II, And Class I), file:///C:/Users/ADMINI~1/AppData, 2019.

¹⁶ Carmella O'Hanlon, *An Analysis of the Relationship between Capitalism and Imperialism through Adam's The Wealth of Nations*, file:///C:/Users/ADMINI~1/AppData/Local/Temp, 2013

¹⁷ Mochtar Kusumaatmadja dan Arief Sidharta, *Pengantar Ilmu Hukum Suatu Pengenalan Pertama Ruang Lingkup berlakunya Ilmu Hukum (Introduction to Legal Studies A First Introduction to the Scope of Applicability of Legal Studies)*, Bandung: Alumni, Cetakan ke 2, 2009. : Maryati, *Kritik Terhadap Paradigma Positivisme Hukum Dan Beberapa Pemikiran Dalam Rangka Membangun Paradigma Hukum Yang Berkeadilan (Criticism of the Legal Positivism Paradigm and Some Thoughts in the Framework of Building a Fair Legal Paradigm)*. *Journal Inovatif*, Volume VII Nomor II Mei 2014

¹⁸ Putera Astomo, *Pembentukan Undang-Undang dalam Rangka Pembaharuan Hukum Nasional Di Era Demokrasi (Formation of Law in the Context of Renewing National Law in the Era of Democracy)*, *Jurnal Konstitusi*, Volume 11, Nomor 3, September 2014, file:///C:/Users/ADMINI~1/AppData/

¹⁹ Selu Margaretha Kushendrawati, *Masyarakat Konsumen Sebagai Ciptaan Kapitalisme Global:*

Fenomena Budaya Dalam Realitas Sosial (Consumer Society as a Creation of Global Capitalism: Cultural Phenomena in Social Reality), Makara, Sosial Humaniora, VOL. 10, NO. 2, DESEMBER 2006.

²⁰ Bagas Wahjoe, *Sistem Pemerintahan Indonesia Dari Masa Ke Masa (Then the government system in Indonesia from time to time underwent several changes)*, <https://www.academia.edu>, 2016.

²¹ Muhammad Rusydianta, *Dinamika Hukum Dan Ekonomi Dalam Realitas Sosial Di Indonesia : Studi Kritis Terhadap Kebijakan Hukum - Ekonomi Di Indonesia (Legal and Economic Dynamics in Social Reality in Indonesia: Critical Study of Legal Policies - Economics in Indonesia)*, *Jurnal Rechts Vindings* Volume 6, Nomor 3, Desember 2017, <https://Rechts.Vinding.Bphn.go.id>.

²² Jumal Ahmad, *Sistem Ekonomi Kapitalis (Capitalist Economic System)*, <http://fimidani.com>, 2013

²³ Razakisme Egaliter, *Refleksi 15 Tahun Reformasi: Kapitalisme Akar Dari Segala Masalah yang Ada di Indonesia*, <https://www.kompasiana.com>, 2015.

²⁴ Mokhammad Abdul Aziz, *Pilkada Serentak melalui DPRD: Sebuah Gagasan Mewujudkan Pilkada Demokratis Perspektif Pancasila dan UUD 1945 (Simultaneous Local Election through DPRD: An Idea to Realize Democratic Election of Pancasila Perspective and 1945 Constitution)*, <https://scholar.google.co.id>.

²⁵ Khasman Zaini, *Solusi mengatasi kapitalisme di Indonesia (The solution to overcome capitalism in Indonesia)*, <https://www.academia.edu>, 2014

easier to classify categories.²⁶ The study uses secondary data from official sources to analyze laws potentially influenced by global capitalism, which may harm Indonesia's interests and contradict principles of good legislation. It involves classifying, comparing, and relating various legal aspects. Ramli notes that around 21 laws during the presidencies of Megawati and Soesilo Bambang Yudhoyono were foreign-funded. Key laws like the National Investment Law, Banking Law, Electricity Law, Foreign Investment Law, Education Law, and Forestry Law, which affect the economy and natural resources, are examined for capitalist influences.²⁷

The author avoids rigid distinctions between juridical and normative sociological research, adopting a socio-legal approach that examines legal texts and the broader context from law-making to implementation.²⁸ Legal research, according to Fiter Mahmud Marzuki, identifies legal rules, principles, and doctrines to address legal issues. This study uses deductive logic to analyze legal materials, beginning with general concepts and narrowing to specific conclusions.²⁹

Results and Discussion

The foundation of the formation of a law in Indonesia

The formation of Indonesian legislation began with independence on August 17, 1945, transitioning from colonial to national law.

Pancasila, established by BPUPKI and PPKI, remains the guiding principle. According to Kompas Research and Development, 96.6% of respondents support Pancasila as the state foundation, with 92.1% affirming it as the best foundation, leading all legal products to reflect its ideals³⁰ Pancasila is implemented through the 1945 Constitution of Indonesia, which, according to Hans Kelsen's theory, remains abstract and requires detailed regulations. Article 21 allows DPR members to propose draft laws, and Article 20A outlines DPR's functions. If an Act lacks details, subordinate regulations provide elaboration, as specified in Article 7 paragraph (1) of Law Number 12 of 2011 on Legal Norms, including: The 1945 Constitution of the Republic of Indonesia; Decree of the People's Consultative Assembly; Act / Regulation in Lieu of Law; Government regulations; Presidential decree; Provincial Regional Regulations; and Regency / City Regulations³¹.

To create effective laws and regulations, including those at the regional and local levels, several conditions must be met. Firstly, **philosophical requirements** necessitate that laws align with the nation's core values and principles, such as Pancasila in Indonesia, which reflects the moral framework of the society. Secondly, **juridical requirements** must be fulfilled. This includes formal aspects, where the regulation must be based on a legal foundation that legitimizes the authority of the issuing body.

²⁶ Aminuddin and Asikin, *Pengantar Metode Penelitian Hukum (Introduction to Legal Research Methods)*, <http://www.rajagrafindo.co.id>, 2006.

²⁷ Rizal Ramli, *Banyak Undang-Undang Pesanan Asing (Many Foreign Orders Act)*, <https://www.beritasatu.com>, 2010.

²⁸ Ikus Wahyono, *Sosio Legal*, <http://ikuswahyono.lecture.ub.ac.id>, 2015 : Sidharta, *Kajian Sosio-Legal Yang Melampaui Sosiologi Hukum (Socio-Legal Study That Goes Beyond Legal Sociology)*, <https://business-law.binus.ac.id>, 2016

²⁹ Fiter Mahmud Marzuki, *Penelitian Hukum, Edisi Revisi*

(Legal Research, Revised Edition), <https://scholar.google.co.id>, 2017.

³⁰ Anonim, *Orde Baru Suharto: Pembangunan Indonesia di Bawah Pemerintahan Otoriter (Suharto's New Order: Indonesia's Development Under Authoritarian Government)*, <https://www.indonesia-investments.com>, 2019.

³¹ Anonim, *Implementasi Perangkat Pembentukan Peraturan Perundang-undangan (Implementation of the Formation of Laws and Regulations)* <http://ditjenpp.kemenkumham.go.id>, 2019.

Additionally, material aspects require a thorough review of the regulation's substance, ensuring it not only complies with legal standards but also effectively influences societal legal awareness and behavior.³²

Policy Direction for Legal Formation

In Indonesia, legal development is shaped by policy formulation reflecting legal politics principles. Detailed legal development began during the New Order era with the introduction of the Guidelines of State Policy (GBHN). The GBHN, set by the People's Consultative Assembly (MPR) every five years, outlined broad state objectives and guided policy implementation through six documents issued from 1973 to 1998.³³

The 1988 GBHN aimed to enhance legal certainty and enforcement, while the 1998 GBHN sought to align national law with Pancasila and the 1945 Constitution. However, applying Pancasila in practice has been difficult.³⁴ In the reform era, the Parliament's 2005-2009 Prolegnas outlined laws to address gaps from the previous 2000-2004 period.³⁵ Before Law No. 25 of 2004, legal policy was sector-specific per GBHN. Afterward, focus shifted to a broader regulatory framework, emphasizing the need to address primordial, sectarian, foreign interests, and sectoral egos.³⁶

The Legislative Relationship Products of Global Capitalism in Indonesia

During the Old Order era, legal formation often deviated from Pancasila, especially after Presidential Decree No. 2 of 1959, which bypassed general elections, and MPRS Decree No. 3 of 1963, which appointed the President for life. These New Order legal products were seen as orthodox, elitist, and conservative.³⁷ During the New Order era, laws frequently deviated from reflecting Pancasila. Mahfud MD described Indonesia's political configuration during this period as "undemocratic."³⁸

Under Suharto's New Order era, the legal system was used to maintain power and serve the regime's interests. Laws facilitated government impunity, with the president's extended tenure leading to increased corruption and favoritism. The military's dominant role also hindered democratic progress, stalling the country's democratic development.³⁹

The reformation movement aimed to address legal issues from the New Order era, driven by: (1) laws being used to justify government policies and actions, (2) manipulation of justice for influential individuals and their associates, and (3) a judiciary that was influenced by executive power.⁴⁰

An example of a law diverging from legal

³² Munawir Ahmad, *Pembentukan Peraturan Daerah Berdasarkan Peraturan Perundang-Undangan (Establishment Of Regional Regulations Based On Law Regulations)*, <https://www.academia.edu>, 2017.

³³ Zulkifli Hasan, *GBHN dan kerinduan pada Orde Baru (GBHN and longing for the New Order)*, <https://beritagar.id>, 2016.

³⁴ Wicaksono, L., *Politik Hukum Perencanaan Pembangunan Hukum Nasional (Politics of Law Planning for National Law Development)*, <https://www.academia.edu>, 2016

³⁵ Ahmad Saihu, *Kebijakan Reformasi Hukum (Legal Reform Policy)*, <https://www.bappenas.go.id>, 2015

³⁶ AF. Muhlizi, *Penataan Regulasi dalam mendukung Pembangunan Ekonomi (Regulating Regulations in Support of Economic Development)*, <https://www.google.com>, 2017.

³⁷ (Faiza, 2015). Faiza, Lily, (2015), *Produk Hukum Di Indonesia Perspektif Politik Hukum (Legal Products in Indonesia: Political Perspective on Law)*, <https://media.neliti.com>.

³⁸ Mahfud MD, Moh., (1993), *Perkembangan Politik Hukum, Studi tentang Pengaruh Konfigurasi Politik terhadap Karakter Produk Hukum (Development of Legal Politics, Study of the Effect of Political Configuration on the Character of Legal Products)*, Disertasi doctor dalam Ilmu Hukum di Program Pascasarjana UGM, Yogyakarta, 1993 hlm. 233.

³⁹ Ramly Hutabarat, *Politik Hukum Pemerintahan Soeharto tentang Demokrasi Politik di Indonesia (The Political Law of the Soeharto Government on Political Democracy in Indonesia)*, Jakarta: Pusat Studi Hukum Tata Negara FHUI, 2005. hal. 57-58.

⁴⁰ Imam Mahdi dan Sirajuddin, (2019) *Philosophy Of Law*

politics is Act Number 3 of 1975, which integrated the Indonesian National Military (TNI), Indonesian Police (Polri), and government bureaucracy into Golkar. This law effectively turned Golkar into a political tool for securing government support in elections, with civil servants required to back the party and village heads given vote quotas, leading to Golkar's major victory in the 1971 general election.⁴¹

Under Act No. 3 of 1985, political parties were required to adopt Pancasila as their only principle, limiting their ideological diversity and voter base. This law also weakened the DPR's effectiveness, as it was dominated by Golkar. DPR members faced risks for opposing the government, leading to reduced legislative activity and challenges in forming effective coalitions.⁴²

In the economic sector, deviations have worsened as capitalist groups, bureaucratic capitalists, and political elites dominate. They seek protection from foreign competition, along with concessions, licenses, monopoly rights, and government subsidies, leading to widespread abuse and corruption.⁴³ The RPJPN 2005-2025 focused on legal development reforms to create a competitive nation and foster a regulation-based democratic society.⁴⁴

Law formation in Indonesia faces significant issues, particularly in state administration. Politicians in Senayan are seen as rent-seeking entities influenced by foreign sponsors with business interests. Satya Arinanto, citing Daniel S. Lev, describes the current period as an "era of opportunity" for exploitation rather than true reform.⁴⁵ The main problem faced is that it is easy to overlap or even contradictions among regulations.⁴⁶

From various investigations, there are several Acts of reform era products that are suspected of potential irregularities, as expressed by state constitutional law expert Zainal Arifin Mochtar as well as Director of the Anti-Corruption Study Center at Gajah Mada University.⁴⁷ One indication of the change in mindset of drafting laws due to foreign aid is the privatization of the public sector which should be the responsibility of the state.⁴⁸ The Indonesian Constitution, guided by Pancasila, mandates that natural resources be state-controlled and used equitably for societal benefit. However, pragmatic politicians seeking immediate gains have led to a state of "Political Nihilism," similar to America. This shift undermines democratic principles and prioritizes profit over public welfare.⁴⁹ Making

In Forming Religious-Based Regional Regulations, Jurnal MADANIA Vol. 23, No. 1, Juni 2019.

⁴¹ Anonymous, *Orde Baru Suharto: Pembangunan Indonesia di Bawah Pemerintahan Otoriter (Suharto's New Order: Indonesia's Development Under Authoritarian Government)*, <https://www.indonesia-investments.com>, 2019.

⁴² Afan Gaffar, *Politik Indonesia: Transisi Menuju Demokrasi (Indonesian Politics: Transition to Democracy)*, <http://www.kompasdata.id>, 1999.

⁴³ Moch. Heru Anggoro, *Pengaruh Pertumbuhan Ekonomi dan Pertumbuhan Angkatan Kerja Terhadap Tinggkat Pengangguran di Surabaya (The Effect of Economic Growth and Growth of the Labor Force on Unemployment Rates in Surabaya)*, <https://scholar.google.com>, 2015.

⁴⁴ BPHN, *Pengkajian Hukum Tahun 2007 (2007 Legal Review)*, <https://bphn.go.id>, 2014.

⁴⁵ Satya Arinanto, *Pemilihan Umum, Demokrasi dan*

Paradigma Baru Kehidupan Politik (Elections, Democracy and the New Paradigm of Political Life), Jurnal UNISA No. 39/XXII/1999.

⁴⁶ AF. Muhizi, *Penataan Regulasi dalam Mendukung Pembangunan Ekonomi (Regulating Regulations in Supporting Economic Development)*, <https://Rechtsvinding.Gbhn.go.id>, 2017.

⁴⁷ M Roseno Aji, *Dosen UGM Menolak Revisi UU KPK (UGM Lecturer Refuses KPK Law Revision)*, <https://tempo.co>, 2019.

⁴⁸ Mys, *Memprihatinkan, Proses Legislasi Indonesia Banyak Dibiayai Asing (Concerningly, the Indonesian Legislation Process is Widely Foreign-Funded)*, <https://www.hukumonline.co>, 2008 : Christie Stefani, *Banyak Titipan Asing, 23 RUU Sektor Ekonomi Jadi Prioritas (Lots of Foreign Custody, 23 Economic Sector Draft Laws Are Priority)*, <https://www.cnnindonesia.com>, 2015.

⁴⁹ Irsyad Zamjani, *Irsyad, Nihilisme Politik (Political Nihilism)*, Peneliti pada Center of Asian Studies

Indonesia worse off after the inclusion of capitalization in the world of education.⁵⁰ The opening of higher education to the free market Higher education was finally released from government control.

The issuance of laws related to investment, mining, and plantations has granted extensive concessions to the private sector, particularly regarding land tenure. These concessions have adversely affected local communities, leading to their impoverishment. Entrepreneurs, backed by the government under the guise of promoting investment and regional development, have acted unethically, undermining the principles of Pancasila. This situation highlights that morality in law is deeply intertwined with social and power relations.⁵¹ Therefore it should always be remembered by law makers Eugen Ehrlich and Roscoe Pound "the center of gravity of legal development lies not in legislation, nor in juristics, nor in judicial decisions, but in society"⁵²

Despite the presence of large plantations, which are expected to benefit local communities, Bengkulu Province remains the second poorest area on the island of Sumatra and struggles with high levels of corruption.

The region, with a population of less than 2 million, is often described by the term "a small gulf with crocodiles," reflecting its challenging socio-economic conditions and governance issues.⁵³

In the research on the tenure and management rights of customary land in the Pekal tribe region of North Bengkulu and Mukomuko Regency, Bengkulu Province, it leads to such matters.⁵⁴ Khanif (2015) said the precepts in the Pancasila and the Preamble of the 1945 Constitution contained values that mandated the state to realize social welfare for all Indonesian.⁵⁵ Therefore, the legal substance that deserves to be built in the future is the law that is in favor of human dignity and is democratic, therefore the legal substance must not have the potential to benefit a particular group, whoever it is. It must also be prevented from forming a corrupt legal substance. This is the joint task that accompanies us.⁵⁶ Many people recently do not trust the institutions and law enforcement because legal issues are not yet effective in their handling. Distrust of the legal system in Indonesia increasingly becomes the cause for concern. This tendency does not only occur in justice institutions but also in all social level.⁵⁷

(CENAS), Jakarta, <https://mkri.id/>, Sahrasad, Herdi dan Al Chaidar, (2017), *Fundamentalisme, Terorisme Dan Radikalisme Perspektif atas Agama, Masyarakat dan Negara* (Fundamentalism, Terrorism and Radicalism Perspectives on Religion, Society and the State), ISBN: 1540371034 ISBN-13: 978-1540371034, <http://repository.unimal.ac.id>.

⁵⁰ Daya Sudrajat, *Mahalnya Biaya Kuliah Sebagai Konsekuensi Kebijakan Neoliberalisme: Studi Kasus Universitas Indonesia* (High Cost of Tuition as a Consequence of Neoliberalism Policy: Case Study at the University of Indonesia), <https://indoprogress.com>, 2015.

⁵¹ C.F.G. Sunaryati Hartono, dkk, *Pembangunan Hukum Indonesia* (Indonesian Legal Development), Laporan Tim Penelitian BPHN Tahun 2011

⁵² Damang Averroes Al-Khawarizmi, *Dinamisasi dan Pengaruh Sosiological Jurisprudence di Indonesia*, (The Dynamics and Effects of Sociological Jurisprudence in Indonesia), <http://birthdaysparty.co/>, 2015.

⁵³ Helti Marini Sipayung, *Ironi Korupsi Di Bengkulu* (The

Irony of Corruption in Bengkulu), <https://bengkulu.antaranews.com>

⁵⁴ Imam Mahdi dan Etry Mike, *Penguasaan dan Pengelolaan Tanah Adat Berbasis Marga Pada Masyarakat eks. Kesultanan Pekal Kabupaten Bengkulu Utara dan Kabupaten Mukomuko* (Marga-based Customary Land Management and Management in former communities. Pekal Sultanate of North Bengkulu Regency and Mukomukon Regency), Laporan Penelitian DIPA IAIN Bengkulu Tahun 2019.

⁵⁵ Ahmad Khanifan, *Nilai-nilai Pancasila sebagai Dasar Filsafat Negara* (Pancasila Values as the Basis of State Philosophy), <https://www.kompasiana.com>, 2015.

⁵⁶ Ali Geno Betutu, *Politik Hukum dan Arah Pembangunan Hukum Indonesia* (Political Law and the Direction of Indonesian Legal Development), <https://aligeno.blogspot.com>, 2012.

⁵⁷ Efernando M. Manullang, *Menggapai Hukum Berkeadilan Tinjauan Hukum Kodrat dan Antinomi Nilai* (Achieve Equitable Law Review of Natural Law and Value Antinomy), Cetakan kedua (Jakarta: PT.

A lot of judicial review material on the Constitutional Court, proves that the Act was allegedly contrary to the 1945 Constitution of the Republic of Indonesia. The data shows, since the Constitutional Court was established in 2003 to 2017, there have been 574 norms amended both article and paragraph revoked from 234 Laws requested.⁵⁸ Legislative institutions must uphold Indonesian legal principles and prioritize public interests over those of groups or individuals. Legislators should heed the voices of the majority who lack influence, ensuring that democratic mechanisms and political infrastructure safeguard the needs of the general populace. This approach will help create responsive and effective legal products that align with societal norms and values.⁵⁹

The DPR appears to have lacked seriousness in lawmaking, as evidenced by conflicting norms within laws that regulate similar matters. For example, Law No. 32 of 2004 on Regional Government and Law No. 25 of 2004 on Development Planning Systems contain contradictory provisions. Law No. 25/2004 (Article 19, paragraph 3) mandates that the Regional RPJM (Regional Medium-Term Development Plan) be established by Regional Head Regulation within three months of appointment. In contrast, Law No. 32/2004 (Article 150, paragraph 3, letter e) requires that the Regional RPJP (Regional Long-Term Development Plan) and Regional RPJM be set by Regional Regulation based on Government Regulation.⁶⁰

The differing legal frameworks for regional development planning complicate implementation. The discrepancy between Regional Regulation (Perda) and Regional Head Regulation creates legal issues regarding the validity of development documents. According to Zudan, the national legal development process, often driven by "Jakarta logic," results in legal products that are challenging to apply across Indonesia's diverse communities compared to the narrower perspective of "Jakarta actors."⁶¹

Discussion

The study aims to examine how law and regulation formation in Indonesia, from independence to the reform era, has been influenced by global capitalism, conflicting with Indonesian legal principles. Findings reveal that foreign capitalist interests have significantly impacted Indonesian legislation, particularly in natural resource laws. This influence is evident in the post-reform era, where legal processes are often managed or funded by foreign entities, resulting in laws that lack national identity.⁶² Foreign interests often conflict with the welfare-oriented goals of Indonesian legislation, especially in natural resource regulations. Despite efforts to benefit society, global capitalism heavily influences these laws. Erman Rajagukguk highlighted the contentious nature of foreign capital in Indonesia, evident in debates over the Investment Bill, which became Law No. 25 of 2007. This debate underscores the tension between attracting foreign

kompas Media Nusantara, 2007.

⁵⁸ Mys, *Memprihatinkan, Proses Legislati Indonesia Banyak Dibiayai Asing* (Concerningly, the Indonesian Legislation Process is Widely Foreign-Funded), <https://www.hukumonline.co>, 2015.

⁵⁹ Ryan Muthiara Wasti, *Pengaruh Konfigurasi Politik Terhadap Produk Hukum Pada Masa Pemerintahan Soeharto Di Indonesia*, (The Effect of Political Configuration on Legal Products during the Soeharto Government in Indonesia), <https://www.researchgate.net>, 2016.

⁶⁰ Imam Mahdi, *Hukum Perencanaan Pembangunan Daerah* (Regional Development Planning Law), Yogyakarta: Pustaka Pelajar, 2017.

⁶¹ Zudan Arif Fakhrullah, *Simplikasi dan Reformasi Regulasi Di Era Otonomi* (Simulations and Regulatory Reform in the Autonomous Era), <http://ditjenpp.kemenkumham.go.id/>, 2019

⁶² Mys, *Memprihatinkan, Proses Legislati Indonesia Banyak Dibiayai Asing* (Concerningly, the Indonesian Legislation Process is Widely Foreign-Funded), <https://www.hukumonline.co>, 2008.

investment and protecting local interests.⁶³

Global capitalism influences Indonesian investment policies, especially in sectors like mining, forestry, and natural resources. While foreign investment can help overcome bureaucratic hurdles and high costs, these influences often conflict with the principles enshrined in the 1945 Constitution. Article 33 of the Constitution mandates that the economy be based on kinship principles and that vital sectors and natural resources be controlled by the state for the benefit of the people. This includes ensuring economic democracy, environmental sustainability, and national economic unity.⁶⁴

This article is most violated by the existence of foreign investment law, as stated by Petrus.⁶⁵ Economic inequality in Indonesia is exacerbated by uncontrolled exploitation of natural resources and environmental degradation. The destruction of forests and wildlife habitats, coupled with weak supervision and governance, undermines environmental sustainability and exacerbates pollution and disasters. This environmental damage impacts local communities, often neglecting their rights. The influence of foreign capital on legislation further complicates the situation, highlighting a disconnect between legal frameworks and the needs of the Indonesian

people.⁶⁶ The involvement of the World Bank in Indonesia led to changes in several key laws, including the National Education Act (No. 20 of 2003), the Health Act (No. 23 of 1992), the Electricity Act (No. 20 of 2002), and the Water Resources Act (No. 7 of 2004). The National Education Act, in particular, reflects the influence of global capitalism. The Higher Education Law has been significantly shaped by the interests of international financial institutions, with prominent discourses such as the 'globalization of higher education' promoted by the WTO and 'Higher Education reform' pushed by the World Bank.⁶⁷

Several laws influenced by foreign interests have been reviewed and corrected by the Constitutional Court of Indonesia. For example, the Electricity Law was challenged because it allowed the government to delegate electricity management to private entities, which conflicted with Article 33(2) of the 1945 Constitution. The Constitutional Court ruled that electricity, being crucial for the public, must be controlled by the state, and the state cannot be indifferent or irresponsible in this matter.⁶⁸ Other examples that have been decided by the Constitutional Court, such as the SDA Act, are contrary to the 1945 Constitution and do not have binding legal force.⁶⁹ The Water Resources Law led to the issuance of

⁶³ Erman Rajagukguk, *Transformasi Hukum dan Ekonomi dalam Bidang Pembangunan* (Transforming Law and Economics in the Field of Development), <https://journal.up45.ac.id>, 2017

⁶⁴ Ali, *Masih Banyak UU Bidang Ekonomi yang Menabrak Konstitusi*. Pengamat Ekonomi Aviliani menilai setidaknya ada 20 UU di bidang ekonomi yang tak sejalan dengan Pasal 33 UUD 1945 (There are still Many Laws on the Economy that Crash the Constitution. Economic observer Aviliani assesses that there are at least 20 laws in the economic field that are not in line with Article 33 of the 1945 Constitution), <https://www.hukumonline.com>, 2010.

⁶⁵ Petrus Kanisius, *Meneropong Pasal 33 UUD 1945 dan Pengelolaan SDA Berbasis Pemulihan Lingkungan* (Observing Article 33 of the 1945 Constitution and Management of Natural Resources Based on Environmental Recovery),

<https://www.kompasiana.com>, 2013.

⁶⁶ Cahyo Prayogo, *MPR Harus Cegah Pembuatan UU Titipan Pihak Asing*, (MPR Must Prevent the Making of Foreign Entrusted Laws), <https://www.wartaekonomi.co.id>, 2014.

⁶⁷ Ahmad Rizky Mardhatillah, *UU Pendidikan Tinggi dalam Jerat Kapitalisme* (The Higher Education Act in the Trap of Capitalism), <https://indoprogress.com>, 2013.

⁶⁸ (Zainal Basri Palaguna, *MK dan Perlindungan Terhadap Hak Ekonomi, Sosial dan Budaya* (MK and Protection of Economic, Social and Cultural Rights), <https://mkri.id>, 2019.

⁶⁹ Pan Mohamad Faiz, *The Protection Of Civil And Political Rights By The Constitutional Court Of Indonesia* (The Protection Of Civil And Political Rights By The Constitutional Court Of Indonesia), Indonesia

Government Regulation (PP) Number 16 of 2005, which allows various entities, including private businesses, to manage Drinking Water Supply Systems (SPAM). This regulation contradicts Article 40(2) of the previous Water Resources Act, which assigned SPAM development to central and regional governments. This shift represents covert privatization and disregards the Constitutional Court's interpretation of the 1945 Constitution. The profit-oriented approach of water managers under this regulation conflicts with Article 33 of the Constitution and should be declared invalid.⁷⁰

In Indonesia, the formation of legislation is influenced not only by global capitalism but also by sectoral egos within ministries and government agencies. For example, discrepancies between Act No. 25 of 2004 on Regional Government and Law No. 25 of 2004 on the Development Planning System reveal differences in legal bases for Provincial Medium-Term Development Plans (RPJMD). Act No. 25/2004 mandates RPJMD to be established by Governor Regulation, while Act No. 23/2004 requires it to be set by Regional Regulation (Perda). These inconsistencies highlight conflicting principles in regional legal product establishment.⁷¹

Conclusion

The impact of global capitalism on law formation, particularly following the 1997/1998 economic crisis, has led to regulations heavily influenced by international financial institutions like the World Bank and IMF. In Indonesia, this influence resulted in legislation characterized by liberalism and capitalism, such as the Investment Law, Oil and Gas Law, Electricity

Law, and Water Resources Law, which diverged from the principles of the 1945 Constitution and Pancasila. These laws often prioritize foreign interests and profit over public welfare, leading to issues like resource exploitation and inadequate local benefits. To address these concerns, judicial reviews by the Constitutional Court can invalidate laws that conflict with the Constitution. Future research should focus on the interplay between political interests and lawmaking, as legislation is not only a legal but also a political product.

Credit Authorship Contribution

Imam Mahdi: study design, investigation, draft preparation, supervision.

Declaration of Competing Interest

The authors declare no competing interests related to this study. No financial or personal conflicts of interest are present.

Data Availability

Data are not available for sharing.

Acknowledgements

The authors thank State Islamic University Fatmawati Sukarno Bengkulu for their support and resources.

References

- Achmad Irwan Hamzami, dkk., (2018), *Pembangunan Hukum Nasional Sebagai Implementasi Tujuan Nasional (Development of National Law As Implementation of National Goals)*, Prosiding SENDI U 2018 ISBN: 978-979-3649-99-3
- Adi Suryanto, *wawasan kebangsaan dan nilai-nilai bela negara modul 1 pelatihan dasar calon pegawai negeri sipil golongan II, dan golongan I (Nationality Insight And National*

Law Review (2016), <https://media.neliti.com/>

⁷⁰ Mochtar Naim, *Kembali ke Pasal 33 UUD 1945 (Back to Article 33 of the 1945 Constitution)*, <https://nasional.kompas.com/>, 2011.

⁷¹ Imam Mahdi, *Hukum Perencanaan Pembangunan Daerah (Regional Development Planning Law)*, Yogyakarta: Pustaka Pelajar. 2017. <https://pustakapelajar.co.id>.

- Defense Values Module I Basic Training For Prospective Civil Servants In Class II, And Class I*, file:///C:/Users/ADMINI~1/AppData, 2019.
- AF. Muhizi, *Penataan Regulasi dalam Mendukung Pembangunan Ekonomi (Regulating Regulations in Supporting Economic Development)*, <https://Rechtsvinding.gbhn.go.id>, 2017.
- Afan Gaffar, *Politik Indonesia: transisi menuju demokrasi (Indonesian politics: transition to democracy)*, <http://www.kompasdata.id>, 1999.
- Agus Trisa, 2015, *Cara Kapitalisme Menguasai Dunia (Ways Capitalism Conquers the World)*, <https://www.kompasiana.com> : Karl Marx's work has had an everlasting impact on the arena of sociology in that his views opened the door to the study of how one's social class has a direct influence on one's life experiences and life chances. His work also opened the door for many differing perspectives on the Issue of the wealthy and the poor in society.
- Ahmad Khanifan, *Nilai-nilai Pancasila sebagai Dasar Filsafat Negara (Pancasila Values as the Basis of State Philosophy)*, <https://www.kompasiana.com>, 2015.
- Ahmad Rizky Mardhatillah, *UU Pendidikan Tinggi dalam Jerat Kapitalisme (The Higher Education Act in the Trap of Capitalism)*, <https://indoprogress.com>, 2013.
- Ahmad Saihu, *Kebijakan Reformasi Hukum (Legal Reform Policy)*, <https://www.bappenas.go.id>, 2015
- AJ, Wisnu, *Ketika UU Disahkan oleh DPR berdasarkan Pesanan Sponsor, (When the Act was passed by the House of Representatives based on Sponsor Orders)* <https://www.kompasiana.com>. 2007.
- Ali Geno Betutu, *Politik Hukum dan Arah Pembangunan Hukum Indonesia (Political Law and the Direction of Indonesian Legal Development)*, <https://aligeno.blogspot.com>, 2012.
- Ali, Masih Banyak UU Bidang Ekonomi yang Menabrak Konstitusi. Pengamat Ekonomi Aviliani menilai setidaknya ada 20 UU di bidang ekonomi yang tak sejalan dengan Pasal 33 UUD 1945 (There are still Many Laws on the Economy that Crash the Constitution. Economic observer Aviliani assesses that there are at least 20 laws in the economic field that are not in line with Article 33 of the 1945 Constitution), <https://www.hukumonline.com>, 2010.
- Aminuddin and Asikin, *Pengantar Metode Penelitian Hukum (Introduction to Legal Research Methods)*, <http://www.rajabrafindo.co.id>, 2006.
- Anonim, *Implementasi Perangkat Pembentukan Peraturan Perundang-undangan (Implementation of the Formation of Laws and Regulations)* <http://ditjenpp.kemenkumham.go.id>. 2019.
- Anonim, *Orde Baru Suharto: Pembangunan Indonesia di Bawah Pemerintahan Otoriter (Suharto's New Order: Indonesia's Development Under Authoritarian Government)*, <https://www.indonesia-investments.com>. 2019.
- Anonymous, *Orde Baru Suharto: Pembangunan Indonesia di Bawah Pemerintahan Otoriter (Suharto's New Order: Indonesia's Development Under Authoritarian Government)*, <https://www.indonesia-investments.com>, 2019.
- Bagas Wahjoe, *Sistem Pemerintahan Indonesia Dari Masa Ke Masa (Then the government system in Indonesia from time to time underwent several changes)*, <https://www.academia.edu>, 2016.
- BPHN, *Pengkajian Hukum Tahun 2007 (, 2007 Legal Review)*, <https://bphn.go.id>, 2014.
- Cahyo Prayogo, *MPR Harus Cegah Pembuatan UU Titipan Pihak Asing, (MPR Must Prevent the Making of Foreign Entrusted Laws)*, <https://www.wartaekonomi.co.id>, 2014.
- Carmella O'Hanlon, *An Analysis of the Relationship between Capitalism and Imperialism through Adam 's The Wealth of Nations*, file:///C:/Users/ADMINI~1/AppData/Local/Temp, 2013
- C.F.G. Sunaryati Hartono, dkk, *Pembangunan Hukum Indonesia (Indonesian Legal Development)*, Laporan Tim Peneitian BPHN Tahun 2011.
- C.F.G. Sunaryati Hartono, dkk, *Pembangunan Hukum Indonesia (Indonesian Legal Development)*, Laporan Tim Peneitian BPHN Tahun 2011
- Christie Stefani, *Banyak Titipan Asing, 23 RUU Sektor Ekonomi Jadi Prioritas (Lots of Foreign Custody, 23 Economic Sector Draft Laws Are Priority)* <https://www.cnnindonesia.com>. 2015.
- Chris Nitescu, *Globalization and Thailand's*

- Financial Crisis*, Journal of Economic Issues Vol. 33 No. 2 June 1999, <http://pratclif.com>.
- Daeng, Salamun, *Investment Colonial Model: Critical Analysis on Investment Law In Indonesia*, <https://igj.or.id>. 2013.
- Damang Averroes Al-Khawarizmi, *Dinamisasi dan Pengaruh Sociological Jurisprudence di Indonesia*, (*The Dynamics and Effects of Sociological Jurisprudence in Indonesia*), <http://birthdaysparty.co/>, 2015.
- Daya Sudrajat, *Mahalnya Biaya Kuliah Sebagai Konsekuensi Kebijakan Neoliberalisme: Studi Kasus Universitas Indonesia (High Cost of Tuition as a Consequence of Neoliberalism Policy: Case Study at the University of Indonesia)*, <https://indoprogess.com>, 2015.
- Dwi Cindro Triono, *Hegemoni Kapitalisme Dunia (World Capitalism Hegemony)*, <https://scholar.google.com>, 2013.
- Eferando M. Manullang, *Menggapai Hukum Berkeadilan Tinjauan Hukum Kodrat dan Antinomi Nilai (Achieve Equitable Law Review of Natural Law and Value Antinomy)*, Cetakan kedua (Jakarta: PT. Kompas Media Nusantara, 2007).
- Elly Karmeli dan Siti Fatimah, (2008), *Krisis Ekonomi Indonesia (Indonesian Economic Crisis)*, Journal of Indonesian Applied Economics Vol. 2 No. 2 Oktober 2008, 164-173.
- Erman Rajagukguk, *Transformasi Hukum dan Ekonomi dalam Bidang Pembangunan (Transforming Law and Economics in the Field of Development)*, <https://journal.up45.ac.id>, 2017
- Eva Kusuma Sundari, *Asing Intervensi 76 Undang-undang (Foreign Interventions 76 of the Act)*, <https://nasional tempo.com>. 2019.
- Liky Faiza, *Produk Hukum Di Indonesia Perspektif Politik Hukum (Legal Products in Indonesia: Political Perspective on Law)*, <https://media.neliti.com>., 2015
- Fiter Mahmud Marzuki, *Penelitian Hukum, Edisi Revisi (Legal Research, Revised Edition)*, <https://scholar.google.co.id>, 2017.
- Hasan Cömert, *A Tale of Three Crises in Turkey: 1994, 2001 and 2008–09*, Department of Economics, Middle East Technical University, ERC Working Papers in Economics 18/09 June / 2018 Ankara, Turkey.
- Herdi Sahrasad dan Al Chaidar, (2017), *Fundamentalisme, Terorisme Dan Radikalisme Perspektif atas Agama, Masyarakat dan Negara (Fundamentalism, Terrorism and Radicalism Perspectives on Religion, Society and the State)*, ISBN: 1540371034 ISBN-13: 978-1540371034, <http://repository.unimal.ac.id>.
- Helti Marini Sipayung, *Ironi Korupsi Di Bengkulu (The Irony of Corruption in Bengkulu)*, <https://bengkulu.antaranews.com>
- Ikus Wahyono, *Sosio Legal*, <http://ikuswahyono.lecture.ub.ac.id>, 2015 : Sidharta, *Kajian Sosio-Legal Yang Melampaui Sosiologi Hukum (Socio-Legal Study That Goes Beyond Legal Sociology)*, <https://business-law.binus.ac.id>, 2016
- Imam Mahdi dan Sirajuddin, *Philosophy Of Law In Forming Religious-Based Regional Regulations*, Jurnal MADANIA Vol. 23, No. 1, Juni 2019.
- Imam Mahdi dan Etry Mike, *Penguasaan dan Pengelolaan Tanah Adat Berbasis Marga Pada Masyarakat eks. Kesultanan Pekal Kabupaten Bengkulu Utara dan Kabupaten Mukomuko (Marga-based Customary Land Management and Management in former communities. Pekal Sultanate of North Bengkulu Regency and Mukomukon Regency)*, Laporan Penelitian DIPA IAIN Bengkulu Tahun 2019.
- Imam Mahdi, *Hukum Perencanaan Pembangunan Daerah (Regional Development Planning Law)*, Yogyakarta: Pustaka Pelajar, 2017. <https://pustakapelajar.co.id>.
- Irsyad Zamjani, Irsyad, *Nihilisme Politik (Political Nihilism)*, Peneliti pada Center of Asian Studies (CENAS), Jakarta, <https://mkri.id/>.
- Jumal Ahmad, *Sistem Ekonomi Kapitalis (Capitalist Economic System)*, <http://fimadani.com>, 2013
- Khasman Zaini, *Solusi mengatasi kapitalisme di Indonesia (The solution to overcome capitalism in Indonesia)*, <https://www.academia.edu>, 2014
- M Roseno Aji, *Dosen UGM Menolak Revisi UU KPK (UGM Lecturer Refuses KPK Law Revision)*, <https://tempo.co>. 2019
- Mahfud MD, Moh., *Perkembangan Politik Hukum, Studi tentang Pengaruh Konfigurasi Politik terhadap Karakter Produk Hukum (Development of Legal Politics, Study of the Effect of Political Configuration on the Character of Legal Products)*, Disertasi doctor dalam Ilmu Hukum di Program Pascasarjana UGM, Yogyakarta, 1993 hlm.

- 233.
- Maryati, *Kritik Terhadap Paradigma Positivisme Hukum Dan Beberapa Pemikiran Dalam Rangka Membangun Paradigma Hukum Yang Berkeadilan (Criticism of the Legal Positivism Paradigm and Some Thoughts in the Framework of Building a Fair Legal Paradigm)*. Journal Inovatif, Volume VII Nomor II Mei 2014
- Melani Agustina, *Ekonomi Argentina Makin Memburuk (Argentina's economy is getting worse)*, www//:https.Liputan 6. Com. 2018.
- Mia Kusuma Fitriani, *Peranan Politik Hukum Dalam Pembentukan Peraturan Perundang-Undangan Di Indonesia Sebagai Sarana Mewujudkan Tujuan Negara (The Role of Legal Politics in the Formation of Laws and Regulations in Indonesia as a Means of Realizing the State's Goals)*, Jurnal Legislasi Indonesia, e-jurnal.peraturan.go.id, 2013.
- Mihai Macovei, *Growth and Economic Crises in Turkey: Leaving behind a Turbulent Past*, European Commission Directorate-General for Economic and Financial Affairs Publications B-1049 Brussels Belgium Economic Paper European Affair, 2009:
- Moch. Heru Anggoro, *Pengaruh Pertumbuhan Ekonomi dan Pertumbuhan Angkatan Kerja Terhadap Tinggkat Pengangguran di Surabaya (The Effect of Economic Growth and Growth of the Labor Force on Unemployment Rates in Surabaya)*, https://scholar.google.com, . 2015.
- Mochtar Kusumaatmadja dan Arief Sidharta, *Pengantar Ilmu Hukum Suatu Pengenalan Pertama Ruang Lingkup berlakunya Ilmu Hukum (Introduction to Legal Studies A First Introduction to the Scope of Applicability of Legal Studies)*, Bandung: Alumni, Cetakan ke 2, 2009. Mochtar Naim, *Kembali ke Pasal 33 UUD 1945 (Back to Article 33 of the 1945 Constitution)*, https://nasional.kompas.com/, 2011.
- Moh. Mahfud MD, (1993), *Perkembangan Politik Hukum, Studi tentang Pengaruh Konfigurasi Politik terhadap Karakter Produk Hukum (Development of Legal Politics, Study of the Effect of Political Configuration on the Character of Legal Products)*, Disertasi doctor dalam Ilmu Hukum di Program Pascasarjana UGM, Yogyakarta, 1993 hlm. 233.
- Mokhammad Abdul Aziz, *Pilkada Serentak melalui DPRD: Sebuah Gagasan Mewujudkan Pilkada Demokratis Perspektif Pancasila dan UUD 1945 (Simultaneous Local Election through DPRD: An Idea to Realize Democratic Election of Pancasila Perspective and 1945 Constitution)*, https://scholar.google.co.id. 2016.
- Muhammad Rusydianta, *Dinamika Hukum Dan Ekonomi Dalam Realitas Sosial Di Indonesia : Studi Kritis Terhadap Kebijakan Hukum - Ekonomi Di Indonesia (Legal and Economic Dynamics in Social Reality in Indonesia: Critical Study of Legal Policies - Economics in Indonesia)*, Jurnal Rechts Vindings Volume 6, Nomor 3, Desember 2017, https://Rechts Vinding. Bphn.go.id.
- Munawir Ahmad, *Pembentukan Peraturan Daerah Berdasarkan Peraturan Perundang-Undangan (Establishment Of Regional Regulations Based On Law Regulations)*, https://www.academia.edu., 2017.
- Mys, *Memprihatinkan, Proses Legislasi Indonesia Banyak Dibiayai Asing Concerningly, the Indonesian Legislation Process is Widely Foreign-Funded)*, https://www.hukumonline.co, 2008.
- Mys, *Memprihatinkan, Proses Legislasi Indonesia Banyak Dibiayai Asing (Concerningly, the Indonesian Legislation Process is Widely Foreign-Funded)*, https://www.hukumonline.co, 2015.
- Nazim Kadri Ekinci, *Turkish Currency Crisis of 2000–2001, Revisited. Journal International Review of Applied Economics* Volume 21, 2007.
- Nur, SR., *Membina Hukum Adat Menjadi Penghayatan Pancasila di Bidang Hukum Adat (Fostering Customary Law Becomes appreciation of the Principles of Customary Law)*, dalam Bunga Rampai Pembangunan Hukum Indonesia, Eresco, Bandung, 1995. hlm 191
- Pan Mohamad Faiz, *The Protection Of Civil And Political Rights By The Constitutional Court Of Indonesia (The Protection Of Civil And Political Rights By The Constitutional Court Of Indonesia)*, Indonesia Law Review (2016), https://media.neliti.com/
- Petrus Kanisius, *Meneropong Pasal 33 UUD 1945 dan Pengelolaan SDA Berbasis Pemulihan Lingkungan (Observing Article 33 of the 1945 Constitution and Management of Natural Resources Based on Environmental*

- Recovery), <https://www.kompasiana.com>., 2013.
- Putera Astomo, *Pembentukan Undang-Undang dalam Rangka Pembaharuan Hukum Nasional Di Era Demokrasi (Formation of Law in the Context of Renewing National Law in the Era of Democracy)*, Jurnal Konstitusi, Volume 11, Nomor 3, September 2014, file:///C:/Users/ADMINI~1/AppData/.
- Ramly Hutabarat, *Politik Hukum Pemerintahan Soeharto tentang Demokrasi Politik di Indonesia (The Political Law of the Soeharto Government on Political Democracy in Indonesia)*, Jakarta: Pusat Studi Hukum Tata Negara FHUI, 2005. hal. 57-58.
- Razakisme Egaliter, *Refleksi 15 Tahun Reformasi: Kapitalisme Akar Dari Segala Masalah yang Ada di Indonesia (Reflections on 15 Years of Reformation: Capitalism Is the Root of All Problems in Indonesia)*, <https://www.kompasiana.com>., 2015.
- Rizal Ramli, *Banyak Undang-Undang Pesanan Asing (Many Foreign Orders Act)*, <https://www.beritasatu.com>., 2010.
- Robert S, Karl Marx: *Becoming a Socialist*, , <https://study.com/>, 2018
- Ryan Muthiara Wasti, *Pengaruh Konfigurasi Politik Terhadap Produk Hukum Pada Masa Pemerintahan Soeharto Di Indonesia, (The Effect of Political Configuration on Legal Products during the Soeharto Government in Indonesia)*, <https://www.researchgate.net>, 2016.
- Ryan Dube and Jeffrey T. Lewis, *Argentine Peso Dives After Populist Peronists Gain Edge in Vote, The Wall Street Journal*, <https://www.wsj.com/>, 2019
- Satya Arinanto, *Pemilihan Umum, Demokrasi dan Paradigma Baru Kehidupan Politik (Elections, Democracy and the New Paradigm of Political Life)*, Jurnal UNISA No. 39/XXII/1999.
- Sebastian Pedro Salvia, *The boom and crisis of the Convertibility Plan in Argentina*, Brazilian Journal of Political and economy, <http://www.scielo.br/scielo.php?script>, Apr. 2015.
- Selu Margaretha Kushendrawati, *Masyarakat Konsumen Sebagai Ciptaan Kapitalisme Global: Fenomena Budaya Dalam Realitas Sosial (Consumer Society as a Creation of Global Capitalism: Cultural Phenomena in Social Reality)*, Makara, Sosial Humaniora, Vol. 10, No. 2, Desember 2006.
- Stephen Grenville, *The IMF and the Indonesian Crisis*, Journal [Bulletin of Indonesian Economic Studies](https://www.tandfonline.com/) Volume 40, 2004 - Issue 1, <https://www.tandfonline.com/>, Published online: 12 Jul 2010.
- Syarif Hidayat, *Noto Negoro dan Relegiusitas Pancasila (Noto Negoro and Pancasila Religiosity)*, Jurnal Filsafat Vol. 39, Nomor 1, April 2006 <https://www.researchgate.net>.
- Sujana, *Hakikat Adil Dan Makmur Sebagai Landasan Hidup Dalam Mewujudkan Ketahanan Untuk Mencapai Masyarakat Sejahtera Melalui Pembangunan Nasional Berdasarkan Pancasila (The Nature of Fair and Prosperous as the Foundation of Life in Realizing Resilience to Achieve Prosperous Communities through National Development Based on Pancasila)*, Jurnal Ketahanan Nasional, Vol. 24, No.2, Agustus 2018, Hlm. 135-151.
- Wicaksono, L., *Politik Hukum Perencanaan Pembangunan Hukum Nasional (Politics of Law Planning for National Law Development)*, <https://www.academia.edu>., 2016
- Yoga Sukmana, *Dua puluh tahun pasca krisis ekonomi 1997-1998, pemerintah masih memiliki banyak kewajiban. Salah satunya yakni membayar utang akibat krisis tersebut. "Sri Mulyani: Akibat Krisis '98, Pemerintah Masih Utang Rp 244 Triliun (Twenty years after the 1997-1998 economic crisis, the government still had many obligations. One of them is paying off debt due to the crisis. "Sri Mulyani: As a result of the '98 Crisis, the Government Still Debt Rp 244 Trillion).* <https://money.kompas.com/>, 2017.
- Zainal Basri Palaguna, *MK dan Perlindungan Terhadap Hak Ekonomi, Sosial dan Budaya (MK and Protection of Economic, Social and Cultural Rights)*, <https://mkri.id>. 2019.
- Zudan Arif Fakhrullah, *Simplikasi dan Reformasi Regulasi Di Era Otonomi (Simulations and Regulatory Reform in the Autonomous Era)*, <http://ditjenpp.kemenkumham.go.id/>, 2019
- Zulkifli Hasan, *GBHN dan kerinduan pada Orde Baru (GBHN and longing for the New Order)*, <https://beritagar.id>, 2016.