www.bircu-journal.com/index.php/birci
Budapest International Research and Critics Institute-Journal (BIRCI-Journal)
Humanities and Social Sciences
ISSN 2615-3076 Online)
ISSN 2615-1715 (Print)
Budapest Institute

Criticism of Pure Legal Theory Thought Critical Legal Studies (Critical Legal Studies) and its Relevance to the Indonesian Legal System

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Abstract

The pure theory of law (pure legal theory), which desires that the law must be free from non-legal elements such as politics, economics, society and others is an essential part of pure legal theory. Legal positivism is known for the importance of the separation between law and morals. In addition, even for positivists, cruel legal norms can be accepted as law on the condition that the formal criteria regarding the law are met. The view of pure legal theory, which assumes that law must be separated from other fields of science, has been criticized by Critical Law Studies (CLS), which assumes that law is always intervened by interests outside the law so that law is never neutral and objective. This means that law cannot be separated from politics because the law is not formed in a value-free vacuum. The thought of Critic Law Studies (CLS) lies in the fact that law is politics (law is politics). Hence, Critic Law Studies (CLS) rejects and attacks the beliefs of positivists in legal science. Critic Law Studies (CLS) criticizes the applicable law for being politically biased and never neutral.

Keywords
pure legal theory; legal positivism; critic law studies

I. Introduction

The separation between science and politics, the science of truth, is an inseparable part of politics or political interests. Politics is the art of government regulating social conditions, which presupposes the conscious estimation of value is the realization of the purpose of the activity. Rule science is a branch of science with an object in the form of favourable rules. The favourable rules studied are validity/legitimacy, not matters concerning excellent & bad, a rule that is part of politics, and this is part of a pure legal theory regarding the separation between law and politics. Hans Kelsen (1881 – 1973) was one of the most important legal philosophers and legal theorists of the early twentieth century; he was a German philosopher and a neo-Kantianist from the Marburg school, which focused on the field of law. He has developed a pure legal theory which is an intensive focus of legal scientists. In terms of pure legal theory, Kelsen separates the field of law from other fields, such as psychology, sociology, ethics, and politics; this theory leads to cognition that focuses on the law itself and that purity acts as a "basic methodological principle". In Kelsen's view regarding the separation between law and other branches of science outside of the law, especially politics, he views the disparity between "Science of Politics" and "Political Science is a science whose object is politics, namely activities directed at the formation and behaviour of maintaining a particular social order. Especially countries. Pure legal theory as flow positivism legal strengthens Legislative lessons, which is a lesson which states that there is no law outside of

DOI: *https://doi.org/10.33258/birci.v5i3.6843*

legislation, the law is the only source of law, and the law must be separated from politics, economics, morals and other sciences. The economic condition of the population is a condition that describes human life that has economic score (Shah et al, 2020). Economic growth is still an important goal in a country's economy, especially for developing countries like Indonesia (Magdalena and Suhatman, 2020).

Critic Legal Studies (CLS) rejects the positivist view of the idea that society can find a way out of disputes through value-free and neutral legal systems and doctrines. Law in Indonesia is a legacy of colonial law, namely in the Netherlands, strongly influenced by the German positive legal tradition. In the German legal system, great emphasis is placed on state autonomy with little opportunity for citizen rights. Authority in this model is understood in lop-down terms, with state authority derived from power rather than from the notion of a social contract or popular sovereignty. The state, in this understanding, is considered as the establishment of a legal hierarchy, where every law gets authority from laws that are at a higher level.

II. Research Method

The research method used is a literary method reflection, namely a critique of legal pure the critical and its relevance to the Indonesian legal system in the context of western philosophy and legal philosophy. The book "Pure Theory of law" or "Reine Rechtslehre by Hans Kelsen as the primary material is also supported by using Hans Kelsen's other books, books related to pure legal theory, books related to critical legal studies, western philosophy books and science books. Law related to the Indonesian legal system.

The discussion in this paper will also be presented to show major legal narratives as well as criticisms in the field of law and law in Indonesia that are in line with or different from Hans Kelsen's thoughts, to criticize and compare Hans Kelsen's thoughts with other significant narratives. The research I use is an analytical and theoretical framework of several thoughts. I use this theoretical framework to discuss criticism of the pure legal theory, Legal Studies and its relevance to the legal system in Indonesia. It is especially using Hans Kelsen's thinking and Critical Legal Studies. Pure legal theory is one of the positive legal theories; this pure legal theory aims solely at the knowledge of the object; Kelsen's thoughts on legal science as the pure legal theory also only focus on the law, which aims to free the science of law from everything that is not good law. In politics, sociology, ethics, etc., Kelsen's thoughts on law attempt to find a purely objective understanding of the law. This has been criticized by Critical Legal Studies, which considers law to be related to politics as a part and its relation to the Indonesian legal system.

III. Result and Discussion

3.1 Hans Kelsen's Thoughts in Pure Law Theory

Hans Kelsen, in his book " Pure of Law By Hans Kelsen, Translation from The Second (Revised and Enlarged) German Edition by Max Knight. University of California Press. Berkeley. Los Angeles. London. 1960" discusses law and nature, law and morals, law and science, static aspects of law, dynamic aspects of law, law and state, national law and international law, and also discusses the interpretation of the law. In pure legal theory, there is an approach to law that detaches law from the fields of politics and justice; this

pure legal theory makes legal norms at the last level based on Grundnorm the justification of the entirely legal system.

3.2 About the concept of justice

Hans Kelsen's view is that the concept of justice is objective, so the concept of justice is outside the field of law. Hans Kelsen's concept of justice is through exploring theological concepts influenced by Plato, Aristotle and the theory of natural law. The concept of justice in theology is Kelsen's reference in interpreting justice in the old covenant based on the principle of retribution (good is rewarded with good, and evil is returned to evil, while justice in the new covenant is based on the principle of love, namely loving one another, including loving the enemy. Definition of justice Plato is of the view that justice is happiness. A just person is a happy person, while an unfair person is an unhappy person. Plato says that it is also possible for a just person to be unhappy and an unfair person to be happy, so he teaches that it could be a lie that is not useful with the aim of society obeying the law. Justice, in the view of Aristotle, Virtue (Virtue) as a measure by Aristotle defines justice. Justice uses geometric methods to define justice; justice is described as "the mean", which is the middle point between the two extremes of justice is the midpoint between "too much" and too little. According to the teachings of natural law, justice is natural, meaning that, naturally, justice exists in humans. Humans are naturally equipped with reason/reason, and reason through " reason" provides an understanding of justice in humans found by analysis of reason.

3.3 Separation of Law from Politics

The main idea is about the separation between science and politics, the science of truth, so it should be separated from and not influenced by politics or political interests. Politics is the art of government to regulate social behaviour, which presupposes the assumption of values consciously or unconsciously, which is the embodiment of the purpose of the activity. Kelsen views the difference between the "Science of Politics" and "Political Science as a science whose object is politics, namely activities directed at the formation and attitude of maintaining a particular social order, especially the state. Legal science, as a branch of science, has an object in the form of positive law. In positive law, what is studied is validity/legitimacy, not matters concerning good and evil. Legal science, as knowledge must describe reality, about good and evil in the political field, must be separated from legal science and natural science.

3.4 Law and Nature

Kelsen's view of natural and natural law in pure legal theory is a description of law as it is; namely, natural law is a norm at the level of the Ought, which has a coercive nature. Legal norms at the Ought are specific meanings (juridical meanings) and interpretation schemes of human behaviour at the Is.

3.5 Legal and Moral

The discussion on law and morals is related to moral norms as social norms, morals as internal rules of behaviour, morals as positive orders without elements of coercion, the law as part of morals, the relativity of moral values, and the separation between moral and legal orders, and about whether there is a need for legal justification from a moral point of view[4]. Kelsen argues that legal norms do not have to get approval from morals because positive law only concerns the validity or invalidity of legal norms.

3.5 Law and Science

Karen views the task of science as value-free as well, as legal science does not have to judge. Kelsen follows the positivistic view that the task of science is to describe its object and not to judge. The task of legal science as part of the branch of science is to describe legal norms according to what they are and not have to judge them. Kalsen adheres to the view that science is value-free.

3.6 Static Aspects of Law

In Hans Kelsen's book "Pure Theory of Law", the static aspect of law discusses legal sanctions, offences as a prerequisite/condition of law, legal rights and obligations, the law in the subjective sense of legal capacity, legal relations, and legal subjects.

3.7 Dynamic Aspects of Law

In Hans Kelsen's book "Pure Theory of Law", the dynamic aspects of law discuss the reasons for the validity/legitimacy of the norm order and the hierarchical structure of the legal order. The discussion on the reasons for the validity of the norm order includes a discussion of the meaning of seeking validity and static and dynamic principles. The reason/basis for the validity of the norm order is the fundamental norm (Grundnorm). A legal system is a system of legal norms containing various and varied legal norms. Each norm has validity if the norm is made by a competent authority; the existence of its competitors can only be based on norms that can provide authority for norm-making.

3.8 Law and State

Discussions on the state and law include the formation of law and forms of government, public law and private law, the traditional dualism between state and law, the ideological function of state and law dualism, and the identity of the state and law. The dynamic aspect of law gives rise to two kinds of legal norms, namely autonomous legal norms and heteronomous legal norms. Autonomous legal norms are legal norms in which people who are subject to these norms take part in the formation of the relevant norms. Heteronomous legal norms are legal norms where people who are bound by these norms do not participate in the formation of norms that bind themselves. The basic principle in distinguishing the two types of norms is the principle of freedom, namely, the freedom to determine one's destiny (self-determination). The difference between the two kinds of norms above is essential in terms of the formation of constitutional law and the form of state government. Thus, the form of the state is a method of establishing legal norms at the highest level or the constitutional level.

An autocratic form of state is ruled by a ruler with absolute power. Absolute power has no opposition, either in power, interests or institutions. Absolute power is the concentration of all political power in the hands of the ruler. The opposite of an autocratic form of state is democracy. Democracy is government by the people, and most democratic systems place restrictions on those who are mandated by the people.

The difference between public and private law tends to lead to a distinction between what is not law (state) and law, where the state, through state equipment, is given a unique character over other legal subjects. The state refers to something, while the law refers to something else. Public law is based on the concept of “public affairs." and for the sake of political domination, with an ideological character. The distinction between public and private law supports the specialization of state and law. Pure Law Theory relativizes the difference between public law and private law by changing the distinction from an extra-systematic distinction (between law and the state) to an intra-systematic one, where the

ideology associated with the distinction between law and the state is removed. The elimination of this ideology is carried out by looking at the actions of the state in the context of complete lawlessness, and the entire legal system is considered the will of the state.

The traditional dualism between the state and law opposes the state against the law and, at the same time, also puts forward the argument that the state is a "legal being". Public law theory assumes that the state comes first and is independent of the law. The ideological function of the dualism between the state and law is to defend the idea that law can justify the state, where the state as something justified is different from the law as something justifying. The state is a transformation from a fact of power into a community governed by law. Legally. Contemporary definitions of the state derive from the principle of sovereignty as outlined in the Westphalian Peace Treaty. According to this principle, a country has a government that exercises sovereign power, which is recognized by other countries. In line with this, Jean Bodin coined the theory of sovereignty (the theory of sovereign yj, by stating that the sovereign government determines the making of national law and foreign policy in which the making national law and foreign policy must be free from foreign intervention'4.

The identity of the state and law in Pure Legal Theory includes a discussion of the state as a legal system, the state as a legal entity, the rule of law, centralization and decentralization, and the elimination of dualism between the state law. and state power is exercised by independent governments. The notion of the state, detached from ideology so that it is detached from metaphysics and mysticism, can be understood if the state is seen as a social structure that is "an order of human behaviour. The state is usually referred to as a political organization, which applies elements of coercion. Therefore the state is also a coercive order in which the element of coercion is applied from man to man.

3.9 State and International Law

In the book “Pure Theory of Law", the discussion of the state and international law includes 1/ the essence of international law, 2/ the relationship between international law and national law, and three the legal theory and world view. The discussion about the essence of international law includes a discussion of the natural meaning of international law, international law such as primitive legal order, the hierarchy of international law, and the provision of indirect obligations by international law[8] and indirect authority by coercive international law, so the next question is whether existing international law The discussion on international law concerns the question of whether international law is indeed the law, or whether what is called international law is merely international morality. Because the law is a norm order with sanctions, it is a norm with coercive sanctions. Sanctions in international law are in the form of reciprocal action and war (reprisal and war). Reciprocal action is an intervention in exceptional circumstances, which may be carried out by an aggrieved state against an adverse state. Such action may be carried out using force. General norms of international law are created through international customs and treaties, not through the actions of legislatures. The implementation of international legal norms is not carried out by an organ of the international community, which is specially formed to implement international law. Thus, the international legal setting is like a primitive legal system, where each country as a legal subject can act independently to secure its interests. Regarding sanctions in international law, Kelsen argues that any sovereign state can act as a judge or executor who applies the sanctions.

3.10 Interpretation

The discussion of interpretation, according to Kelsen, includes the meaning of interpretation, including the method of interpretation, interpretation as an act of cognition accompanied by will, and interpretation in the science of law[9]. Interpretation is an intellectual activity that occurs before the process of applying the law from a higher level to a lower level. Interpretation is the provision of the contents of casuistic legal norms in court decisions or government administrative bodies by bringing up these casuistic norms, which are deduced from general legal norms to be applied in a concrete case. In addition, there are interpretations of casuistic legal norms, namely court decisions, decisions of government administrative bodies, satt transactions through agreements and so on. In other words, interpretation includes the interpretation of all legal norms that must be applied.

In contrast, the interpretation actors include law-implementing organs, legal subjects who must obey the law, and legal knowledge. The interpretation of legal norms by the organ implementing the application of the law is authentic [oıılhenlic inferpretatıon]. In contrast, the interpretation carried out by legal science is not authentic. In legal science, it is known that some think the creation of bank legal norms solely through cognitive interpretation in law that has validity is possible. Pure Legal Theory rejects this view because cognitive interpretation by legal science cannot fill legal vacuums, and legal vacuums can only be filled by the implementing organs of law application. Interpretation in legal science can only indicate the possibility that the ambiguity of legal norms can be reduced to a minimum level.

3.11 School of Critical Legal Studies (Critical Legal Studies)

The School of Critical Legal Studies is a school that emerged in the 1970s in the United States and resulted from a gathering of jurists (especially practitioners inspired by the continental social theory movement). In the 1960s, as Marxists, structuralists and post-continentalism. Then the ulama united to form a movement now known as the Critical Legal Studies Movement. Legal research criticizes the legal thinking of dissatisfied Americans and opposes the liberal paradigm. They reject the separation of law and politics as postulated by Ronald Dworkin, who states, "law is based on objective decisions of principle, while politics depends on subjective decisions of policy". For critical legal studies, legal processes (making and interpreting laws) always occur in a context that is not value-free because values in the form of morals, religious teachings and others always accompany the legal process. The law can never be executed or immune to the context in which the law exists because the legislators and the judges who make decisions have a specific values background.

3.12 Schools of Thought That Influenced American Legal Realist

Like its predecessors, Legal Realists, the critical legal movement continues the tradition of empirical examination of the law. But what distinguishes it from its predecessors is the approach of the critical legal movement referring to leftist social science paradigms such as Marxism, critical theory of the Frankfurt School, phenomenology and structuralism. This movement uses these major paradigms eclectically. Mark Tushnet and Duncan Kennedy, figures in the critical legal studies movement, acknowledged the eclectic nature of this movement. Natural law tries to oppose legal teachings that consider themselves the most correct and prioritize the role of positive law without paying attention to actual social reality. Adherents of the teachings of legal realism consisting of legal practitioners believe that when a judge must make a fair decision for the conflicting parties, he must find a solution by balancing the interests of the

parties and ultimately drawing an arbitrator's line on one party to the other This line is believed by realists to be a non-neutral line because it is influenced by the political, economic and psychological experience of the judge. In the thinking of legal realists, it must include extra-legal factors, which include social, cultural and political contexts.

3.13 Frankfurt School

The influence of critical theory is quite strong, especially the thoughts of Critic Legal Studies (CLS). Even the use of the term critical by Critical Legal Studies (CLS) is suspected of having come from critical theory associated with the Frankfurt School "very probably they derived the term "critical" from "critical theory" associated with the Frankfurt School"[11]. Critical Theory was pioneered by Max Horkheimer, who served as director of the Frankfurt Institute for Social Research (Institut für Sozialforschung), which laid the foundations for the development of a multidisciplinary program called critical theory. The main project of this school is to return Marxism to critical philosophy. Two other intellectuals, namely Theodor Adorno and Herbert Marcuse, later joined this academic program, the three of them later known as the Frankfurt School (Frankfurter Schule). In the 1960s, Critical Theory became an essential inspiration for the student movement known as "The New Left Movement". The influence of the Critical School on Critical Legal Studies (CLS) is stated in an article entitled Critical Legal Study. An Overview states: " While Critic Legal Studies (CLS) is broadly a movement in America, it was strongly influenced by European philosophers, such as the German Marxist social theorists in the 19th century, namely Max Horkheimer and Herbert Marcuse of the 19th century. The Frankfurt School, which is also a German philosopher, "The starting point of Critical Theory is the problem of positivism in the social sciences, which assumes that value-free social sciences, apart from social practices and morality, can be used to predict, and is objective. This assumption later crystallized and became a common belief that the only truth is that which is produced by scientific knowledge. This view is known as scientism. Criticism of scientism centres on the objectivity of science which Horkheimer considers as a mask to hide the actual reality, namely support for the status quo[12]. The basic idea of Critic Legal Studies (CLS) is that law cannot be separated from politics and is neither value-free nor neutral. The members of this movement believe that the law, in its creation and application, can never be neutral; on the contrary, it contains partiality.

3.14 Critical Legal Studies Criticism of Pure Legal Theory

Critic Legal Studies (CLS) understands legal formalism, the idea that law is a system that works deductively, decisions result from the application of principles, precedents, and procedures without considering political, economic and social contexts, as well as social goals and values. Critic Legal Studies (CLS) rejects the idea that society can find a way out of disputes through value-free and neutral legal systems and doctrines. Because Critical Legal Studies (CLS) echo decision-making is influenced by certain beliefs and views in making these decisions, critics of critical legal studies reject formalism. Believes the positivist. The Frankfurt School rejected the idea that empirical and scientific knowledge could be applied to law. The essential character of positivism is the observation of an object to then find the fixed laws that apply to the object so that the symptoms that apply to the object can be generalized to all similar phenomena (reduction to reality). This sale will facilitate control over the object and the possibility of predicting phenomena that will occur in the future. According to the followers of Critical Theory, such reductionism has not been carried out in the social sciences because there is no universal social science, so the social sciences, including value-free, have become the basis for criticism of Kelsen's

pure legal theory. Holds that the task of science is value-free and law science does not have to judge, Kelsen follows the positivistic view that the task of science is to describe its object and not to judge. The task of legal science as part of the branch of science is to describe legal norms according to what they are and not have to judge legal norms; in addition to law and science being criticised, another criticism from Critic Legal Studies (CLS) is the separation of politics and law, Kelsen has the main view thoughts about the separation between science and politics, the science of truth, so that it should be separated from and not influenced by politics or political interests. Politics is the art of government to regulate social behaviour, which presupposes the assumption of values consciously or unconsciously, which is the embodiment of the purpose of the activity. Kelsen views the difference between the "Science of Politics" and "Political Science as a science whose object is politics, namely activities directed at the formation and attitude of maintaining a particular social order, especially the state.

3.15 System the Indonesian Legal System as a Colonial Heritage

The legal system used in Indonesia is a combination of many legal systems, including civil law, customary law, and religious law. Most of the systems applied, criminal and civil law, is based on continental European law, especially from the Netherlands, due to aspects of Indonesia's history as a Dutch colony, also known as the Dutch East Indies (Nederlandsch-indie). Indonesia inherited the legal system commonly used by mainland European countries, namely civil law or civil law. In general, the civil law system is divided into Civil law, which in Indonesia is called civil law. In civil law, the state acts as an arbitrator in a case or dispute; civil law is also known as private or civil law as opposed to public law. Civil law regulates daily relationships between residents or citizens, such as adulthood, marriage, divorce, death, inheritance, property, business and employment. Civil law in Indonesia is based on Dutch civil law, especially during the colonial period. Even the book of the Civil Code (known as the Civil Code) that applies in Indonesia is nothing but the wrong translation of the Burgerlijk Wetboek (BW), which was valid in the Dutch kingdom and applied in Indonesia (and in the Dutch colonies). On the principle of harmony. For Indonesia, which is still known as the Dutch East Indies, BW was applied in 1859. The Dutch Civil Code was adapted from the Civil Code in force in France with several correction provisions. The Civil Code (abbreviated as the Civil Code) consists of four parts, namely:

Book I about People; regulates individual and family law, namely the law that regulates the status and rights and obligations of legal subjects. Among other things, provisions regarding the emergence of a person's civil rights, birth, maturity, marriage, and family. Divorce and loss of civil rights. Especially for the marriage section, some of its provisions have been declared invalid with the promulgation of Law Number 1 of 1974 concerning Marriage.

Book II on Materials; regulates the law of objects, namely the law that regulates the rights and obligations of legal subjects relating to objects, including material rights, inheritance and guarantees. What is meant by objects include (i) immovable tangible objects (eg land, buildings, and ships with a certain weight; (ii) movable tangible objects, namely other tangible objects other than those considered as immovable tangible objects; and (iii)) intangibles (e.g. receivables or receivables)

Book III on Engagement; regulates the law of engagement or other names of agreements (although this term actually has a different meaning), namely the law that regulates rights and obligations regarding legal subjects in the field of engagement, among others regarding the types of engagements (which consist of engagements arising from:

stipulated) a law and an engagement arising from the existence of an agreement), the terms and procedures for making an agreement. Specifically regarding the trade sector, the Undana-Undana Book of Commercial Law (KUHD) is used as a reference. The contents of the KUHD are closely related to the Civil Code, especially Book III. It can be said that the KUHD is a special part of the Civil Code

Book IV on Expiration and Evidence; regulates the rights and obligations of legal subjects (especially limits or deadlines) in terms of using their rights in civil law and related matters regarding evidence.

Public Law or what is known in Indonesia as criminal law. In criminal law the state is considered a subject or object of law. Public law is the law that regulates the relationship between the state and its citizens. Criminal law is a collection of regulations that regulate actions, either ordering to do or doing something, or prohibiting doing or doing something that is regulated in laws and regional regulations that are threatened with criminal sanctions. Criminal law is part of public law. Criminal law is divided into two parts, namely material criminal law and formal criminal law. Material criminal law contains prohibitions or orders which if not obeyed are threatened with sanctions. In Indonesia, the regulation of material criminal law is regulated in the Criminal Code (KUHP). Formal criminal law 90 is a legal rule that regulates how to enforce material criminal law. In Indonesia, formal criminal law arrangements have been ratified by Law No. 8 of 1981 concerning criminal procedural law (KUHAP). Public law regulates matters relating to the state as well as public interests (eg politics and elections or constitutional law), daily government activities (administrative law or state administrative law), crimes (criminal law)

Constitutional law is part of public law. Constitutional law is the law relating to state organizations. Things that become objects of constitutional law regulation are the authority of state organs, relations between state organs, human rights, citizenship, the validity of laws and regulations, political parties, and general elections. Constitutional law shows the relationship between the executive, the legislature, and the judiciary. John Locke is known as the man who laid the foundation for constitutional law. The constitutional principle says that individuals can do anything, unless it is prohibited by law, and conversely the state may not do anything, with regard to the power it holds, until it gets the authority granted by law. Another thing that is the concern of constitutional law is human rights and individual freedoms in dealing with the state. America and France have a constitution known as The Bill of Rights. While in Indonesia the constitution is the 1945 Constitution (UUD 1945). In Hans Kelsen's legal hierarchy, the Constitution as a constitution is placed at the highest place in the national legal hierarchy, because the Constitution is considered as fundamental law.

Administrative law (administration) State law is the law that regulates state administration activities, namely the law that regulates the implementation of government duties. State administrative law is similar to constitutional law. The similarity lies in government policies, but the difference in constitutional law refers more to the function of the constitution or basic law used by a country in terms of setting government policies, for state administrative law. In Indonesia, the state administrative court is known as the State Administrative Court, abbreviated as PTUN. The first PTUN in Indonesia was opened in 1999, consisting of 14 court agencies and four courts at the provincial level.

The legal system in force in Indonesia is a mixture of civil, religious and customary law. Most populist systems, both civil and criminal, are based on the European continent, especially the Netherlands, because of aspects of Indonesia's past as a Dutch colony known as the Dutch East Indies (Nederlandsch-indie). Indonesia inherited a common legal system

from mainland European countries, namely civil law or civil law. Indonesian law is a legacy of law. colonial powers, particularly those from the Netherlands, who were heavily influenced by the active German legal tradition. In the German legal system, the focus is on state autonomy with little opportunity for citizen rights. State power derives from power and does not derive from popular notions of contract or social sovereignty. The state in this sense is seen as the establishment of a legal hierarchy, in which each law acquires the principles of the rule of law at a higher level.

IV. Conclusion

In pure legal theory, the intensive focus of legal scientists is to separate the field of law from other fields, such as psychology, sociology, ethics, and politics, this theory leads to cognition that is focused on the law itself which includes discussing law. and nature, law and morals, law and science, static aspects of law, dynamic aspects of law, law and the state, state and international law, interpretation of law, in pure legal theory it acts as "the basic methodological principle of legal purification which thus raises normative aspects. from law, and therefore you are also classified as normative thinkers, in addition to the positivistic nature taken from the positivism school of criticism from Critical Legal Studies (CLS) saying that positivism understands the idea that a system works deductively, decisions result from the application of principles, precedents and procedures without taking into account the former political, economic and social, and social goals and values. Critic Legal Studies (CLS) rejects the idea that society can find a way out of disputes through value-free and neutral legal systems and doctrines. The legal system in force in Indonesia is a mixture of civil, religious and customary law. Most existing systems, both civil and criminal, are based on Continental European law, particularly Dutch law, due to aspects of Indonesia's past as a Dutch colony known as (Dutch Indies). Indonesia inherits the legal system commonly used in mainland European countries, namely civil law. Indonesian law is a legacy of colonial law, namely the Netherlands which was strongly influenced by the positive legal tradition of Germany. In the German legal system great emphasis is placed on state autonomy with little opportunity for citizen rights. State authority derives from power rather than from the notion of a social contract or popular sovereignty. The state in this understanding is considered as the establishment of a legal hierarchy, where every law gets authority from laws that are at a higher level.

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