

LEGAL REFORM IN INDONESIA IN TREADING THE REVOLUTION SOCIETY 5.0

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Abstract

At this time the community is faced with the industrial revolution 4.0 which will soon change to the era of Society 5.0. The influence of the industrial revolution 4.0 on the legal order in Indonesia must be examined critically, carefully, and carefully. First, the positive impact of the growth of digitization on economic and social development, must be addressed in efforts to use digitalization technology and the internet for the progress of the country. The existing legal regulations or those that will be made should provide positive benefits and are in line with existing technology. Innovation and intervention as well as new discoveries through technology are not hampered and get legal strengthening, so as to create legal relevance based on digital human and digital soft skills that support the growth of quality human resources and true justice. Second, the negative impact of community behavior due to the growth and development of digitalization, which results in unfair competition, the growth of various crimes using technology must be anticipated as early as possible by the State by carrying out various regulations. The research method used in this article is normative juridical by examining library research and conceptual approaches, which will then be analyzed using *wetsen rechtshistorische interpretatie*, grammatical interpretation, and systematic interpretation. The realization of Society 5.0 aims to create a society where social challenges can be solved by incorporating the innovations of the industrial revolution 4.0 (e.g. IoT, big data, artificial intelligence (AI), robotics, and sharing economy) into every industry and social life. By doing so, the society of tomorrow will be one in which new values and services are created constantly, making people's lives more harmonious and sustainable. This is Society 5.0, a super smart society. Japan will take the lead to make this happen ahead of the rest of the world.

Keyword: Law Reform, Revolution, Society 5.0.

The dynamics of the pattern of life and behavior of the community continue to change along with the development of the era. For this reason, a legal rule that regulates the life cycle of the community must also continue to develop following the development of society. Reform in the field of law is considered very important for the survival of the community. Because the law has the nature of regulating and coercing so that every side of life in society can be structured and organized.

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growth of various crimes using technology must be anticipated as early as possible by the State by carrying out various regulations. (<https://yustitia.unwir.ac.id/index.php/yustitia/article/view/65/65>).

There are two conflicting concepts regarding legal reform as part of legal development. The first is the concept of logic (including the flow of positivism) and the school of history. The first equates the law with the law and thinks that all legal actions (including its renewal) can simply be done by law. It is better for the historical schools of thought to oppose legislation (legislation) as a way to make (and renew) law because law cannot be made but must grow on its own from the legal awareness of the community. In the last few years, in Indonesia, there has been a change in attitude towards legislation, which shows a balance between the desire to carry out legal reform through legislation on the one hand, and the awareness that in such efforts it is necessary to pay great attention to the values and realities that live in society. (<https://yustitia.unwir.ac.id/index.php/yustitia/article/view/65/65>).

In carrying out legal guidance, it is not always that the existing law is replaced by a new one, but that guidance includes, repairing, maintaining, and renewing. According to Mochtar Kusumaatmadja, in general it can be said that the field of law which is very closely related to the cultural and spiritual life of the community must be temporarily abandoned or can only be worked on after aspects of a change and inheritance are included in it. On the other hand, other fields such as contract law, company law, and commercial law are generally more appropriate fields for reform efforts. There are other fields of law that are even more neutral from a cultural point of view. Here the use of foreign models will not cause any difficulties.

Now the community will be faced with a new era, namely the era of society 5.0. this is a challenge for the Indonesian people to be able to keep up with the changing times, then a challenge for the government to carry out legal reforms related to the era of society 5.0.

Method

In order to get the right answer in this scientific article, using normative juridical research by examining library research or secondary data (Soekanto, Soerjono and Mamudji, Sri, 2004) with a statute approach, case approach), and a conceptual approach which will then be analyzed using the wetsen rechtshistorische interpretatie, grammatical interpretation, and systematic interpretation.

Findings and Discussion

The realization of Society 5.0 aims to create a society where social challenges can be solved by incorporating the innovations of the industrial revolution 4.0 (e.g. IoT, big data, artificial intelligence (AI), robotics, and sharing economy) into every industry and social life. By doing so, the society of tomorrow will be one in which new values and services are created constantly, making people's lives more harmonious and sustainable. This is Society 5.0, a super smart society. Japan will take the lead to make this happen ahead of the rest of the world. "Society 5.0" is presented as a core concept in the 5th Basic Plan of Science and Technology. The historical journey towards society 5.0, starting from society 1.0, where society 1.0 is defined as a hunter-gatherer, stage of human development, we have now passed the agrarian and industrial stages, Society 2.0 and 3.0, and are moving beyond the information age, Society 4.0. Entering society 5.0 where Big Data collected based on the internet will be converted into a new type of intelligence by artificial intelligence and will reach every corner of society. When we move to Society 5.0, everyone's life will be more comfortable and sustainable because people are only provided with products and services in

the quantities and times that are needed. Japan has the advantage of implementing Society 5.0. With the abundance of real data through big data, further combined with the cultivation of technology from monozukuri, Japan takes advantage of these unique factors, Japan will overcome social challenges such as declining working age population, aging of local communities and energy and environmental issues ahead of other countries . Japan will realize a dynamic economic society by increasing productivity and creating new markets. By doing this, Japan will play a key role in extending the new Society 5.0 model to the world (Proceedings of the National Graduate Seminar).

The concept of society 5.0 exists to be able to solve the problems of society throughout the world, where economic capitalism, economic growth and technological development have not been able to create a society that can grow and develop independently and can enjoy life to the fullest, therefore the concept of society 5.0 is the answer to the problem. with the aim of justice, equity, shared prosperity so as to create a supersmart society. Some of the advantages of implementing society 5.0 are as follows: (Proceedings of the Postgraduate National Seminar)

1. Health care providers, By connecting and sharing medical data now spread across various hospitals, effective medical care based on data will be provided. Remote medical care allows the elderly to no longer need to frequent the hospital. In addition, you can measure and manage health data such as heart rate at home, making it possible to extend the life expectancy of healthy people.
2. Mobility, People in underpopulated areas find it difficult to shop and visit hospitals due to the lack of public transportation. However, autonomous vehicles will allow them to travel more easily while delivery drones will make it possible to receive whatever one needs. The shortage of distribution personnel will not be a concern.
3. Infrastructure, The use of new technologies including Information and Communication Technology (ICT), robots, sensors for inspection and maintenance systems that require special skills, detection of places that need repair can be carried out at an early stage. Thus, unforeseen accidents will be minimized and time spent in construction work will be reduced, while at the same time safety and productivity will be increased.
4. Financial technology, Sending money abroad is burdensome because you have to spend time and pay bank fees. Blockchain technology will reduce time and costs while ensuring security in global business transactions.
5. Challenges of future education, The complexity of the problem of education in Indonesia requires a solution that must be reviewed from a system point of view. Globally, Indonesia is ranked 71st out of 77 countries, in terms of average scores in mathematics, science and reading. Percentage of education level of a country that has completed higher education aged 25-64 years, there are 5 most educated countries in the world, namely Canada as much as 56.7%, Japan 51.4%, Israel 50.9%, Korea 47.7%, and America 46.5%, with an average score of 36.9% for all OECD countries. Indonesia is at the level of 11.9%. The level of education in Indonesia is lower than the average level of education in OECD countries.

In line with these conditions, where global demands from an education perspective, Indonesia is still far from average. To improve global competitiveness, Indonesia needs to immediately improve, one of which is by analyzing learning methods and the readiness of Indonesian Human Resources in facing the era of the industrial revolution 4.0 and preparing to enter Society 5.0. a challenge that is quite formidable, but still must be implemented. These challenges are currently faced by the Indonesian millennial generation. Where the young Indonesian population in 2025 is estimated to reach 75 million, therefore special attention is needed from the government for this, where the era of the industrial revolution

4.0 will further reduce the involvement of human operators in industry and will eliminate many jobs. Will Indonesian Education be able to create a superior generation? where the facts that are known together with educational institutions that are categorized as superior in Indonesia have not yet implemented this industrial 4.0 and society 5.0 system. Starting from the education system, the way educators and educated people interact, as well as fertilizing the paradigm of modern thinking.

Law is functioned as an instrument for social change towards certain social conditions. In such conflict situations the law often becomes barren and loses relevance. Social conflicts in situations like this more often lead to violent settlement mechanisms which ultimately result in severe social disintegration. The legal problem that arises with regard to legal functions in the transition era is the legal contextuality with the transitional situation in developing countries such as Indonesia. The legal functions described above are against the law in society which has impersonal, autonomous and rational characteristics. In this regard, the function of law as an instrument of social change is built on the assumption of law as "an agency of power; an instrument of government". This means that the state has strong authority to drive change through legal instruments. The problem is that in the context of the transitional period in Indonesia, the law works in the midst of drastic changes and fierce conflicts between political forces. In such a situation, it is difficult to obtain a strong and legitimate authority for the use of law as an instrument of social change. Not only is the government authority weak, but it also lacks strong legitimacy in front of the community, both executive, legislative and judicial institutions experience a process of delegitimization in front of the community. This has resulted in the ineffectiveness of law enforcement in the community, nowadays which is often marked by the use of violence and vigilantism in the resolution of various social conflicts. In this context the law cannot function properly as an integrative mechanism and manager of social conflict (Hoesein, 2012).

Therefore, the formation of law in the perspective of legal reform must be focused on two things, namely the legal system and legal culture. The legal system includes legal materials, legal institutions, facilities and infrastructure, human resources in the field of law and legal management. Meanwhile, legal culture or culture is related to legal culture for state administrators, including law enforcement and the community. In this connection, all conflicts are between the state and citizens between state institutions, as well as between citizens through legal mechanisms. Because, the changes that occur, if not controlled through authoritative legal mechanisms, then the conflict is likely to have an impact on tremendous social damage (Hoesein, 2012). Legal policy is also important in the era of society 5.0. The term policy comes from the English language, namely Policy or in Dutch Politiek which in general can be interpreted as general principles that function to direct the government (in a broad sense including law enforcement officers in managing, regulating, or resolving public affairs, public affairs, and public affairs). community problems or areas of drafting laws and regulations and applying laws/regulations, with (general) goals that lead to efforts to realize the welfare or prosperity of the community (citizens) (Koto, 2021).

Legal reform in Indonesia must always be based on Pancasila values as the ideology of the State. The existence and position of Pancasila as the ideology of the Indonesian nation really needs to be understood among the actions of the world's great ideologies. This understanding is very important in the context of strengthening the Pancasila ideology which is the basis and guideline for the nation's life. Thus the Indonesian nation is increasingly able to play its role in the forward movement to achieve its goals, which is none other than the Pancasila society itself. If we want to explore Pancasila democracy in general and particularly in the political field, then we must also examine the process of administering state power and law based on Pancasila which has been enshrined in the 1945 Constitution.

Because politics is a dimension of democracy, in addition to the dimensions of power and law, the embodiment of Pancasila democracy will be related to the system of political life in Indonesia which has been, is and will undergo a process of renewal and development. In the current era of globalization, it has made the world seem borderless, the barriers between one country and another become a virtual (borderless state). A further consequence of imperialism in this era of globalization is the increasingly marginalized/lost identity of a nation, including the Indonesian nation, and is replaced by the ideology/ideology that won the battle in this case is the ideology of liberalism. This liberal ideology has actually dominated our nation since the colonial era to this day. We can see this from the inability and unwillingness of our nation to replace the legacy laws of colonialism which are entrenched in liberalism and secularism to laws that are imbued with values that live in the hearts of the Indonesian people. So that our law and legal system feels dry of human values and social justice (Purwanto, 2020).

Pancasila as the root of the legal ideals of the Indonesian nation has the consequence that in the dynamics of the life of the nation and state, as a view of life adopted will provide coherence and direction (direction) to thoughts and actions. Legal ideals are ideas, intentions, inventions and thoughts regarding law or perceptions of the meaning of law, which in essence consists of three elements, namely justice, usability and legal certainty. The ideal of law is formed in the minds and hearts of humans as a product of the integration of views of life, religious beliefs and social realities. In line with that, the science of law and Indonesian law should rely on and refer to the ideals of the law.

Discussions on the living law in the renewal of the national criminal law have been carried out by several authors. The most recent articles related to this discussion can be traced, among others, in the writings of Prianter Jaya Hairi, Research Center of the Indonesian House of Representatives Expertise Agency with the title "Contradictory Regulations of "Law Living in Society" as Part of the Legality Principles of Indonesian Criminal Law". The focus of the study of this paper is on the discussion of the basic arrangements for the principle of material legality in the Draft Criminal Code. The study in this paper concludes that the basis for setting the principle of material legality in the Draft Criminal Code is the post-independence national legislative policy and agreements in national seminars. Another article that is close to the author's theme is Tody Sasmita Jiwa Utama's article, Faculty of Law, Gadjah Mada University with the title "'Living Law' in the Draft Criminal Code (KUHP): Between Accommodation and Negation". The focus of this paper discusses how the legal construction that exists in the Draft Criminal Code and its implications. This study concludes that the accommodation of living law to the Draft Criminal Code is a partial reconstruction. The Criminal Code Bill only uses "living law" to impose a sentence but ignores "living law" as the basis for reducing a sentence or acquitting someone from a crime. While the author's writing focuses on two main things, namely about the legal position that lives in the Draft Criminal Code in the perspective of legal theory and its juridical justification with conclusions that are much different from the two writings above (Tongat, et al, 2020).

Efforts to reform criminal law, essentially include the field of criminal law policy which is part and is closely related to law enforcement policies, criminal policies and social policies. Therefore, criminal law reform in principle is part of a policy (rational effort) to renew legal substance in order to make law enforcement more effective, tackle crime in the context of protecting society, and overcome social problems and humanitarian problems in order to achieve national goals, namely social protection and social welfare. In addition, criminal law reform is also part of an effort to review and reassess basic thoughts or ideas or socio-philosophical, socio-political and socio-cultural values that underlie criminal policies

and criminal law enforcement policies so far. It is not a renewal of criminal law if the value orientation of the aspired criminal law is the same as the value orientation of the colonial legacy of the old criminal law (KUHP WvS). Thus, criminal law reform must be formulated with a policy-oriented approach, as well as a values-oriented approach (Pradityo, 2017).

Conclusions and Suggestions

The realization of Society 5.0 aims to create a society where social challenges can be solved by incorporating the innovations of the industrial revolution 4.0 (e.g. IoT, big data, artificial intelligence (AI), robotics, and sharing economy) into every industry and social life. By doing so, the society of tomorrow will be one in which new values and services are created constantly, making people's lives more harmonious and sustainable. This is Society 5.0, a super smart society. Japan will take the lead to make this happen ahead of the rest of the world. "Society 5.0" is presented as a core concept in the 5th Basic Plan of Science and Technology. The historical journey towards society 5.0, starting from society 1.0, where society 1.0 is defined as a hunter-gatherer, stage of human development, we have now passed the agrarian and industrial stages, Society 2.0 and 3.0, and are moving beyond the information age, Society 4.0. Entering society 5.0 where Big Data collected based on the internet will be converted into a new type of intelligence by artificial intelligence and will reach every corner of society. When we move to Society 5.0, everyone's life will be more comfortable and sustainable because people are only provided with products and services in the quantities and times that are needed. Japan has the advantage of implementing Society 5.0.

Based on these conclusions, it is necessary to carry out a movement that can train law enforcers and law makers in studying the dynamics of law in the midst of society, so that they can carry out legal reforms that can always regulate the lives of Indonesian people in the era of society 5.0.

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