

Principles of Together and Family As the Basis of Development Indonesian Economic Law

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Abstract

This study begins with the findings in the legislation in the field of economic law, that the principle of mutualism and kinship listed in Article 33 of the 1945 Constitution has not been realized substantially in its articles, but only stated in the preamble. In the substance of the article even leads to the principle of capitalistic / liberalistic which prioritizes the interests of individuals or groups. The purpose of the study of the basic model of unity and family in the development of Indonesian economic law, is to find and redefine the fundamental values of togetherness and family as contained in Article 33 of the 1945 Constitution as defined by the founding fathers of the nation, as constitutional mandates. In addition, the aim is to be understood by related parties that the principle of mutualism and kinship is important because it contains concepts or principles that prioritize the interests of many people (the sovereign-people). The research approach method is normative juridical by reviewing secondary data in the form of legislation and literature, supported by primary data through observation and interviews with related parties. This research is in line with the Strategic Plan of Pasundan University with a vision and mission, among others, to develop culture, including containing cultural values of mutual cooperation, togetherness, and kinship. The targeted output consists of mandatory outputs in the form of the principle of togetherness and kinship, while additional outputs in the form of journals and textbooks.

Keywords

The principle of mutualism; kinship; the basis of legal development; the Indonesian economy.



I. Introduction

This research is motivated by a finding in the legislation in the field of economic law, that the principles of togetherness and kinship as the basis of the Indonesian economy as stated in Article 33 of the 1945 Constitution have not been realized and substantially, although it has been explicitly stated in the preamble, but reality leads to a capitalistic/liberalistic principle that prioritizes individual or group interests. Actually, Article 33 of the 1945 Constitution is a moral and cultural message in the field of economic life, not only providing instructions on the economic structure and the state's authority to regulate economic activities, but also reflecting ideals, a belief that is firmly held and consistently fought for by the leaders government. The constitutional message seems clear, that what is being targeted is an economic system based on togetherness and based on the principle of kinship (mutualism and brotherhood).

Development is a systematic and continuous effort made to realize something that is aspired. Development is a change towards improvement. Changes towards improvement require the mobilization of all human resources and reason to realize what is aspired. In addition, development is also very dependent on the availability of natural resource wealth.

The availability of natural resources is one of the keys to economic growth in an area. (Shah, M. et al. 2020)

This topic is important for research in order to develop Indonesian economic law based on the principles of togetherness and kinship, because economic law in the form of a law does not realize the principles of togetherness and kinship as reflected in the precepts of Pancasila, the tendency is towards individualistic/liberalistic principles. . In the era of globalization, the principle of togetherness or cooperativism has developed as a global movement represented by the International Co-operative Alliance (ICA) as the top organization for its movement since more than 100 years ago, including Indonesia as a member. The proposed research is an Applied Higher Education Leading research scheme which is a leading topic in line with the Pasundan University research roadmap developed at the research center in the study program. The vision and mission of Pasundan University is based on the principle of “*luhung elmuna, mulya agamana, jembar Budaya*”, and also the culture that is developed is compassion, compassion, sharpening. *Silih asuh* is a reflection of the principles of togetherness and/or kinship/mutual cooperation, as stated in Pancasila, the Precepts of Indonesian Unity. Unity means togetherness, kinship, mutual cooperation, not killing each other, and nationalism).

The problems studied include: first, how is the concept of the principle of togetherness and kinship which contains the values of prioritizing the interests of the people as stipulated by the nation's founding fathers in the constitution; second, how to model the principles of togetherness and kinship so that it can be understood by the relevant parties in the development of Indonesian economic law.

Economic actors, basically have very important functions. Because it has two functions at once, namely as a supplier of all the needs of the community, both primary, secondary and tertiary. At the same time, they also function as absorbers of community labor, which can economically increase purchasing power. (Ansari, T. 2019)

The specific objectives of the research are: (1) So that the concept or formulation of the principle of togetherness and kinship as contained in Article 33 of the 1945 Constitution as a form of the constitutional mandate explicitly contains values that prioritize the interests of the people. (2) So that the principle of family togetherness becomes the basis for the development of Indonesian economic law to be understood by the parties.

The urgency of the research is the importance of formulating the concept of a model of the principle of togetherness and kinship in the development of Indonesian economic law, because the principle of togetherness and togetherness contains the values of prioritizing the interests of the people, so far it is felt that it has not been well understood in the development of economic law, especially in the formation of laws. Therefore, it is necessary to formulate the concept and model of the principle of togetherness and kinship so that it can be clearly understood and binding for the parties concerned as the basis for the development of economic law in Indonesia, which has tended to lead to the principle of individualism/liberalism, which prioritizes individual interests, which certainly not in line with the constitution.

The specific specifications of the research are: (1) the construction of the model of the principle of togetherness is a characteristic in which it contains values that prioritize the interests of the people (sovereignty of the people) as a constitutional mandate. (2) The development of Indonesian economic law based on the principles of togetherness and kinship is a philosophical commitment that promises to unite attitudes and views of the nation's future in welcoming the development of national law.

II. Review of Literature

Method approach which used is approach qualitative that is with using normative juridical research. Research is directed to the search for secondary data as the main data. This secondary data will include primary legal materials, secondary legal materials and tertiary law. Primary legal materials are legal materials that have binding legal force; secondary legal materials, namely legal materials that are closely related to primary legal materials; and tertiary legal materials, namely legal materials that analyze and understand primary legal materials and secondary legal materials. The primary legal materials used include: the 1945 Constitution, the Law on Investment, the Law on Natural Resources.

For interest study this, in study normative law is used an approach to the analysis of legislation and also a conceptual approach. In order to sharpen the research, a Focus Group Discussion (FGD) activity was carried out which involved related parties, such as community leaders, parties involved in the formation of legislation, related parties from agencies, such as the UMKM Cooperatives service, the Trade office. The results of this study are expected to contribute ideas to the formation of Indonesian Economic Law.

III. Result and Discussion

3.1 State of the Art and Research Roadmap

Preliminary research shows that the principle of togetherness based on the wisdom of Pancasila contained in Article 33 of the 1945 Constitution as the basis for the formation of economic law has not been realized. The principle of togetherness based on the wisdom of Pancasila is a philosophical principle contained in the third principle, namely the Unity of Indonesia. The principle of togetherness as the basis of the Indonesian economy are values extracted from the life of the Indonesian nation which is the soul of the nation (*volksgeist*).

The results of the study indicate that Pancasila as the basis for legal development in Indonesia is something that must be done by the Indonesian people as sustainable development, that sustainable reform/sustainable development and legal products are constantly changing and amended in accordance with development and social renewal.

Based on the results of observations and several studies conducted, the most important of which is the constitutional mandate which has a binding/coercive nature (*dwingend recht*) as an obligation as academics to continuously carry out activities, including through research. Many researches on this study have been carried out, but the results of existing studies have not touched on how the basis of the Indonesian economy with the principle of togetherness has not been widely discussed in depth.

3.2.The Principle of Togetherness and Kinship in the Constitution

The principle of togetherness and kinship is reflected in Article 33 of the 1945 Constitution, built by the nation's founding fathers, among others, Mohammad Hatta, who stated the principles contained in Article 33 of the 1945 Constitution, that "...The economy of an independent Indonesia will be based on the ideals of -the ideals of mutual assistance and joint efforts to be carried out gradually by developing cooperatives. Basically, the big companies that control the lives of many people, where thousands of people depend their fate and livelihood, must be under the government. It is contrary to social justice, if the good and bad of the company and the fate of the thousands of people who work in it are decided by only a few particular people, who are guided by profit alone. The government must be the supervisor and regulator, with being supervised and also accompanied by

capital by the government, it is the best building for big companies. The bigger the company and the more people who depend on it for their livelihood, the bigger the government's participation should be. These large corporations resemble public corporate buildings. That does not mean, that the leadership must be bureaucratic. Companies and bureaucracy are two different things. That does not mean, that the leadership must be bureaucratic. Companies and bureaucracy are two different things. That does not mean, that the leadership must be bureaucratic. Companies and bureaucracy are two different things. Social Welfare in the BPUPKI Session was proposed by Mohammad Hatta, as follows: (1) Indonesians live in mutual assistance, (2) Every Indonesian has the right to get a job and get a decent living for humans. The government bears a minimum standard of living for a person; (3) The economy is structured as a joint venture, on a collective basis; (4) The branch of production that controls the lives of many people is controlled by the government; (5) Land belongs to the community, individuals have the right to use as much land as is necessary for their family; (6) The property of one person must not become an instrument of oppression of another; (7) The needy and poor are cared for by the Government.

Then the Draft Constitution, with the title Chapter XIV on Social Welfare, Article 33 contains: (1) the economy is structured as a joint effort based on the principle of kinship. (2) Production branches which are important for the state and affect the livelihood of the people are controlled by the state. (3) The earth and water and the natural resources contained therein shall be controlled by the state and used for the greatest prosperity of the people.

Elucidation of Article 33 of the 1945 Constitution of the Republic of Indonesia which reads:

- 1) Article 33 contains the basis of economic democracy. Production is carried out by all for all under the leadership or supervision of community members. The welfare of the community is prioritized, not the prosperity of individuals. Therefore, the economy is structured as a joint effort based on the principle of kinship. Build a company that fits that is a cooperative.
- 2) Economy based on democracy Economy, prosperity for all. Therefore, the production branch which is important for the State and controls the livelihood of the people must be controlled by the state. If not, the reins of production fall into the hands of those in power and the people they oppress. Only companies that do not control the lives of many people, may be in the hands of one person.
- 3) Earth and water and natural resources contained in the earth are the main points of people's prosperity. Therefore, it must be controlled by the State and used for the greatest prosperity of the people."

Then Article 27 paragraph (2) of the 1945 Constitution, which says: "Every citizen has the right to work and a decent living for humanity...". Thus, Mahbub ul Haq's brilliant view as I stated above is actually 28 years behind from the structuralist view contained in the 1945 Indonesian Constitution. Article 27 paragraph (2) of the 1945 Constitution does not only talk about "employment". , but regarding the feasibility of living amnesia as a citizen's human right. Therefore, when on December 10, 1948 the United Nations just declared The Universal Declaration of Human Rights which consists of 30 articles, which reads Article 1: "All human beings are born free and equal in dignity and rights..",

Then Article 34 of the 1945 Constitution reads: The poor and neglected children are protected by the state. These two articles are contained in the 1945 Constitution.

Article 33 of the 1945 Constitution is used as the basis for analyzing laws in the economic sector, including Law no. 25 of 2007 concerning Investment, Law no. 4 of 2009

concerning Minerals and Coal, in this study the use of Article 33 of the 1945 Constitution as a legal basis considering that in the law there are deviations from the constitutional mandate.

After the 4th amendment to the 1945 Constitution in 2002, Article 33 of the 1945 Constitution underwent changes. In the original text/text of the 1945 Constitution, Article 33 was stated in Chapter XIV with the title Social Welfare, while based on the results of the Amendment in 2002, Article 33 was set forth in Chapter XIV with the title changing to Indonesian Economy and Social Welfare. This is the socialistic characteristic of Article 33 of the 1945 Constitution, it can be said that this is Indonesianness, a socio-economic representation of Indonesia that must be upheld. Indonesia's economic democracy which became the soul of Article 33 of the 1945 Constitution, then the Indonesian economic system by Mohammad Hatta was referred to as religious socialism. Regarding religious socialism, it is discussed and analyzed, that between the Indonesian economy there is compatibility with Islamic economics. Therefore, Bung Hatta's thoughts became the basic starting point for the Indonesian economy. The thoughts and ideas of the founding father became the object of the study of the Political Law of Economics based on Article 33 of the 1945 Constitution.

Then came the views of Mubyarto and Sri-Edi Swasono, regarding the economic basis in the constitution, namely the principle of togetherness and the principle of kinship (mutualism and brotherhood), they advocated the Pancasila Economic System in the context of economic transformation and social transformation, also Emil Salim used the term Pancasila Economy. Mubyarto stated that the characteristics of the economy are that the wheels of the economy are driven by social and moral economic stimuli; strong will of the entire community towards social equality (egalitarianism), in accordance with human principles; the priority of economic policy is the creation of a strong national economy, which means that nationalism animates every economic policy; Cooperatives are the pillars of the economy and are the most concrete form of joint effort; Meanwhile, Sri-Edi Swasono, revealed the morality of religion and described the Pancasila Economic system as an economic system that is oriented (insightful) to the Pancasila Precepts, which is oriented towards the One Godhead (the existence or application of religious ethics and morals, not materialism), Humanity Who fair and civilized (not recognizing peer-to-peer exploitation, exploitation and modern-economic subordination); Unity (togetherness, kinship, mutual cooperation, not killing each other - nationalism); Democracy (economic democracy, economic sovereignty, prioritizing the people's economy, prioritizing the lives of many people); Social justice (equality, equity, the main prosperity of the people, not the prosperity of the people). -a).

Based on the ideology of the Indonesian state, the 1945 Constitution has determined to adhere to the notions of collectivism/economic mutualism and cooperativism, or togetherness in the principle of kinship (mutualism and brotherhood) along with all the institutional aspects that accompany it. Even today, cooperativism has developed as a global cooperative movement represented by The International Co-operative Alliance (ICA) as the top organization for its movement for more than 100 years.

3.3. The Principles of Togetherness and Kinship Are Imperative

The principle of togetherness and kinship can be understood from the provisions of Article 33 Paragraph (1) of the 1945 Constitution, as affirming that the economy is structured as a 'joint effort' based on the 'family principle'.

Joint effort is a mutualism and the principle of kinship is brotherhood. Mutualism and brotherhood in the context of religious morality are referred to as *ukhuwah*.

Collectivism (Communitarianism) is a society with the understanding of togetherness (mutualism) and kinship (brotherhood-which is not kinship) placed in the main position. Individuals are under the protection of society as social beings (homo-socius) who are subject to social rules based on a consensus (Gesamt-Akt). Individual behavior patterns are a social provision based on social rules, from here, individual privacy is a societal license. Collectivism is a representation of the understanding of togetherness (Achmad, 2021; Nugrahenti & Maulida, 2021).

Based on this, that the basic philosophy of the Indonesian state is collectivism/communitarianism, not individualism.

Sudgen has given a new wind of cooperativism to be recognized by mainstream economists who are oriented on the basis of competition. His views are alluded to by Amartya Sen in the framework of economic rationality. Sudgen's view is as follows: “.. Society is seen as a system of cooperation among individuals for their mutual advantage....” Furthermore, Lunati, as a figure who adheres to the economic understanding of homo ethicus, emphasized the meaning of cooperation as follows: “... Cooperation thus can be seen as driven by morality which entails self-imposed restraints on personal choices and may even turn constraints into preferences.

Indonesia rejects individualism and liberalism. Individualism is that individuals who understand perfect individual liberty and self-interest are placed in the main position, agreeing to form a society (society) through a social contract (Social Contract or Vetrag). Individualism is a representation of liberalism. That is why according to collectivism/communitarianism (which is based on mutualism and brotherhood), the interests of the community are placed first, as stated in the Elucidation of Article 33 of the 1945 Constitution: "In an economic democracy the prosperity of the community is prioritized, not the prosperity of individuals". In other words, the prosperity of the people and the position of the people are placed in a substantial position.

Taking into account the principle of togetherness and the principle of kinship (mutualism & brotherhood), which is the constitutional mandate, it contains an imperative meaning. Therefore, this principle is a must to be implemented into legislation, for example in the provisions of the law. The legislators, both at the Central Government level, and the Regional Government should be able to understand, study and implement these provisions as a constitutional mandate. Likewise, paying attention to the hierarchy of laws and regulations as regulated in Law Number 12 of 2011 concerning the Establishment of Legislation Article 7, determines the order, namely: the 1945 Constitution of the Republic of Indonesia, Decree of the People's Consultative Assembly, Law Government Law/Regulation in Lieu of Law, Government Regulations, Presidential Regulations, Provincial Regulations, and Regency/City Regional Regulations. More clearly the provisions of Article 7 paragraph (1) of Law no. 12 of 2011, stipulates that the hierarchical order of this legislation is recognized and has binding legal force as long as it is ordered by a higher statutory regulation or is formed based on authority.

Based on this description, the 1945 Constitution has legal force which is imperatively binding on the laws and regulations under it. On the basis of these provisions, the principle of togetherness and kinship has an imperative nature, which is a must to be implemented into the regulations under it.

3.4. Indonesian Economic Law

Explaining Indonesian Economic Law cannot be separated from the development of the British Industrial Revolution, which basically was that every branch of trade and industry was hampered by complicated regulations, which came from the feudal rulers and was based on medieval teachings. However, this feudal legal system was destroyed and replaced by new rules based on efforts to increase industrialization. Every use of land, capital and labor, with the aim of obtaining the maximum profit, is considered commendable for the advancement of trade and industry. Personal freedom and freedom of contract are principles that are absolutely and highly respected. Adhering to the doctrine of Adam Smith, economists oppose all restrictions on the industry which is therefore growing rapidly

Because they had just been released from the rules of feudal law, so they opposed government intervention and the State at that time only acted as passive police. This is in accordance with the understanding of the role of law which is based on liberalism, in particular the complete freedom of contract, for example between workers and employers. In reality, an employer is freer than a worker, is not considered by the law, even though his rights according to the law have been recognized as equal.

Economic development in England only gave prosperity to the businessmen, while a small group of peasants lived increasingly miserable lives, because they had lost their land. Finally, their struggle was successful with the existence of several Factory Laws as a form of government intervention, including regulations that protect workers (Social Legislation).

Likewise with the French Revolution which had the motto of Independence, Equality of Rights and Fraternity, as well as the Unification and Codification of French Commercial Law into the Civil Code and Code du Commerce, so that the understanding of freedom of contract is a guarantee for the success of economic development in France. Likewise with the notion of legism, which assumes that outside of codification there is no law, it causes entrepreneurs to develop freely without being hindered or hindered by the demands of the workers.

As a French colony, the situation in the Netherlands is not much different from that in France, the Netherlands took the Napoleonic Code and its underlying ideas into Burgerlijk Wetboek (BW) and Wetboek van Koophandel (WvK), bringing the peak of its prosperity.

The relationship between law and economics in its development is evident that law and economics develop side by side in a complementary relationship. Law has developed as an order and system, from its function which is limited to meeting the needs of local communities to its new function as a controller of order in social and state life on national scales. On the other hand, the economy has also developed from its originally local activity patterns to a national one.

These changes require a change in life in the fields of law and the economy as stated by Henry Maine, that the changes that occur in life, from a local-agrarian life to a national-industrial life, are essentially a major change that disperses the old life organization which was based on contracts made by and for the citizens themselves. Such freedom is what in science and legal teachings is called "freedom of contract".

Likewise, for Indonesia as a country that is undergoing a transition period from a country based on an agrarian society (traditional) to a country based on an industrial society (modern), the role of law in the economy is very important. In the formation of legislation in the economic field, it must be based on the politics of state law. The direction and policies of the state in order to improve the welfare of the people must be based on

Article 33 of the 1945 Constitution. Also, if it is related to the hierarchy of laws, Article 33 of the 1945 Constitution is the highest legal basis for the regulations below it.

Regarding the meaning and broad scope of Economic Law in legal theory, the term "Economic Law" is a translation of *Economisch Recht* (Netherlands) or Economic Law (America). However, the meaning or connotation of *Economisch Recht* in the Netherlands is different from the meaning of Economic Law in the United States. Because the meaning of *Economisch Recht* (Dutch) actually comes from the term *Droit E'conomique* (French) which was previously used by Farjat and which after the Second World War developed into *Droit de l'economie*. The *Droit E'conomique* are the legal principles of State Administration (especially those originating from the executive power) which began around the 1930s to limit market freedom in France, for the sake of economic justice for the poor, so that it is not only those who have money who are affected can meet their needs for food, but so that the peasants and laborers will not starve to death either. The world economic crisis, known as the "malaise" in the 1930s, resulted in a correction of the "free market" notion, because it turned out that the French government felt obliged to issue State Administrative Law regulations that determined the maximum and minimum prices for raw materials, principal as well as to determine the necessary Government permits for various businesses in the economic field, such as to open a company, to determine the amount of investment; and in what business the capital is invested; to import or export goods, where, how much and so on. Such State Administrative Law regulations are covered under the name *Droit E'conomique* (or Economic Law in a narrow sense).

Then, after the Second World War, which was around 1945, when European countries had to rebuild their country with the help of the International Bank for Reconstruction, the United Nations was required to draw up a Five-Year Development Plan that underlies the IBRD's decision to provide assistance to the countries concerned. The international agreement between the IBRD and the beneficiary country is set out in the policies and legal regulations of the beneficiary country to be implemented, as for example this has also happened in Indonesia since the New Order. Overall policies and legal regulations that are not only limited to State Administrative Law, but also regulate matters including the substance of Criminal Law, Civil Law, Commercial Law, International Civil Law, even Civil and Criminal Procedural Law, covered under the name *Droit de l'Economie* or Economic Law in the broadest sense. Explaining Indonesian Economic Law must be viewed from an Economic Law approach in a broad sense, because Indonesian Economic Law is not only limited to State Administrative Law but is already so complex, that it substantially includes some of the legal substances mentioned above.

With regard to Indonesian Economic Law, which is explicitly mandated by the constitution that the basis of the Indonesian economy is the principle of togetherness and the principle of kinship. In the constitution, Article II of the Transitional Rules (the original 1945 Constitution) applies, stipulating that all existing regulations and institutions remain in effect as long as they have not been replaced by this law. From this provision, the formation of legislation does not refer to the provisions of economic democracy.

The formation of legislation must look at the order (hierarchy) of legislation. The Constitution is the highest legal basis, meaning that the regulations under it must not conflict. Likewise, according to the principles of legislation, regulations of a lower position may not conflict with the regulations above.

Indonesia as a state of law, the law is important. But more important is how to read and interpret the rule of law.

Indonesia was born after the experience of the world created by the rulers of the legal state of Nazi Germany, so the architects of the 1945 Constitution must have been very

strongly overshadowed by the horrors of the genocide committed by the legal state of Nazi Germany. With this background, Supomo and his friends thought that Indonesia was a state of law and not a state of power alone. It can be said that the rule of law in Indonesia is a state of law with a moral commitment to humanity. Satjipto Rahardjo emphasized that the rule of law in Indonesia is a democratic rule of law.

The constitution underlies Indonesian legislation with full of humanitarian moral messages, so it cannot be said to be a legal state properly if these messages have not been realized in all fields.

In the modern world, laws are needed because life has become very complex, so it requires clear guidelines. Therefore, in the context of economic development, it must be based on applicable laws and regulations. Legislation must refer to the constitution, namely the provisions of economic democracy, but there is no common perception of the meaning of economic democracy, the meaning of economic democracy is viewed differently. This is because democracy was not born just like that, but emerged from Greece which is the root of the birth of various sciences, thinkers are more focused on democracy as a concept to lead a better and dignified state life, although there are some thinkers who see democracy not as a way to lead to a better direction.

According to Hans Kelsen, the idea of democracy originated from the human desire to enjoy free will. The freedom which is possible in society, and especially in the state, cannot mean freedom from every bondage, but can only be freedom from a certain kind of bondage. For example, political freedom is freedom under social order, is self-determination by participating in the formation of social order. Political freedom is independence, and independence is independence.

Based on this, the Indonesian Economic Law is legally based on Article 33 of the 1945 Constitution, the principle of mutualism and the principle of kinship. However, the constitution still enforces the rules The Civil Code and the Commercial Code as stipulated by Article II of the Transitional Rules of the 1945 Constitution, in the original text/before the amendment. Then in the era of globalization the enactment of rules as a result of international agreements. In principle, these rules tend to be individualistic/liberalistic/capitalistic principles that prioritize individual interests.

3.5. Back to Constitutional Economics

The doctrine of social welfare in Indonesia places the position of the people as central-substantial. Therefore, with the current system of economic liberalism/neoliberalism (where capital is actually positioned as "central-substantial"), it will be very difficult to eradicate poverty and unemployment, because the position of the people is reduced to merely "marginal-residual". Building the national economy must be based on the Pancasila ideology, in particular based on Article 33 of the 1945 Constitution and other supporting articles. This was stated at the ISEI Congress, the terms were stated whether "the third way", "Indonesian socialism", "Pancasila economic system", "constitutional economic system", "straight path economic system", "religious socialism", or "controlled market mechanism". , or the "development trilogy system with eight equalization lines", the important thing is that the real demand for a return to the correct Indonesian economic system has arrived, and that is only an economic system based on Article 33 of the 1945 Constitution under the umbrella of Pancasila. The main orientation of this constitutional economic system is on prioritizing the interests of the people, advancing the people's economy. For the sake of the synergy of the power of awakening, the forum for the people's economy is the cooperative.

Need to be pro-history and stick to ideology the nation, that an independent Indonesia is based on the doctrine of nationalism (nationalism) and the doctrine of the people (sovereignty of the people). This is where the conception of a political economy based on Economic Democracy was born, which is occupied by Article 33 of the 1945 Constitution. In Indonesia's Economic Democracy, "the interests of the community are more important than the interests of individuals" (although the interests of individual citizens should not be ignored arbitrarily). Indonesia's Economic Democracy emphasizes that "the branches of production which are important for the state and which affect the livelihood of the people are controlled by the state" so that the safety and security of the state and the basic needs of the community are guaranteed. Indonesian democracy also requires that "earth, water and natural resources contained therein as the life and prosperity of the people are controlled by the state, so that it is guaranteed that it can be used for the greatest prosperity of the people", that "production is carried out by all for all under the leadership and supervision of community members (hence, every citizen has the right to work and a decent living for humanity). In Economic Democracy "only companies that do not control the lives of many people may be in the hands of individuals". Hence the Triple-Co principle, which is a corporate governance based on co-ownership, co-determination, and co-responsibility with the common bond, clientele and stake holders in business entities).

Based on this pro-historical basis, the principle of mutualism and the principle of kinship is the basis of the Indonesian economy and imperatively becomes the basis for the development of Indonesian economic law.

IV. Conclusion

1. The concept or formulation of the principle of togetherness and kinship as contained in Article 33 of the 1945 Constitution which contains the values of Pancasila which prioritizes the interests of the people as a manifestation of the constitutional mandate as stipulated by the nation's founding fathers.
2. The concept or formulation of the principle of togetherness and kinship which is the constitutional mandate that forms the basis of the Indonesian economy, needs to be understood by the relevant parties in the development of Indonesian economic law, especially in the formation of legislation.

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