

THE ROLE OF LEGAL PHILOSOPHY IN BUILDING THE MORAL OF THE NATION'S CHILDREN

Tri Madya Wianto*

Prodi Magister Hukum, Sekolah Pascasarjana, Universitas Nasional, Jakarta, Indonesia
trimadya@hotmail.com

Yusuf Setyadi

Prodi Magister Hukum, Sekolah Pascasarjana, Universitas Nasional, Jakarta, Indonesia
yusuf_setyadi45@yahoo.co.id

ABSTRACT

Philosophy of law in the science of law is the culmination of the legal structure itself, in making legal instruments, these instruments must protect the entire Indonesian nation with the aim of underhying the moral development of the nation's children, because of the importance of morality in the life of society, nation and state in an effort to establish unity and unity. Indonesian nation. Therefore, legal philosophy expressly provides fundamental views on law, with the aim of building the morale of the nation's children so that in the future they become ethical, moral office holders and uphold the law in its implementation. In this writing, the writer uses the Theory of Justice and Human Law.

Keywords: *Legal Philosophy, Building Morale, Children of the Nation*

ABSTRAK

Filsafat Hukum dalam ilmu hukum merupakan puncak dari struktur hukum itu sendiri, dalam membuat instrumen hukum, maka instrumen tersebut harus melindungi segenap Bangsa Indonesia dengan tujuan melandasi pembangunan moral anak bangsa, karena pentingnya moral dalam kehidupan bermasyarakat, berbangsa dan bernegara dalam upaya menjalin persatuan dan kesatuan bangsa Indonesia.. Oleh karenanya filsafat hukum secara tegas memberikan pandangan-pandangan yang fundamental terhadap hukum, dengan bertujuan untuk membangun moral anak bangsa agar kelak menjadi pemangku jabatan yang beretika, bermoral dan menjunjung tinggi hukum atas pelaksanaannya. Dalam penulisan ini, penulis menggunakan Teori Keadilan dan Hukum Kemanusiaan.

Kata Kunci: *Filsafat Hukum, Membangun Moral, Anak Bangsa*

INTRODUCTION

Legal philosophy according to William Zevenberg: Legal philosophy is a branch of legal science that investigates what measures can be used to assess the content of law in order to fulfill good laws (Muhammad Rakhmat, 2015). Legal philosophy in the system of legal teachings functions as a rounder (core) of the legal teachings themselves and has the goal of achieving legal objectives, including: justice, peace and prosperity (Muhammad Rakhmat, 2015).

In the structure of the science of law, the position of philosophy of law is the pinnacle of the structure of the science of law. Philosophy of law as a source of clarity springs basic values and ideals of moral virtue concerning law and all its aspects, which then flows from it to the lower parts, namely entering and coloring legal theory. It is impossible for legal theory to deny its connection with the legal philosophy which inspired and influenced it. Legal theory was not born from a vacuum (*sunung*), but rather it was born due to the influence of two-way pressures, namely from legal philosophy and influences from legal practice (Basuki Rekso Wibowo, 2020). Formation of legal products is made and applied in addition to regulating so that society is orderly in everyday life, as well as a tool to seek justice.

Philosophers provide different notions of justice according to their views and goals (Muhammad Khambali, 2014). Aristotle gives the notion that justice is virtues related to human relations: legalist, distributive and commutative justice. Thomas Aquinas, justice is divided into 2 (two), namely general justice (*justitia generalis*) and special justice (*justitia specialis*) ((Basuki Rekso Wibowo, 2020).

As the opinion of Jhon Rawls quoted by Muhammad Rakhmat in his book entitled "*Introduction to Legal Philosophy*" which states that the concept of justice is a culture-free concept, so to realize the principles of justice in society must be *fair*, where justice must benefit everyone. and must also be made by everyone's agreement (Muhammad Rakhmat, 2015).

According to Oka Mahendra in his book "The Process of Strengthening Legal Ambition and the Application of Present and Future National Legal Principles" as quoted by Riri Nazriyah in her journal "*The Role of Legal Ambition in Forming National Law*" that one of them: National law protects the entire Indonesian nation, the entire homeland of Indonesia which is independent, united, sovereign, just and prosperous and strengthens the unity and integrity of the nation where there is only one national law that serves the national interest. Concluded from the precepts of Indonesian unity and the main idea of unity in the opening of the 1945 Constitution (Riri Nazriyah, 2022).

Besides that, in writing this time apart from forming a national legal system, the author wants to describe and show that Legal Philosophy can build the morale of the nation's children. Which, in Bryan N. Massingale's book, states that every human experience makes a major contribution to moral law. There are three main ideas that need to be understood in this regard, including: understanding ethnic culture; engagement in culture; and participation in fighting for justice (Bryan N. Massingale, 2014).

Writing aims to determine the role of legal philosophy in implementing justice in the application of law, especially in the application of the morals of the nation's children.

METHOD

The type of writing used in writing this journal is *normative legal research* or doctrinal legal research. The approach method used is a conceptual *approach*, namely the study departs from the views and doctrines that develop in the science of law (Mohammad Amri Gede, 2020).

RESULT AND DISCUSSION

Based on the understanding or definition above, it can be seen that the scope of legal philosophy is as follows: (Muhammad Rakhmat, 2015)

1. What is that law? As the main theme of legal philosophy;
2. Nature and substance law;
3. Basic values in law;
4. Idea that is known and underlies the law;
5. Sifat knowledge in law ;
6. Purpose and goals law ;
7. Miscellaneous knowledge law in philosophy law ;
8. Fundamentals of legal thought and juridical argumentation in logical sections. Also study structure from something system law ;
9. Right law
10. The relationship between law and justice, law and power, law and morals;
11. Contemplation and formulation of values includes efforts to harmonize between order and peace, between material things and morality, and between sustainability/conservatism and renewal;
12. Basic binding law ;
13. The questions are not answered by law .

The question of what is the essence of law is also a question of legal philosophy. This question may be answered by legal science, but the answer given is not satisfactory (Kamarusdiana, 2018).

The correlation between philosophy, law and justice is very close, because there is a rope between wisdom, norms and a balance of rights and obligations, law cannot be separated from society and the state, legal material is explored, made from the values contained in the motherland whose awareness and aspirations legal ideals (*Rechtidee*), moral ideals, individual and national freedoms for humanity, peace, political ideals and goals for the state. The law reflects the value of life that exists in a society that has the power to apply juridically, sociologically and philosophically (Handayani, Johaness, 2018).

In simple terms, legal philosophy can be said to be a branch of philosophy that regulates behavior or ethics that studies the nature of law. In other words, legal philosophy is a science that studies law philosophically (Sukarno Aburaera, Muhadar, Maskun, 2013).

Philosophy of law focuses on the philosophical aspect of law which is oriented towards functional problems and the philosophy of law itself, namely carrying out law enforcement, dispute

resolution, maintaining and maintaining order, making changes, arranging order for the realization of a sense of justice based on abstract and concrete legal principles (Handayani, Johaness, 2018).

Legal philosophy has a strategic function in the formation of a legal product. The function of legal philosophy, especially in law enforcement, is to analyze and then reconcile the values concerned (Serlika Aprita, Rio Adhitya, 2020). As the expression of Prof. Roscoe Pound, MA in his book *An Introduction to the Philosophy of Law* (1992, 1954), the function of philosophy as or to test positive law about its effectiveness, cited by Serlika Aprita and Rio Adhitya in their book entitled "Philosophy of Law" (Handayani, Johaness, 2018).

The role of legal philosophy is to assess the regulations, doctrines, and institutions that guide the enactment of laws by keeping in mind the goals and benefits for society, as well as the social ideals of the time and place in question (Handayani, Johaness, 2018).

In each legal formation, the beginning is a plan based on a fact of life that is directed towards an objective that is not juridical, namely an interest or a value to be achieved in the future or an interest and a value to be secured. by holding an agreement or an organizational structure which is abbreviated by law (Riri Nazriyah, 2022).

In forming national law, the values and ideals of law must be respected. It is with this connection that Legal Philosophy studies law fundamentally, from laws that are currently in force and laws that will apply in the future, one of which is the law that is formed so that people can see that justice is created and can be implemented in everyday life. Accompanied by the norms and ethics of legal philosophy, we can build a social life that loves one another and maintains order and upholds the law.

CONCLUSION

The relationship between humans and law is very close and cannot be separated, how can the law not be present at all times. Therefore the development of legal instruments must also go through the understanding of human nature itself.

Legal philosophy expressly provides a view of how justice is manifested in law (past, present and future). As time goes by where society continues to develop without any pause there, law is also required to develop according to needs. Legal philosophy seeks to find problem points so that it can then create more perfect laws for the future. Here it can be seen that in order for the law to be able to prove and provide solutions to problems that live and develop in society by using a legal system that applies at one time, somewhere as positive law.

Function philosophy law very relevant in create condition actual law , because _ if law reviewed use knowledge philosophy law so the matter in question is values about good or bad something action . Philosophy law in context life patriotic will very give significant influence _ to related policies with aspect law, in form and define as well as at a time implement law the in framework reach peak justice.

With thus until reach the pinnacle of philosophical justice Law in a manner theory justice could build children nation with have morals in order to be officials upholding institution tall ethics, norms and morals in run something function law with uphold high sense of humanity so that

philosophy law in build children's morale nation own very function form in improvement on moral remembering situation existing social. Moral is human dignity attached to the conscience of human personality. So that morals as a fundamental basic value are inherent in the concept of justice as well as the concept of law that allows it to remain in service in various paradigm shifts.

From the beginning, the Aristotelian paradigm has implied about justice as an important matter in the philosophy of law. Likewise, in the Constructivism Paradigm which carries *Postmodernism* as a resistance in the philosophy of hermeneutics, it turns out that it has a trajectory with the Aristotelian paradigm of how good law is law, which *provides* justice . human beings, jurists, theologians and humanitarian scientists sit together in dialogue with morals, conscience, religion and social science to find the justice required by law.

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