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## Legal politics and public policies in the industrial era 4.0 (an Indonesian legal civilization discourse perspective of prophetic science religiosity)

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# Legal politics and public policies in the industrial era 4.0 (an Indonesian legal civilization discourse perspective of prophetic science religiosity)

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**Abstract.** Discourse on the legal politics and public policy is an object of study that is never dry to continue to be explored and developed in accordance with the development of a nation's civilization. Looking at the issue in the industrial era 4.0 is a complexity. Various problems of state administration seemed to never end with the tragedy that stained the face of the motherland. The scientists in measuring solutions sometimes go too far between theories that are within the boundaries of diction and the realm of implementation of the stakeholders who are invading conscience. As if the reformation never guarantees who knows how long this nation will rise from adversity that has already spread to all lines. Is this country essentially being tested, regarding the political configuration and consistency of the constitutional "khiitah"? Or the problem of waves of corruption, collusion, nepotism and demoralization? This problem can certainly occur, when the people's representatives are more loyal to the pragmatic interests of the party through political promises of campaign that are suspended in action, so they tend not to care about the true mandate giver. Responding to the various empirical phenomena is not only needed a comprehensive legal breakthrough as a solution for the achievement of the nation's development goals towards a better. The mouth of this simple paper invites for a moment to discuss the nature of the country in the frame of prophetic religiosity as an alternative solution to the intellectual errors that are materialist-secular and far from the values of transcendence.

## 1. Introduction

The cause of the collapse of public confidence in law enforcement and institutions, one of which is a matter of "demoralization". The behavior, originated in the morality-integrity of "high-ranking individuals" who are not mandated to apply the constitution and the scriptures as essential guidelines in managing the country. Some factors that influence if you adopt L. Friedman's opinion are the substance, culture, and legal structure. These components also determine the public's distrust of the institutions that have been running and continued so far.

Borrowing the term Jawahir Thontowi [1] that there is an imbalance of thinking between empirical reality and the problems of scientific philosophy in law that seem to have far greater influence. The moral and ethical values and aesthetics inherent in each of these societal cultures, also determine the way of thinking and acting and the operation of the law have also been removed from positivistic legal thinking. Basic platforms and setting goals cannot be ruled out in understanding the functions and objectives of the establishment of legal institutions.



Political issues of law and public policy in the practice of its application, there are two things that become major themes, namely moral and ethical issues. These two things are what the authors agree with Jawahir Thontowi in reading the reality. these symptoms. Indonesian legal scholars such as Mukhtar Kusumatmaja with the theory of development law, Romli Atmasasmita offered an integrative legal theory, Sucipto Rahardjo initiated a progressive legal theory, so far the young UII intellectuals who were pioneered by Jawahir Thontowi with the Tamsis school are inclusive legal theories and are also thinking about it in the nuances of progressive law, desain conceptual-theoretical [2].

The theory of inclusive law is interpreted as a norm system, an institutional system, a cultural value system, a religious system, and a fact system that serves as a guideline for humans in social and state life to achieve social order and peace of life, and can pay attention to personal or family dignity, family nation and religion, as well as facilitating the role of authoritative law enforcement officers so that legal justice can be carried out when lawmakers give birth to good and right regulations (legislative justice), the government complies with good and right law (executive justice), the resolution process inside and outside court (judicial justice) [3].

The existence of inclusive legal theory requires an objective, creative, innovative and comprehensive critical thinking foundation. The theoretical framework built in the formulation, inclusive legal theory both ontologically, epistemologically, and axiologically exists as an antithesis against the weaknesses of previous theories, either positivism, normative dogmatic, or doctrinaire, or non-positivism, or socio legal studies [3]. However, in a different context the problematic philosophy of placing reason above everything else, which is able to facilitate the search for truth is proven to not fully bring baraka. This is because reason, which has been worshiped by positivists, has brought misery and unspeakable humanitarian disasters. In the context of material needs, positivistic approaches have brought modern society to the excessive satisfaction of greedy and greedy hedonists. Likewise, this positivistic approach has exploited the fertile human nature of the values of spirituality to turn towards the value of rational logic [4].

These problems have rolled along with the current reforms that have been launched with the aim of improving the system, from a less than ideal one with the hope of being better than the level of the concept that was desired before. This is certainly the result of thoughts that are not simple from the originators, a series of values both in scientific perspectives and other studies of the problems voiced are not merely purely the power of the ratio that is supported by concrete actions, but in other perspectives religious science for example is a recognition of the existence of a more logical rationalist and transcendental force in regulating all activities related to live circle which are always dynamic.

A portrait of the development of reforms in Indonesia, for example, by opening a democratic tap which is basically a systematic effort of the whole nation to re-actualize the basic values or indices of democracy. The basic values of democracy can be based on at least five main indexes: first, an honest and fair electoral system for public offices, second, the existence of an open, accountable, trustworthy and responsive government, third, promotion and protection of human rights (especially Civil and political human rights), fourth, the existence of a society that is full of confidence and fifth, the existence of leadership that is "committed" to the basic values of democracy and religion. It becomes meaningful when the five values are fulfilled to sustain the desired acceleration of democratic conditions.

The urgency of commitment to universal values is certainly in reality there will be "political malpractice" which is subjective, "sub-standard", which can harm the life of the nation and state. The practice that is happening today, without any standard, even the most authoritarian state will declare itself as a democratic state (democratic despotism). As Muladi's [5] logic argues that ideally democracy refers to more than just a political machine but also contains a society's view of life. High and low standards of democracy depend on various supporting factors such as the level of socio-economic progress, the quality of the middle class and the quality of leadership, as well as the interpretation of the meaning of cultural relativism.

Politics and power are indeed inseparable and dichotomous as they are with the politics of law and public policy. Politics will always involve groups of people with various conflicts of interest that compete for control of government. The life of a country will be seen that what distinguishes the politics

of the state and the politics of other organizations in society is the broad scope and ability of the government. The central role is to support decisions and policies by using or applying the threat of sanctions and legitimate power based on legal legitimacy.

The political system used by policy makers always considers input in the form of demands from interest groups and community support who believe in their legitimacy. Through the conversion process they formulate outcomes in the form of decisions and actions, among others, in the main form, namely: various legal products and various public policies. Obscurity in a simple interpretation of the law is basically a product of the political system, as well as what is called legal politics as part of social politics [5].

The current politicization of law occurs in all lines in the field activities of the law itself, both through the law making process, the legal product, the law enforcement process and the law awareness process. No wonder that in a bad political system "malpractice of law" or "miscarriage of justice" appears in the form of violations of law and human rights, which in political terms are called "crimes by government" which are "extra judicial", and also fall into the category of "political crimes ". The question then is how to overcome the confusion and omission of the orientation of thinking and improvement in the midst of the challenges of industrial globalization 4.0. which is increasingly unstoppable with a multi-interconnection mission both in international politics and public service policies that are all transparent and computerized based, while the country is still struggling around issues of corruption, coalition and seizure of seats.

The current paradigm and world trends in the administration of the state and its public services have experienced a shift in the paradigm of the state that is used, namely from state oriented to civilize oriented. This is in line with the swift demand for community participation in the era of democratic and industrial waves 4.0. Participation towards the creation of a more democratic, transparent, accountable, peaceful and prosperous community life becomes a dream. It is natural, if all governments in the world today are under pressure to be able to work better: effective, efficient, economical (to maximize results and minimize costs). Efforts made such as reinventing, reengineering, horizontal administration, responsive government, etc. have all been done so that government can be run more effectively and efficiently.

This challenge has changed the role of government from simply providing improvised services routinely to serving all the needs of high quality service. As a consequence, all governments in the world compete to initiate new initiatives regarding efforts to improve the performance [6] standards of their services so that they can meet and if they exceed the desires and expectations of the community. quality of international standard service?

Back to the problems regarding law politics and public policy, of course it is inseparable from the problems of the state and government and the dynamics of their governance. The output of this governance crystallizes in the form of legal products and public policies that are often not in favor of the public interest. On the contrary the alignments are designed for the benefit of certain groups or groups. In fact, the state has a very important role in providing welfare to its citizens in a comprehensive and universal way, but when it is monitored through an empirical implementation approach in the current context of the country, it becomes contradictory so that the question then why does this happen? Is it necessary to have a new alternative in seeing the existing optics of the problem by moving from the standoff of the old paradigm of thinking and tend to stagnate towards thinking based on prophetic science religiosity as a new, optical alternative that has mercy?.

## **2. Discussion**

### *2.1. The Effect of Development of the Industrial Revolution 4.0 on Legal Civilization*

The development of information and communication technology has brought drastic and fundamental changes in many fields of life. Its presence affects the historical periodization of human civilization. Postindustrial [7] society has been present because of technological shifts that are the mainstay of human

life. This change from mechanization to massive digitalization is what is called the epochal shift in human civilization.

Information technology has changed people's behavior and lifestyle globally. The development of information technology causes the world to be borderless and causes significant social, cultural, economic and law enforcement changes that take place so rapidly. Technological developments, starting from the first wave to the most recent wave, are always followed by supporting legal instruments. Information technology has now become a double-edged sword, because in addition to contributing to the improvement of human welfare, progress and civilization, it is also an effective means of acting against the law.

Technology is rapidly changing this way of life of society, where the boundaries of space and time are no longer a major obstacle. Even the phenomenal presence of the internet reinforces the opinion that information and communication technology has become the mainstream culture of the world community today [8].

Mass media information (both print media, electronic media, and cybermedia) has a greater influence than anything else. The occurrence of an information revolution and the extraordinary domination of international freedom of information have brought about ethical, ethical and human wisdom issues in managing information problems. Susie Rodwel in her book, said, there has been an ethical crisis of international communication, so that the commodity of information and the media increasingly dominate rather than social functions. In line with Marshal McLuhan, the radical changes in human values caused by the information revolution are more destructive to human values (dehumanization) than a war with modern firearms [9].

The presence of the internet has had a significant impact on the development of science and technology today. This technology is able to bring people to a better quality of life, at the same time there are also potential problems. Big problems as a result of misuse of information technology. The internet has given birth to new concepts in various fields, such as in the field of trade (e-commerce), education (e-learning), government (e-government), business (e-business) and politics (e-democracy) [10].

This new concept certainly brings positive benefits to the efficiency and effectiveness of performance. In addition to these positive benefits, there is also a negative influence (excess) from the use of information and communication technology that should be taken into account and sought anticipatory steps. Among other things, misuse of information technology that violates public spaces and privacy spaces. Like the real world, the virtual world turns out to have various forms of crime. The internet has invited criminal hands into action, both to seek material gain and to just take a fad. This gave rise to a typical phenomenon that is often referred to as cybercrime (cyber crime). Cybercrime which is the result of misuse of this technology can be in the form of data destruction and falsification, theft of goods, to dissemination of immoral information (cyber porn).

Cybercrime certainly demands the existence of cyberlaw whose main principles must be considered as follows: (a) giving a sense of security to every citizen, both virtual society and the community in real reality. That sense of security is around "safety" in mobile activities. (b) In addition, cyberlaw must be able to provide a sense of justice for activities in cyberspace. This is to protect the interests of fellow members of the virtual community against various activities of "killing" one another against members of the virtual community. (c) Cyberlaw is expected to protect the intellectual and other material rights of every virtual citizen. (d) The biggest hope is that cyberlaw can provide a deterrent to cybercrime perpetrators with sanctions that are justified in cyberspace, as well as providing positive legal sanctions (in real reality) against criminals in the virtual society.

It is important to be mindful that the negative excesses of information technology are not only in violation (both within the scope of civil and criminal law). Potential human rights violations, such as the widening gap between poor and rich people. This concerns the issue of cost capabilities and facilities for accessing information technology for the information poor and minorities [11] which in turn will become a matter of human rights. The study of law in the field of information technology becomes urgent which is oriented to the partisanship of the Indonesian people in the context of educating the lives

of the Indonesian people as part of the world's information society, and in the context of facing globalization, which does not always bring positive benefits to Indonesia as a nation state.

Anticipation of crime and excesses of information and information technology globalization must go through the development and formation of legislation (legal framework) that has a broad and effective perspective. The formation of laws and regulations in the field of information technology basically rests on the existing legal disciplines [12]. Judging from the sociology of law, the Indonesian nation consists of groups of people who are predominantly communal and religious in character. From the point of view of legal formation, legal instruments that follow the development of information and communication technology are essentially forms of formalizing dynamics that are already running in society, through a bottom-up process [13]. In other words, that the law that developed following the development of information and communication technology today, is a reflection of the dynamics of the civilization itself.

The context of state administration and governance, aspects of information systems and administration related to the functions of state higher institutions and government administration systems become urgent. Information and administration systems must be calculated and need to be grouped, such as 1) Information and administration systems within the MPR, DPR, DPD, provincial, and district / city DPRD. 2) Information and administration system within the Judiciary (Supreme Court and Constitutional Court), 3) Information and administration system within the presidential office or state secretariat, 4) Information and administration system within the Governor's Office, Regent's Office and Mayor even in Government Village.

The legal context of state administration and state administration, information and legal products and administrative policies that are considered important to be computerized and developed as materials in the context of electronic communication and telecommunications. Aspects of state administration related to access to information technology advances can also be utilized in national legal information systems. Related to this, every product of the laws and regulations that are included in public information should be directly accessible to the public easily. Namely by utilizing internet information technology [14]. This can be done by revolutionizing the legal information system based on information and communication technology. One policy that can encourage for example is that all positions that are authorized to issue policies, both those that are regulating (regulation) and decision (beschikking), must put it on the website. Thus the function of the State Gazette is enough to become a unified document as a reference so that there is no distortion, while for media announcements must utilize modern technology, and information technology.

## *2.2. The Legal Politic and Public Policy Optics in the Industrial Age 4.0. Religious Perspectives on Prophetic Science: (An Alternative Paradigm)*

Indonesia is the majority Muslim population in the world, this is no accident. The archipelago and the Malay land peninsula along historical paths are strategic areas. The geographical position is located between the Indian Ocean and the South China Sea which connects eastern countries, such as China, Japan and western countries, namely the Indian subcontinent, Persia and Arab countries, Africa and European continents [15].

The Indonesian people are actually very religious and civilized. Evidently the majority of the population recognizes religion as a guideline and a way of safety in wading through life. Religious teachings unwittingly penetrate and become the spirit in the formation of legal institutions both politically, law and public policies that are applied.

Good endeavors are also endlessly encouraged by some people who have the power and statesman spirit. The presence of the figure seems lost because there are still many elements of "kurawa" who surfaced with masks of greed trying to tear up the fabric of the Battle that will not be finished until the end of time, including theoretical discourse built to counteract and provide alternatives or formulations of "new recipes" effective in responding to the phenomena of the times and civilizations, including aspects of the developing social, cultural and legal aspects.

The long history of the journey of the Indonesian people in building a constitutional system provides a positive experience for increasing the understanding of the nation's philosophers towards achieving the ideals of a just and prosperous society. The founders of this Republic sincerely formulated and explored the philosophical values of the nation, in the midst of the struggle against imperialism. Not surprisingly, Sukarno emphasized that the values of Pancasila were a *weltanschauung* of the Indonesian people, which could be translated as a source of inspiration for the formation of identity or identity. Pancasila in this case becomes the basis or foundation for the formation of Indonesian human identity.

Pancasila is reflected as a system of thinking that determines the existence of Indonesian people. The Indonesian people knew the term Pancasila long before Indonesia's independence. Pancasila is the ideology of the Indonesian people. Pancasila literally consists of two words, namely "panca" which means five and "sila" which means the rules underlying the behavior of a person or nation, behavior or deeds in accordance with manners that are used as the basis. Therefore, Pancasila means a series of five rules about the principles or principles of behavioral guidance and actions of the Indonesian people. The five precepts then play a role as a way of life, belief, or ideals of the Indonesian people that serve as the basis for making decisions about the problems faced by the Indonesian people [16].

Looking at legal issues in Indonesia today is inseparable from the historical perspective and reality as well as the dynamics of legal developments that occur. At present there are differing perspectives on law among community groups. Various dissatisfaction over law enforcement and handling various legal issues stem from unequal perspectives on what is meant by law and what is the source of law. The scientific dialectics is always debated and questioned again by the entity and its values. Various approaches or perspectives are endlessly rolled out in the name of the contribution of science.

The importance of the concept of insight into the archipelago in the context of community and state life in a comprehensive, holistic and integrated manner can be used as a basis for thinking, acting and acting in formulating policies. The perspective of the Indonesian people to understand the problem that has a large and plural population in all corners of the country, so that state or government policies, both central and regional, are always oriented to and for national interests [17].

Empirical reality in a journey of government of a country, that the name of legal institutions can not be separated from politics. On one hand the law was made in accordance with the wishes of the political policy holders, while on the other hand political policy holders must submit and play politics based on the legal rules set by the competent institution as stipulated in the constitution. Therefore, between politics and law there is a very close relationship and is a "two faces or a coin" (two sides of a coin).

The politics of law referred to in the context of the Indonesian state is a legal policy implemented nationally by the Indonesian government which includes the development of laws which are concerned with the formation and updating of legal materials so that they are compatible with the needs and implementation of existing laws. According to Mahfud MD [18] that law is a political product, so the character of legal products is largely determined by the balance of political power (political configuration) that gives birth. In the development of law in Indonesia, especially concerning the development of the application of law, which experienced ups and downs following the political direction at that time. What is actually the desire and purpose of the holders of power, both government and political officials, the application of the law is directed at the policy.

The thesis of John Austin, as introduced by Lili Rasyidi [19] states that law is a command of the lawgiver (law is an order from the ruler), in the sense of orders from those who have the highest authority or who hold sovereignty. The debate around the relationship between law and politics and its policies has long historical roots in the science of law. For adherents of the school of law positivism such as John Austin who interpreted that law is nothing but a product of politics or power [19]. On the other hand, a different view comes from the schools of history of the science of law, who see law not only from the dogmatic optics of law and law alone, but from the accumulation of social realities that exist in society and holds that the law depends on public acceptance (general) in society and each group creates living law.

Placing theological basis (divinity) in the epistemological setting of jurisprudence, not an irrational notion without argument. The chain of growth of legal science that can be traced from the classical times

of Greece, ancient Egypt, China and other countries shows that historical connection. When there is an opinion that religion is the father of science, the philosophy is seen as the mother of knowledge (the mother of science). From the Prophet Adam to the Prophet Ibrahim as recognized by the celestial religions, then their first search is the existence of a Creator, who has the characteristics of Monotheism (God the One), which in the process of achieving it is nothing but through the search between reason and belief (faith) [4].

The prophetic paradigm can be approached from the deconstructiveism approach, an article on the development of religious science based on religious science, which proposes the importance of placing religious teachings in the historical development of the formation of legal science thought. This situation arises the same concern because the various capitalistic paradigms that swept the world, ended by only satisfying certain groups and suffering other groups, especially marginalized communities [20].

The birth of inclusive legal theory is inseparable from the problem of developing legal philosophy, legal science theory and practical law in the field which are constantly moving to follow the development of human civilization. The development of law is often limping fast with the progress of science and technology, including the development of other social sciences. This theory seems to provide an alternative mindset in seeing a law that is more objective, clear, humanistic and comprehensive because the postulates built in it allow for new interpretations. So that it can provide a more complex alternative in seeing the legal space than the theories that start it.

The basic form of religion (religiosity) which the writer aims to provide a new perspective of optical thinking in analyzing an object related to legal politics and public policy. In my opinion, the application in Indonesia can work well if it is based on prophetic religious values. The postulate of inclusive legal theory with a prophetic basic religious assumption can lead to the ideals of the state which in the Islamic concept is called "baldatun toyyibatun warobbun ghafur", or welfarestate will be realized. All components must certainly support, not only from the legal bearers represented by philosophers from university academics or doctrine givers, but also to policy makers such as religious legislators and statesmen, law executors (trustees), and law enforcers. law (judicative) which can apply fairly based on the Godhead.

The politics of law and public policy are formed and determined by parties who are given authority as regulated in the laws or regulations below. Both the process and the products produced must reflect the principle of usefulness for the public or society in general. The concept of legal politics and public policy is actually to serve and treat public organs as well as possible and as fair as possible. A public servant must have a servant mentality instead of an employer mentality and appear authoritative because he is sheltered and protected under the system. Wholehearted public services must be reflected and manifested in every bureaucracy on all fronts. Every policy that is made really accommodates wider and pro interests towards the benefit of the people who are actually mandators. So that the politics of law, public policies and good public services can be achieved if the mentality of the bureaucrats and policy makers who are given the mandate and mandate by the people are truly devoted to service and serve wholeheartedly and are aware that the mandate must be carried out as well as possible, in accordance with principles of good governance and a high level of religiosity.

That is, religiosity that comes from God, is sacred, perfect, cannot change, can apply to anytime and anywhere. The most important factor is its implementation for individuals who obey and run it. Prophetics are not projected to follow the development or evolutionary process of human civilization, it is human beings who must obey and follow all the rules of God which are believed to be complete (káffah). Therefore, in the context of the application of legal politics and public policy, the perspective of prophetic religious can be traced in areas such as Aceh and other regions that apply local wisdom as a characteristic of its legal institutions. So that we can find scientifically one indicator of the relevance of inclusive legal theory, especially postulates relating to the basic but non-ocratic assumptions of religion related to legal politics with a prophetic religious paradigm, we can find on the island nicknamed the portico of Mecca, Aceh

Thus, it is time for the stakeholders to be given a mandate and a series of authorities to place a paradigm of prophetic religious religions that are based on a mindset in formulating policies by



prioritizing God's revelation as an ideology of national law so as to place the direction of the national legal policy politics in an idealized state goal namely in addition to achieving the goal of the welfare state (welfarestate), on the other hand it is also able to reinforce the teachings of Islam that are believed and adhered to by the majority of the Indonesian population, namely recognizing the existence of law as a result of ij'tihad, also God's law is a source of sacred law and is good for application in human life and have a state both in the content of philosophical and empirical foundations.

### 3. Conclusion

After the reform of information and technology developments in the industrial era 4.0 greatly influenced the world community. The development of the world community which is accelerating directly or indirectly results in major changes in various nations of the world. The large wave of international and transnational forces through globalization has threatened, even controlled the existence of nationalities, including Indonesia. The immediate effect is a shift in values in national life because of the conflict of interests between nationalism and internationalism.

The Indonesian nation, which is part of the world's citizens, has a very strategic position due to its large population, and vast territory. There are still a lot of management that needs to be improved with orientation to public welfare and the use of information technology. Human resources need to be equipped with competencies plus prophetic paradigm (religious sciences) motivation so that progressive progress is made in utilizing the abundant potential of natural resources to be utilized wisely managed. So that the political law and policies issued can be used optimally and comprehensively can embrace and sympathize all in accordance with the general principles and principles of good governance and clean government and the state ideals which in the Islamic concept are called "baldatun toyyibatun warobbun ghafur ", or welfarestate will be realized.

The importance of an alternative new paradigm in applying legal political products and public policy prophetic religious science perspectives can be traced and encountered in the Special Region of Aceh through the application of "kaffah" Islamic laws such as qonun and Wilayatul al-Hisbah. Scientifically one indicator of the relevance of inclusive legal theory, especially postulates relating to the basic but non-theocratic assumptions associated with legal politics and public policy in the industrial era 4.0 which has a prophetic religious paradigm can be seen empirically. Both the application and in the form of legal products as well as the implementation of the law as well as its enforcement model on the island nicknamed the porch of Mecca, Aceh.

Recommendations from the conclusions of this paper need the existence of legal instruments both legal politics and public policy in the 4.0 era that are specific regarding prophetic religious based regulations whose spirit is structured for the benefit of the people and nation.

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