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**LEGAL ETIQUETTE; LEGAL SCIENCE RESCUE PARADIGM**

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**ABSTRACT**

Legal problems that occur in Indonesia are due to legal irregularities that cause tug-of-war for various interests in the law, so that the law is not clear and the law is unable to solve the problem. It is time for us to return the law to the way it should be. To restore the law requires a new paradigm with a strong character, so that it can touch on the fundamental nature of the law itself. Therefore, legal etiquette appears as a paradigm of legal rescue in Indonesia. Legal etiquette as a paradigm of legal rescue is a model that can be used to carry out certain thoughts and physical activities in overcoming various legal problems. Legal etiquette is the main basis for humans in using the law. Etiquette law is a law that is purified by rejecting all human interests. Legal etiquette accepts relatively all ideas about the law produced by the human mind, but legal etiquette also accepts absolutely the laws that have been determined by God.

**Keywords:** Etiquette, Law, Paradigm

**INTRODUCTION**

At this time the ability of human reason is the main factor in life. With the ability of reason, humans continue to strive to meet all the needs of their lives. All fields of science are made more advanced by various engineering sciences. Including the science of law which is also changing into a science of law that is based on aspects of human interests. The law is the result of a political product whose terms and interests are used as guidelines for determining the law. Law enforcement officers work based on the law which is a political product, so that law enforcement officers are only a tool to achieve interests that are covered by law <sup>(1)</sup>

Worldly interests seek to separate the law from the affairs of the hereafter. The concept of secularism adopted by world connoisseurs has eliminated human nature as God's creatures. The role of God has been replaced with a mind that continues to develop to adapt to the demands of life. According to the view of secularism, humans are intelligent creatures who can determine the good for themselves. The law as a result of human thought is made to meet the needs of human outer lust, but the needs of the human spirit or heart are ignored. So that it causes legal discrepancies in the human body itself <sup>(2)</sup>.

Law in Indonesia tends to be used as a tool for legalizing actions to achieve human interests. Such as the issue of corruption, the KPK-Polri, the approval of the pretrial lawsuit of the candidate for the National Police Chief Budi Gunawan, the criminalization of anti-corruption activists, the Governor of DKI Ahok-DPRD and many legal issues in Indonesia that are subject to certain interests. Legal debates that confiscate the public have resulted in unclear laws in Indonesia. Human interests have been so great in regulating the law. Law seems to be a raw material that can be made according to human wishes.

Basically the legal problems that occur in Indonesia today are not due to legal errors, but because of humans. Humans have distorted the law for certain purposes. The human mind that has processed the science of law empirically can be proven to exist in accordance with the interests of humans themselves<sup>(3)</sup>. Finally, it raises various legal problems in Indonesia. The tug-of-war of various interests in the law creates the inability of the law to reach a solution to overcome the legal problem itself <sup>(4)</sup>.

It is time for us to return the law to its true path. Law enforcement has been systematized in law enforcement in Indonesia so far. To restore the law requires a new paradigm with a strong character, so that it can touch on the fundamental nature of the law itself. Law should not be made as a political product with certain requirements, but the law is made as a guide for noble human life towards God's way and regardless of certain human interests<sup>(5)</sup>.

Etiquette law is a paradigm of legal science that seeks to return the law to the actual path, namely the law that regulates for the purpose of good in the world and also in the hereafter. Because the knowledge of law is a gift from God given to humans to be used in accordance with the way that is pleasing to God.<sup>(6)</sup>

Legal etiquette is a science of law that has been purified from elements of human bad interests. Legal etiquette relativizes all views of the perception of the science of law made by humans. Legal etiquette is a science of law that seeks to accept the absoluteness of God's law (7). As explained in the Qur'an as follows: "He who teaches people what they do not know"(8)

From the description above, the formulation of the problem is made as follows:

1. How is the development of law in Indonesia?
2. What is legal etiquette as a paradigm for saving Indonesian law?
3. How is legal etiquette studied from the requirements of science and philosophy of science?

### METHODS

The form of this research is normative juridical, namely by examining written legal norms directly with the main issues that are discussed in this study. The data used in this study, namely secondary data that was not obtained directly from the field but through the process of searching for library materials, and in the form of secondary legal materials in the form of theories taken from various literatures, the 1945 Constitution of the Republic of Indonesia and the laws and regulations. invitation.

Researchers used data collection tools in the form of document studies and theories as well as existing regulations. The data analysis method used in processing the data related to this research is a qualitative method because the data processing is not done by measuring the related secondary data, but analyzing the data descriptively. In the qualitative approach, the research procedure produces descriptive analytical data

### RESULTS And DISCUSSION Legal Developments in Indonesia

Since the reformation began in Indonesia, legal developments have undergone significant changes. Law in Indonesia is adapted to the nature of democracy which is the main problem. The vast nature of democracy in Indonesia has several impacts. The expected positive impact will gradually be eroded by the negative impact due to the unpreparedness of all elements of the nation to carry out a democratic life properly. Broad democracy opens various interests to be transacted with other interests. Democracy is defined as freedom to achieve interests that are legalized by law. Law in Indonesia is used as a tool to protect certain interests. So that the term order of law appears to describe Indonesian law.

As evidence that the law in Indonesia is used as a tool to legalize interests is the emergence of various state policies that deviate from the nature of the law that should be. Products of laws and regulations that do not reflect public justice, laws that interfere with the power of political power, corruption that is difficult to eradicate, disputes between the KPK-Polri state institutions, criminalization actions and various legal problems that exist. Law in Indonesia is no longer to see good or bad, but has been perverted by only to see right or wrong. So it is inevitable that legal perceptions are always different and cause conflict. Not only the inner and outer conflicts of humans themselves, but also conflicts with other humans, groups, organizations, institutions, and even conflicts of views on life.

Law in Indonesia is dichotomized as a device that regulates world affairs and separates itself from the affairs of the hereafter. This can be seen from the goals to be achieved. Because it is impossible for the law to conflict with the religion that guides humans to the afterlife of God. The interest only sees the element of God as a formal legal requirement such as the words that are always written in every legal policy in Indonesia "for the sake of justice based on God Almighty", but the material essence which is the main purpose of law has been distorted by humans, so that it is contrary to God's way.(9)

It is ironic that Indonesia, which has the largest number of Muslims in the world, is a country far from religious life. Secularism has become a problem in law enforcement in Indonesia. It is made even worse by the reality that what makes Indonesian law worse is humans who have a fairly high educational background in the field of law(10) Legal problems in Indonesia have become an unclear dialectic, because they try to draw here and there human perceptions of the law according to their interests. Whereas human interests are conditional with an element of subjectivity which is not necessarily in accordance with God's way

### Legal Etiquette as a Paradigm to Save Law in Indonesia

Legal etiquette consists of the words etiquette and law, according to the big Indonesian dictionary, etiquette is morality, refinement and good character. Etiquette as a form of progress and elevation of inner and outer intelligence. Etiquette as knowledge of beautiful things that prevent mistakes(11). The meaning is almost the same as the definition given by Syarif al-Jurjani(12) etiquette is the process of acquiring knowledge that is learned to prevent humans from making mistakes. Hasyim Asy'ari defines etiquette associated with carrying out Shari'ah and following Tawhid

Law according to the flow of natural law such as Thomas Aquines said that law is all regulations that come from God as an almighty substance over everything, which is then described in regulations made by humans (13). The law that comes from God is a law that is absolutely universal, eternal and has a higher position than the law that comes from humans. Natural law is the basis for the formation of positive law that applies in the country(14). Law according to the flow of natural law such as Thomas Aquines said that law is all regulations that come from God as an almighty substance over everything, which is then described in regulations made by humans (13). The law that comes from God is a law that is absolutely universal, eternal and has a higher position than the law that comes from humans. Natural law is the basis for the formation of positive law that applies in the country (14)

Etiquette law means placing the law according to the rules, reasonable and the ultimate goal is towards God. Legal etiquette from semantic analysis, namely the recognition and acknowledgment of the reality that law and everything that exists consists of a hierarchy according to the category and level(15). Humans have their respective places in relation to reality, capacity, physical, intellectual and spiritual potential. Etiquette law in a deeper and comprehensive manner relating to certain matters, namely the human person, social, nature and God.(11). Because the law is part of science that must be accounted for to God, as it is written in the Qur'an surah Al-Isra':36 as follows: "And do not follow what you have no knowledge of. Verily, hearing, sight and heart, all of which will be held accountable". (8)

Legal etiquette is a good attitude towards the law, namely being aware of one's responsibility to God, understanding and carrying out the law against himself and others and trying to improve every aspect of himself towards human beings. Etiquette law is a real form of science that is based on God, humans are only creatures who are given a little understanding to use it. Humans who have more legal knowledge will use the law well in accordance with God's way. Because God knows more about what is best for human life. As has been explained in the Qur'an surah Ibrahim: 52 as follows: "And this Qur'an is a perfect explanation for mankind, so that they may be warned by it, so that they may know that He is God Almighty and that people of understanding may learn a lesson"(8)

Legal etiquette is simply not violating the law itself. Using the law well, applying the law to the object fairly and being able to identify and sort out good things (16). The method to achieve the goodness of the law must also be in accordance with God's way. Legal etiquette for humans means understanding their responsibilities as souls who have made promises in the Primordial Covenant (Surah al-A'raf: 172) with God. Whatever the human profession, the bond of promise is always applied in every activity. So that legal etiquette always protects humans from abusing the law for certain interests(17)

In the classical Islamic era, people only knew the word etiquette to indicate knowledge that was in accordance with the path that was blessed by Allah SWT. So that all knowledge produced by human reason is appropriate and will not deviate from the way of Allah SWT. All books that contain this knowledge are called poles of al-etiquette. Humans who are aware of their nature as God's creatures must always use the law in God's way. As explained in the Qur'an Surah al-Isro ': 36, that everything that exists in humans will be held accountable by Allah SWT, including how to use the law. Accountability becomes heavy if the law is only used as a tool to achieve interests. Man's worldly lust has shackled the law, making law as a science that comes from God is not kaffah implemented, giving rise to various legal problems.

Legal etiquette as a paradigm of legal rescue is a model that can be used to carry out certain thoughts and physical activities (18). Legal etiquette is a choice that must be taken in overcoming various legal problems in Indonesia. Because any thought about the law does not have a good influence, before humans understand legal

etiquette. Legal etiquette is the main basis for humans in using the law. Legal etiquette places law as a science that must be in accordance with God's way. Etiquette law is a law that is purified from all human interests. Legal etiquette accepts relatively all legal thoughts generated by the human mind, but legal etiquette also accepts absolutely God's law(19).

### **Etiquette Study of Law from Terms of Science and Philosophy of Science**

#### **a. Legal Manners Are Studied From The Requirements Of Science**

The study of the requirements of science will discuss about how legal etiquette is in terms of methodological, objectivity, rationality and empiricism.

##### **1. Methodological**

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

Religion-based integration is used as a legal etiquette methodology based on a basis that upholds the principle of wisdom. This principle can be seen from the relative acceptance of all thoughts about the law produced by the human mind and absolute acceptance of God's law. This methodology is also in accordance with the principles of humanity and divinity, namely the principle that recognizes human rights and recognizes that God is omnipotent and humans must submit to God. As explained in the Qur'an Surah al-Qoshosh: 77: "and seek what Allah has bestowed upon you (happiness) in the hereafter, and do not forget your happiness from worldly pleasures"(8)

##### **2. Objectivity**

Legal etiquette has objectivity in understanding the law, the objectivity of legal etiquette can be seen from the relative acceptance of all schools, concepts and legal systems produced by the human mind. So that legal etiquette does not justify or blame any particular legal thought. All thoughts about the law can be accepted by legal etiquette as long as the legal thinking is in accordance with and does not conflict with God's way. Legal etiquette has objectivity by being aware of the imperfections of laws made by humans and perfecting them with God's law(20).

##### **3. Rationality**

Legal etiquette is a form of legal rationality itself. Because legal etiquette is a science that results from pure human thought that rejects certain interests. Legal etiquette is the result of human thought that has the principle of unity, so that what is produced from this thought will direct humans to the path of God. Humans are given reason by God to know the power of God. So that rationally humans are aware that the law is used properly in order to create a good life as well (21).

##### **4. Empirism**

Secara empirism etiquette hukum dapat dibuktikan dengan realitas yang telah terjadi. Kita dapat melihat dan merasakan bagaimana akibat hukum yang digunakan dengan baik dan tidak. Realitas tersebut mejadi bukti empiris digunakan atau tidaknya etiquette hukum dalam kehidupan masyarakat. Sehingga secara empiris menunjukkan di Indonesia etiquette hukum tidak digunakan, karena permasalahan hukum yang timbul dari penyelewengan hukum untuk mencapai kepentingan tertentu masih banyak terjadi.

#### **b. Legal Etiquette Is Studied From The Philosophy Of Science**

The study of the philosophy of science will discuss how legal etiquette is from an ontological, epistemological and axiological perspective.

##### **1. Ontological**

Legal etiquette ontologically explains legal objects or sources of law that can be explored. Legal etiquette has a clear legal object, namely law as a science that has been purified from certain human interests. Law as science is the result of human reasoning that is appropriate and does not conflict with God's way. The existence of law as a science must be neutral and objective based on religion. Legal etiquette is extracted from the results of the human

mind which is relative and also extracted from God's law which is absolute. So that the source of legal etiquette combines the relative element of man with the absolute element of God.

## 2. Epistemology

Legal etiquette is epistemologically explaining the method used to explore the law. Legal etiquette is extracted from sources that can be accounted for in this world and the hereafter. This is because legal etiquette uses an integral method based on religion, which means a methodology that accepts relatively all legal thoughts generated by the human mind and accepts God's law absolutely(22).

Religion-based integration is used as a legal etiquette methodology based on the principle of wisdom, as can be seen from the relative acceptance of all thoughts on law produced by the human mind and absolute acceptance of God's law. This methodology is also in accordance with the principles of human life and divinity, namely the principle that recognizes humans and realizes that God is omnipotent and humans must submit to(23).

## 3. Aksiology

Etiquette law axiologically explains the usefulness of law, both for life in this world and the hereafter. Etiquette law means using the law properly according to human reason and God's way. The laws of human thought are used to regulate human life to be good. With a mind based on religion, legal etiquette has a fundamental use. Because legal etiquette uses the law in the way it should, it does not deviate from the law for certain interests. Legal etiquette views the law as useful if the law used is in accordance with God's mind and way. Humans as intelligent creatures of God can certainly think, distinguish and choose what is good and bad for their life(24).

## CONCLUSION

From the description of the discussion above, the following conclusions can be drawn:

1. The development of law in Indonesia shows that the law has been distorted as a means of legalizing policies to achieve human interests. Legal problems in Indonesia have become an unclear dialectic, because they try to draw here and there perceptions of law according to their interests.
2. Legal etiquette as a paradigm of legal rescue to overcome legal problems in Indonesia. Legal etiquette is the main basis for humans in using the law. Etiquette law as a science that must be in accordance with God's way. Etiquette law is a law that is purified by rejecting all human interests. Legal etiquette accepts relatively all legal thoughts produced by the human mind, but legal etiquette also accepts absolutely the laws that have been determined by God.
3. Legal etiquette can be studied in accordance with the requirements of science and philosophy of science. Scientifically, legal etiquette can explain its methodology, objectivity, rationality and empiricism. Philosophically, legal etiquette can explain its ontology, epistemology and axiology.

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