

Received: 11 November 2022 Accepted: 28 March, 2023

DOI: <https://doi.org/10.33182/rr.v8i4.265>

The Supremacy of Law in Providing Innovative Solutions to Maintain Nationalism Among the Diverse Communities in Indonesia: A Social Political Study

Thomas Tokan Pureklolon^{1*}, Chablullah Wibisono²

Abstract

Nationalism is a feeling of pride in something, while law is a decision or decree that is binding on all within it. As human beings who have the right to responsible freedom which is regulated in such a way as to guarantee the common welfare, we are free to have a sense of pride in our country, nation or institution that we prefer. These feelings can then influence our actions in expressing our pride to other people or institutions that do not necessarily agree with the ideas or concepts of whatever we respect. This is where the law constitutes an important role in ordering our actions so that there is harmony even though there are differences of opinions. On the one side, the problems of the Indonesian nationalism are highly upheld in the life of the whole nation and the state, which are inseparable from various conflicts which have tremendously occurred in the country as well. On the other side, Indonesia is a country which is very diverse in tribes, religions, races and various groups. In this article, the author examines how nationalism plays a significant role in providing innovative solutions in bridging the differences among the diverse communities, and how the law exists as a commander in chief to address the entirety of the conflicts involved

Keywords: *Supremacy of Law, nationalism, innovative solutions, diverse communities, Indonesia.*

Introduction

Nationalism as self-determination is an attitude of love for the nation that reflects an identity and freedom in determining the fate of the nation. An identity that distinguishes a nation from other nations, and an identity that reflects the values of love for the motherland. President Soekarno, in his heyday when governing, showed self-determination as a son of the Indonesian people. President Soekarno was aware of his country's shortcomings, but he also understood Indonesia's strategic positions in the International world. Accordingly, with the nationalism that reflected self-determination, President Soekarno boldly and loudly emphasized Indonesia's positions in the eyes of the world even though at that time Indonesia was not an influential country. The Indonesian nation at that time was not yet counted as one of the major powers in the world. This has actually shown that self-determination is an important aspect for every country.

¹ Department of Political Science Universitas Pelita Harapan Gedung Veteran RI (Plaza Semanggi), 3rd Floor, 16th - 17th Floor, Jl. Jend. Sudirman Kav, 50, Jakarta 12930, Indonesia. E-mail: thomas.pureklolon@uph.edu

² Sharia Economics Professor of the Faculty of Economics at Batam University, Indonesia.

Nationalism is the identity of a country, in the form of ideology. Each country is definitely different from one another, having its own characteristics. It is the same as humans, where each individual has a different personality or identity, so does a country. Countries have their own "personalities", have different ideologies and have attitudes to determine their political lives in different International systems. As a result, nationalism as an ideology is considered as "a normative idea and is the freedom of the state to carry out self-determination" (Halliday, 1994, p. 445). For example, like China, it has a social-communist ideology as the identity of its country where the ideology of each country reflects the attitude of the nation conveyed by their respective nationalism. Apart from that, nationalism has also become a movement, as has been shown when the decolonization after the world war led to nations with nationalism being moved to form their own countries.

Nationalism is deemed to have a close relationship with the concept of nation state which is the formation of a state based on the nation behind it. Nationalism is considered as a driving force for the birth of a state that starts from the nation. The nation itself is a concept that defines a common ethnic and cultural identity shared by certain people, while the state is a political unit defined according to its territory, population, and governmental autonomy that effectively controls the territory and its inhabitants regardless of its ethnic homogeneity.

A nation-state is a state that was formed because of a nation that wants to realize their desires or their ideology through the state. An example of this is Timor Leste, which was formerly part of the Indonesian state, but there were a group of people who had the same goal, desire, or ideology, namely to become a nation that wanted to have their own country, so they attempted and succeeded in leaving Indonesia and making new country. While the nation-state is a country formed by the existence of a country which then has a nation. An example of this is Singapore, as this country was given independence by the British.

In its development, nationalism has faced major challenges in this globalization era. Halliday (1994) explains the opposite relationship between nationalism and globalization, but on the other hand globalization is said to be capable of producing nationalism. Globalization has also contributed to the rapid spread of nationalism, in fact now nationalism has become a common concept that has become known after decolonization. However, the world is getting closer and without boundaries, allowing unlimited actions between one ideology and another. Nationalism as a feeling of love for the motherland, is being tested by globalization. The flow of globalization which continues to erode and diminish nationalism is growing rapidly. If this is allowed to happen, it is not impossible that nationalism around the world will be degraded. Nationalism has a certain limit to where it develops, whereas globalization does not have clear boundaries for how long it can develop.

Views and Cases of Nationalism

Nationalism began to emerge and develop since the decolonization era after World War II. The process of abolishing colonial lands that occurred in the world has caused turmoil for countries that were deliberately liberated by the former colonizers. This turmoil is channeled through a form of nationalism which has become a reflection of the life of the nation and state. Nationalism is a symbol of individual love for their nation and country, a deep love that can lead to ethnocentrism and even ultra-nationalism. Other than that, nationalism becomes an essence that has an important role for a nation, namely being the main tool for unifying the nation. The common fate of the people in it makes nationalism have a major role as a strengthener of a nation. Nationalism becomes very crucial when it plays a big role in the phenomenon of International relations. Nationalism becomes a national identity, as a principle or guiding principle in the society that determines attitudes in the life of the nation and state. This is what then makes nationalism an important aspect that is highly considered for its existence so that it has a major influence on the political life of a country. Nationalism, which has become the main concern in the phenomenon of International relations in these two decades, is considered as a moral, normative nature, which is the basis of a country's system. According to Miscevic (2001), nationalism is said to have the same complexity as racial issues. It was explained that nationalism describes an attitude possessed by a nation that reflects racial attitudes. An exaggerated sense of love for a nation gives birth to traits that tend to be chauvinistic, thinking that their nation is the best nation.

While on the positive side, nationalism is considered to be able to unite a nation because there is a feeling of equality of fate so that it is able to strengthen the relations between the people. The sense of love and pride for the country has become a driving force for people to live in the International world. Although it cannot be denied that nationalism also sows the seeds of conflicts among nations. Nationalism that has led to ultra-nationalism has become a real danger that threatens peace throughout the world. Love and pride are needed, but too much love will bring disasters to all. Japan is an example of a country that has failed and succeeded in developing a spirit of nationalism. Japan's failure in the spirit of nationalism was first seen in the period before the Meiji Restoration. At that time, Japan closed itself off from the International world.

The Japanese people at that time really appreciated their country and tried to ward off any outside influences that they considered threatened their nationalism. Japan's economy and technology at that time were very far behind other countries that had opened up. After the Meiji Restoration, rapid developments occurred in the Japanese society, and technology developed rapidly and culture became very advanced. The era of World War II became the stage for Japan to develop its nationalism through the spirit of ultranationalism. Japan wanted to become the ruler of Greater East because of its nationalism which believed that its nation was the most powerful nation so that it had the right and ability to lead Greater East Asia. Unfortunately, this spirit had negative implications, not only for the surrounding countries that were invaded by Japan, but also for the

Japanese people who received the stigma of "war criminals". Even though Japan ultimately lost the war and had to surrender to the allies, there were still many Japanese people who were truly willing to sacrifice for their nation. Countless number of Japanese soldiers died while upholding the spirit of nationalism. As stated by a Japanese Kamikaze pilot in Inoouchi, Nakajima, & Pineau (1958), "...I hope that this deed can pay back what you did for me. Pretend that I am fine and know that your son died for his country, this is my last wish and I have nothing more to desire." From the example above we can see the two sides of nationalism.

Cases of Nationalism Related to Law

Chatterjee (1993) mentions that nationalism must be disconnected from colonialism politically and epistemologically. The nationalist subject must attain full and inclusive legitimacy with its people which are diverse in form, space, framework, such as ethnic, religious, communal so as to form a cultural, social and political identity of its own. The problem with nationalism is that nationalism itself supports and continues the legacy of Eurocentrism and Orientalism (West and East). Western nationalism is considered capable of producing its own autonomy from within, while Eastern nationalism must assimilate something else into its own culture before they become modern nations, so that in the Western context, its national essence is rooted in a sense of autochthony, becoming the basis of a re-rooted modernity and the reconfirmation of a sense of indigenous identity. Meanwhile, Eastern nationalism is forced to choose between being itself or becoming modern nations, as if the universal standards of reason and progress essentially only exist in the West.

Basic Human Ethics Prioritizing Personal Interests (Egocentric)

Egocentric ethics is rooted in the human demand to maintain and develop his personal life. In its application, such ethics bases what is good and beneficial for individuals by itself which will also benefit society. Thus, personal welfare is seen as more important than general welfare because it is assumed that general welfare will appear by itself if everyone strives for his personal welfare. Public welfare is the logical consequence of effort and personal well-being. Such an egocentric ethical orientation is not inferred from natural human tendencies to be selfish or narcissistic, but from a certain philosophical view of human nature, namely atomism. According to this philosophical view, each individual (or private enterprise) is a social atom, the smallest unit of society that is independent, but equal in position.

This egocentric ethical notion began to develop rapidly in the 17th century and became the basis of liberal capitalism. The motivation for human action is the pursuit of maximum personal gain and benefit by cultivating nature and developing personal abilities. Everyone has the right to seek their own welfare without interference from the state or other outsiders. Hector St. John de Crevecoeur in 1782 had formulated the point of view of liberal atomism as follows: "Only a string of government regulations that are as soft as silk can restrain human individual endeavors. Industry

will actually develop rapidly, without interruption and obstacles, if everyone fights for the betterment of his own destiny. Laws are needed only to protect initiatives, businesses and private property. Competition and competition for welfare is the most appropriate mental climate to spur the economic growth of the whole society. The philosophical foundation of egocentric ethics is contained in the views put forward by Thomas Hobbes in the 17th century. According to Hobbes (1966) humans are essentially competitive creatures, always competing. In his book, *Leviathan*, Hobbes (1966) states that humans are by nature cruel, hostile and unfriendly to one another. In a natural state, everyone has the same rights over everything because "nature has provided everything for everyone".

However, for Hobbes (1966), nature is not a paradise garden or a utopian and romantic living environment where everyone can enjoy together the fruits of nature's bounty and abundance as many adherents of the communal theory of society claim. Instead, everyone competes to dominate and exploit the same territory and natural resources. In his book *De Cive*, Hobbes (1966) wrote, "Although anyone can say about everything that this is mine, but he cannot enjoy it, because his neighbor, who has the same rights and equal power with himself, will also sue a similar one". Thus, because of this intense competitive spirit, the same natural resources cannot be shared with other people, but must be fought for so that they can be owned individually. Only private ownership can guarantee a person's freedom to enjoy something freely.

Thus, the natural environment becomes a realm of battle that demands law and order so that everyone can survive and not become a victim of the violence and greed of others. The way out of this fierce and sinister way of life is to enter into a social contract or agreement. People agree to strip their freedom to fight and kill each other and are also driven by fear of each other, so they are then willing to be ruled by a ruler. Thanks to the rational acceptance of a set of rules to restrain individual behavior, order and peace can survive in human interaction. Thus, Hobbes's egocentric ethics presupposes that humans, as rational beings, are able to overcome their natural instincts to compete and conflict with each other regarding property by formulating mutually agreed rules. The formulation of these rules was forced by a critical situation, by an emergency that threatened all parties. It is critical situations that force humans to act ethically and rationally in order to control each other and obey the rules that apply.

Hobbes' philosophy is a source of inspiration for environmental ethics put forward by Hardin (1977), an ecologist from the University of California. Hardin's views, which were very influential for environmental policy in the seventies, were described in an article entitled *Tragedy of the Commons*. Just like Hobbes, Hardin (1977) also posits that human beings are naturally creatures that most like to compete with one another, that capitalism is the most natural expression of economic activity, that the environment is an arena where humans struggle to pursue profits by controlling and exploiting their potential. - the potential contained therein. According to Hardin (1977), each individual has a strong tendency to upset the balance, because the benefits he enjoys

far outweigh the losses he has to bear. The benefits that are obtained due to the effort to cultivate and utilize it can be enjoyed directly and personally, for oneself. Meanwhile, the losses due to pollution and damage that arise must be shared, later in the future, so that it feels far lighter and fainter. That is why there are almost no incentives or incentives for certain individuals and countries to control their tendencies to exploit. That attitude has been the cause of the tragedy that has befallen nature, as well as our common environment. The way out that Hardin (1977) sees and offers, just like Hobbes, is mutual coercion mutually agreed upon based on human rational ability to calculate future threats. Critical situations require humans to be rational. Individuals, companies, countries willingly agree to comply with rational rules in processing and utilizing resources. In addition, the mechanism also presupposes that there is a cause from outside (external) that acts to influence the parts that are passive.

For example, the first law of mechanics formulated by Newton (1972) stated that an object will remain in a state of rest or continue to move in a straight line until there is an external force that influences or inhibits it. Likewise in society, the laws and rules imposed by a ruler will soon be obeyed by citizens who are seen as obedient or submissive. Such things that have been conveyed often reflect the thoughts and behavior of people, in any part of the world, because basically humans always try to find benefits for themselves, as is the case with corruption cases that have mushroomed in the Indonesian government. Not infrequently, various external factors appear that support the occurrence of cases of abuse in government. Therefore, there are still many weaknesses and deficiencies in the law in Indonesia that still need to be corrected and confirmed, besides that the level of nationalism of the Indonesian people is still relatively low, where there are still many people sitting in government who do not care about the interests of the Indonesian people.

Religious Diversity in Indonesia

Even though diversity is one of the main elements of the foundation of this nation, there are still influences from past nationalism which essentially emphasize exclusivism. Basically, nationalism must be based on tolerance and respect for pluralism. In the course of time, various kinds of problems related to nationalism in Indonesia have emerged, one of which is the rise of religious and racial sentiments that lead to exclusivism which have colored the development of the Indonesian nation from time to time. Islam is often the top priority in many fields, and sometimes it is even found that there are limitations encountered by non-Islamic people in certain fields, such as politics. This indirectly shows one of the weaknesses and shortcomings of the practice of nationalism which is also contrary to the law in force in the State of Indonesia, because when it is adapted to Pancasila, basically all Indonesian people are free to adhere to whatever religion they believe in as ratified in the Constitution. 45 Article 28E paragraph 1&2, among others are as follows:

- (1) Everyone is free to embrace a religion and to worship according to his religion, choose education and teaching, choose a job, choose citizenship, choose a place to live in the

territory of the country and leave it, and has the right to return.

- (2) Every person has the freedom to believe in beliefs, express thoughts and attitudes, according to his conscience.

Where these two verses are also related to the first precept of Pancasila, namely Belief in One Almighty God which means that all Indonesian citizens are free to embrace their respective religions, without coercion, based on God, and tolerance between religions. In addition, all Indonesian citizens are also entitled to receive justice in the same human values without exception (reflection of the second principle), they should be united even though they differ in race, ethnicity, religion, and region (third principle), and equality in which field even in government (the fifth principle). The practice of nationalism in Indonesia still needs to be improved considering that there are still many conditions that are lacking. Indeed, the impact of nationalism is indeed insignificant in a country, but we often forget that behind a developed and modern country, there are advanced and modern people who accept progress, love the motherland, support the government, and comply with their obligations as citizens.

Antithesis of National Ways of Thinking

As we know, nationalism is a manifestation of national awareness or national spirit. Thoughts about nationalism in Indonesia have existed since before the arrival until after the arrival of the Dutch in Indonesia. Before the arrival of the Dutch to Indonesia, the state had been controlled by the Indonesian people themselves. Even so, the name of Indonesia was not yet known. The territories of the existing countries were also not the same as those of Indonesia since the arrival of the Dutch. As a result of this transitional period, two thoughts emerged about the mission of nationalism itself. In the era before the arrival of the Dutch, there had been a spirit of nationalism in Indonesia. This can be seen from the kingdoms of Mataram, Majapahit, New Mataram, and the others. The holders of power and the people of the kingdom came from the natives themselves. They have known the spirit of nationalism both inside and out. Inwardly, the holders of royal power try to provide welfare and create security for the community.

Leaving, they try to overcome every danger of attack that threatens the sovereignty of their country. Both the rulers and the people with all their might defend the sovereignty and majesty of their country. That is essentially a form of nationalism that lives in the people and rulers in an independent country. The spirit of nationalism develops towards national pride. If the national pride fades, it is a sign that the national spirit has declined and the collapse of the country is imminent. Meanwhile, nationalism during the colonial era essentially only reached the level of "wanting to have a country". Nationalism in this era included the struggles to release national unity which was bound by a territorial unit which had the same area as Indonesia, from Dutch colonialism. His struggle was faced with colonialism, with the aim of achieving independence. With this independence, the people wanted to organize the Indonesian state according to their own

conception. Thus, the intended independence was called the "golden bridge". Across the golden bridge, stretched a happy garden, where Indonesian people would have fun. The desired area was the size of Indonesia, which was still called the Dutch East Indies, may not be reduced by any islands. The nation that would be liberated from the clutches of the colonialists were all the tribes that lived in the territory of Indonesia without any exceptions because the unity of all these tribes was called the Indonesian nation. Nationalism in the colonial era had a special character, namely anti-colonial, anti-Dutch. Thus, Indonesian nationalism was the absolute antithesis of Dutch colonialism. Antithesis basically could not be unified. Therefore, in an effort to fight for their respective interests, clashes always arose between the nationalists and those in power. That is the short story of the form of nationalism in the colonial era. Now Indonesia has attained independence, but Indonesia is still grappling with the remnants of colonialism that have taken root among the people.

The disappearance of the foreign colonialists, the shift from colonialism to national government did not necessarily eliminate the colonial mindset, which had been animating social life for decades. If you get a good wind or bait, the colonial character can be rekindled. Physically, big changes did occur because the rulers were the Indonesians themselves. Changing the colonial mindset towards a national way of thinking was not successful at the same time. This can be seen from the emergence of individual ways of thinking, regional ways of thinking, and party ways of thinking, prior to national thinking, driven by the desire to improve one's destiny. However, the confluence ages are the weakest times. If you are not careful, the government will slide in an unexpected direction, which is contrary to the goals of the revolution. Nationalism as a manifestation of state awareness grows in an independent country. In fact, in an independent country, nationalism can develop freely according to the ability and will of the citizens themselves without experiencing pressure from other parties. How far nationalism develops depends on how the national way of thinking is implemented by its citizens.

The national way of thinking has a special characteristic in the form of objective norms, namely prioritizing the interests of national life. All actions both external and internal are measured by these norms. Whether an action or thought can benefit or harm national life. Under any pretext, activities that are detrimental to national activities must be abandoned. The party or group way of thinking is also the antithesis of the national way of thinking. What is meant by a party or group way of thinking is a way of thinking that prioritizes the interests of the party or group without paying attention to the interests of national life. One example of the case is corruption. The government is a political official elected by the people with a big mission, namely channeling the aspirations and needs of the people. However, oftentimes other government officials have an interest and give bribes to government officials chosen by the people to put their interests first and pave the way for them. This corrupt practice contains three fatal mistakes, firstly it takes things that do not belong to it, secondly it automatically violates the law, and lastly it prioritizes interests other than the aspirations of the people. If a government official who is supposed to set an example of

high nationalism, through law enforcement, justice and honesty, is caught up in such a case, the effect will be enormous for this nation. People's trust in government authorities will gradually diminish and disappear. The aspirations of the people who have been entrusted to them cannot be channeled. Finally, because of surrender, the people will be apathetic about the fate of this country. This apathy will eliminate the sense of nationalism in society. In other cases too, most of the leaders in Indonesia are more afraid of the anarchist actions of a group of people, rather than carrying out their oath of office, namely with all their bodies and souls they will be loyal, serve, and protect the integrity of the Unitary State of the Republic of Indonesia from external and internal threats. A real example can be seen in the openly anarchist case of the FPI mass organization that occurred on Saturday 13 April 2013 which was published in the KOMPAS newspaper.

Hundreds of members of the Islamic Defenders Front (FPI) conducted raids on liquor stores in a number of areas in Makassar, Saturday (13/04/2013) evening. During the raid, FPI members went berserk and threw stones at liquor stores. Hundreds of FPI members who rode motorbikes visited a number of liquor shops in Makassar, because the shops ignored warnings against selling. When the FPI group arrived at Jl. I Lagaligo, they found a number of shops had closed early. It is suspected that the FPI raid plan has been discovered. As a result, the FPI masses became angry. They then threw stones and kicked the shop door which was made of iron. The FPI action stopped when police officers from the Makassar Polrestabes who were carrying out a thug operation happened to pass by the location. FPI members threatened to come back if shops in the area continued to sell alcohol. Next, the FPI mob continued to raid liquor stores in the Jl. White Stone. Again, the FPI mob discovered that the shop had closed early. Again, the FPI mob became angry and threw stones at the shop. Judging from the objective of this organization from the outside, it was actually good.

They wanted to eliminate the factors that could trigger the depletion of a good lifestyle, morals and national character, one of which was alcohol (based on nationalism). However, actually their method was wrong because the substance that should have carried out this task were the police. After all, sweeping did not need to be carried out with anarchic actions. Judging from the lens of alcohol connoisseurs, this drink is also not always used for negative things. There are some people who use this to calm themselves when stressed and tired after work, there are also some people who have a habit of drinking a glass of beer every day so they can sleep soundly and not to get drunk. If the use of alcohol can be seen broadly and not only on the negative side, it will certainly be better. There are also rumors that this mass organization acting in the name of Islam in its actions extorts alcohol sellers to give them a certain amount of money with the threat that their shops will be destroyed if they don't comply. This is where the crucial role of government officials and also the leaders of Islamic scholars is needed. Government officials to stop their anarchic actions, by explaining that the role is actually more for the police, if they are not responded to and their actions continue then the law must be strictly enforced. One of them is by arresting and imprisoning the anarchists. And what is no less important is the role of Islamic cleric leaders to

explain that these mass organizations operate because of their own interests without anything to do with Islamic religious teachings (meaning that Islam never justifies anarchist actions) so that sentiment does not arise against this religion. The question is, this mass organization has been formed since the time of President Gusdur and this anarchist action is not the first time this has happened. However, why hasn't this mass organization been disbanded yet? The answer is of course as explained, most of the leaders in Indonesia are more afraid of the anarchist actions of a group of people than carrying out their oath of office. They seek safety, and ignore the spirit of nationalism of the heroes who fought tooth and nail to uphold the law in order to maintain the integrity of the Unitary State of the Republic of Indonesia both from external and internal threats. Therefore, a breakthrough is needed for a new leader who is able and courageous to change old habits in order that security, comfort, and the integrity of this country are maintained. It should be remembered again, both in the implied era of independence and colonialism as it is today, the national way of thinking is the life ethic of every nationalist. They must place the value of their devotion to their nation and homeland. Abandoning the nationalist way of thinking means denying its national character and is unlawful. Likewise, a person who calls himself a nationalist but does not practice it is either a fake nationalist or a hypocritical nationalist. The appeal regarding national morals is an explicit order and is intended for every citizen, not only in Indonesia but also in other countries with different laws. Therefore, nationalism and law have a close relationship and must work continuously.

Conditions of Lawless Nationalism

In conditions like today, when people are centered on their own interests or the interests of their group, nationalism will fade. Right now we are experiencing disintegration because the old people who will be affected by law enforcement are defensive by dividing the nation. There are so many problems in a pluralistic country not just ethnic or religious conflicts, but because certain parties try to stir up the people, then divisions occur so that conditions become unstable. And that is what certain parties hope for, with the aim of rejecting any changes that aim to unite the nation. And the more we cannot develop and the people are entangled in economic difficulties, the easier it is to be divided. The main key is the nation's moral resilience. When morality becomes high, when we think that the life of the nation and state is not for ourselves, but for the people, then nationalism will grow thicker. And to carry out this, a firm-based law is needed.

Law is very important as the basis of nationalism because through law, people can be monitored, and with Indonesia being a large country and consisting of various cultures, the laws that are drafted must also be acceptable to every group without attaching importance to a particular group, because for ensuring that a nationalist police can function properly requires a person's sense of pride in their country. Based on the legal aspect that governs the country, Indonesia still follows the rules of the world. Foreign affairs still pose problems, moreover the domestic affairs are not over yet. Corruption has become rampant so it is difficult to eradicate by law. The spread of corruption

cases is material affairs which is the main goal. Even though there are legal signs and sanctions, the corruptors are still not afraid. Viewed from the law enforcement system, substance (regulations), structure (enforcement) and community culture. The system that forms from these three aspects influences each other. Not to mention that law enforcers (judges, prosecutors and police) are sometimes easily tempted by the lure of rupiah. This is where it is usually used for legal transactions. If in the Bamboo Curtain country, China, coffins are also provided for officials who are appointed, then the law in this country runs clearly and impartially. In Indonesia, the death penalty for corruptors is still half-hearted. Our laws seem to "protect" corruptors.

Current Condition of Nationalism and Law in Indonesia

It has been more than seven decades that the Indonesian people have traveled with the flag of independence. The journey of more than half a century was marked by various obstacles and a number of problems. This nation continues to strive to improve and introspect, so that the aspirations of its people are safe, peaceful and prosperous. The important moment of the independence celebration is visualized by the hoisting of the Red-White flag as a form of remembering historical romance, when Ir. Sukarno proclaimed it at Jalan Pegangsaan Timur, Central Jakarta. Independence based on the spirit of nationalism and patriotism still needs to be questioned. Law of the Republic of Indonesia Number 24 of 2009 concerning the flag, language, and state symbols, as well as the national anthem, is a law that has been established to define the meaning of nationalism in depth to the people of Indonesia. Nationalism is the understanding of loving nationality, of course a citizen must do something that is best for the nation and state. However, if we compare it with nationalism in the days of the founding fathers, today's nationalism is nothing.

Our nationalism is now "zero". Because the majority of Indonesians don't think about the interests of their nation anymore, but think about how to enrich themselves and enrich their group (religion, race, ethnicity), that's the reality we see today. In fact, in fact, when reform rolls around we are all optimistic that we will enter a new era, an era in which nationalism which has been "forgotten" for 35 years will revive. And we don't expect narrow nationalism. We expect nationalism based on humanity because that is the demand for independence which can be read clearly in the Preamble to the 1945 Constitution. Therefore, investment in nationalism is very important for society, especially among the youth, because nationalism is needed by anyone who will sustain the future. front of a nation. However, there is a difference between the pre-independence and post-independence periods in which nationalism occurs. The spirit of nationalism in the Soekarno or Budi Utomo era was indeed strong, due to the proximity of the times and the historical actors in which colonialism still existed.

Colonizers' repressiveness must be confronted confrontatively as well as physically. Now, colonizers and colonialism are gone. So it is necessary to understand the meaning of nationalism with a broader meaning. If in the past you had to carry arms to fight, now you can do it according

to your field, that can be called nationalism. Students must learn science, lecturers teach and develop knowledge, the government (PNS) serves the needs of society and so on. Instilling the values of nationalism is very important for children's education. Materials like this become self-sufficiency when the buds of this nation become successors. So far, there have been inaccuracies in the teaching process in history lessons. Students are only asked to memorize a series of history, events, and so on. This lesson can at least touch the hearts of the students. Even though it has been more than half a century of independence, Indonesia is still plagued by dynamics of problems. Conditions of poverty, ignorance, corruption still characterize this nation. Even more broadly, independence from the influence of foreign nations is still enormous. We seem to follow the conditions of the western nation.

For example, Indonesia was forced by the International Property Organization (IPO) in a number of ways. Such as patent or trademark laws against wealth in this nation. A conditioning philosophy like this leads to an individualistic attitude in which the right of discovery only belongs to an individual, because individual rights burden other people. Pharmaceutical drugs are expensive because the rights are owned by the company, consequently the poor cannot buy them. It's a different story if the right is owned by the government for the welfare of the people. Unfortunately, it seems that the laws governing the existence of nationalism are not lived and implemented in social life. Especially in this modern era, it is undeniable that the spirit of nationalism is fading and laws are not heeded. In the past, before Indonesia won independence, the Indonesian people fought tooth and nail so that this nation could be free from the shackles of colonialism. The spirit of the Indonesian people, especially the youth, is extraordinary.

With the spirit of unity and self-sacrifice, this nation was finally able to achieve independence. At that time all their strength, property and even their lives were sacrificed. Everywhere the youth inflamed the spirit of independence. However, now times are different, when the Indonesian nation was independent, when the Indonesian nation was free from the shackles of colonialism, there were even more serious enemies that this nation was currently experiencing. The big enemy is the fading sense of nationalism among the youth. Youth who should be able to make the future of a nation better, are now becoming enemies who can destroy the life of the nation in the future. Indonesian youth who used to fight tooth and nail to unite the nation and expel the colonialists are now starting to forget their love for their own people. They are actually more proud to be part of other nations. This attitude will be the nation's greatest enemy in the future. Young people who will make the nation proud will actually forget and leave the nation that has raised them.

Awkwardness of Nationalism in Indonesia

Bung Hatta saw that there were various problems of nationalism. For example, intellectuals, educated, clever, they would feel that power had to be in their hands, which would then develop into a situation where they were not quite satisfied with the situation, which would be the forerunner of corruption. Corruption would cause a lot of problems. Cases like this will not be

completed if the government or the authorities do not immediately follow up. However, at this time, Indonesia is currently not quick enough to deal with problems like this, even those that occur within the government system itself. Conditions of nationalism like that the people occupy a marginal position. Apart from that, of course there are general problems such as inter-ethnic and religious issues, which naturally occur given the bustling ethnic and ethnic groups that exist in Indonesia. An example is the burning of ethnic Chinese houses by indigenous people in Rengasdengklok in 1997. Instances like this can be caused and based on a lack of a sense of nationalism and law enforcement in force in Indonesia. Ironically, cases like the one above can be caused by the authorities in making and administering the Indonesian laws.

Conclusion

The essence of nationalism in a rule of law are two central things in analyzing the strength of a state. Nationalism is actually related to certain symbols in a country. While the law itself is a system of regulations that regulates and binds a community in a certain area. The relationship between nationalism and law is indeed very numerous and close, especially in the Indonesian nation. The relationship between nationalism and law in Indonesia is clearly explained in the Law of the Republic of Indonesia Number 24 of 2009 concerning the Flag, Language and National Emblem, as well as the National Anthem, which is a law that has been established to define the meaning of nationalism in depth to the Indonesian people. and has also been connected through the Indonesian national identity regulated in the 1945 Constitution in Articles 35-36C, including the following: (1) The National Language or Language of Unity, namely Indonesian, (2) The country's flag, namely the Red and White, (3). 8) The form of the Unitary State of the Republic of Indonesia which is sovereign by the people, (9) Conception of Archipelagic Insights, (10) Regional culture which has been accepted as National Culture. Even though the relationship and provisions between nationalism and law have been determined and agreed upon in the laws in Indonesia, in reality the practice in society does not run smoothly because in the current era of globalization where information becomes very easy to obtain and it is indirectly can affect the spirit of nationalism and also the existing law.

Nowadays, many people are not proud of their own nation, their own language, and everything related to nationalism in that country, especially the Indonesian people. The role of law also cannot regulate this because there are no clear sanctions in the regulations on nationalism that have been determined so that people can show apathy towards nationalism in their own country. In the end, to survive rapidly advancing in this modern era, a citizen individually or collectively must have a strong sense of nationalism and remain obedient to applicable laws. In this way, Indonesia will not be belittled or belittled in the eyes of the world and Indonesia will always remain a sovereign and strong country in the eyes of the world.

References

- Asshiddiqie, Jimly, Introduction to Constitutional Law, Jakarta: Secretariat General and Registrar, Constitutional Court of the Republic of Indonesia, 2006.
- Catterjee, Partha, Nationalism, and Ethnicity Thought and Colonial World, Minnesota, United States of America: Zed Books Ltd. 1993.
- Caderman, Lars-Erick, Nationalism and Ethnicity. In Walter Carlsnaes, Thomas Risse, Beth Simon [eds], Handbook of International Relations, SAGE, 2002.
- Coulombis, A. T., Wolfe, J.H., Introduction to International Relations: Power and Justice, 3rd Ed. Prentice-Hall Inc., Englewood Cliffs, NJ., USA, 1986.
- Crevecoeur, J. Hector St. John de, What is an American? Letters From an American Farmer. New York: E.P. Dutton. 1959.
- E. Schulze, Kirsten, The Free Aceh Movement (GAM): Anatomy of a Separatist Organization. Washington: East-West Center Washington, 2004.
- Halliday, J. "Nationalism" in Baylis, John & Smith, Steve (eds), The Globalization of World Politics. 2nd edition, Oxford: Oxford University Press, 1994.
- Hardin, Garret, Tragedy of The Commons, Managing The Commons. San. Frasisco: W.W. H. Frreman, 1977.
- Hobbes, Thomas, The Philosophical Rudiment Concerning Government and Society, in Illiam Molesworth (ed), English Work, vol,11, Aaten. Germany: Scientia, 1966.
- Miscevic, Nenad, Nationalism and Beyond, CEU Press, 2001
- Kelsen, Hans, General Theory of Law and State, Transaction Publisher, 2005.
- Mayall, J., Nationalism in the Study of International Relations, in Groom, A.J.R & Light, M. Contemporary International Relations: A Guide to Theory, Pinter, 1994.
- Muchsin, Hajj, Overview of Law, Jakarta: IBLAM Publishing Agency, 2005.
- Muljana, Slamet, National Awareness, Yogyakarta: LKiS, 2008.
- Mulyan, Budi. "Material 11: Understanding of Various Legal Terminology". <http://elib.unikom.ac.id/>. accessed on April 1, 2014.
- Indonesian Tera Publisher, 1945 Constitution and Amendments + State Administration Structure, Yogyakarta: Indonesia Tera, 2008.
- Rahayu, Minto, Citizenship Education Struggle to Support National Identity, Jakarta: PT Grasindo, 2007.
- Saragih, Bintan, Legal Politics, Jakarta: Utomo, 2006.
- Soekanto, Soerjono, Fundamentals of Legal Sociology, 2005.
- Soeseno, Nuri, Citizenship: Interpretation, Tradition, and Contemporary Issues, Jakarta: Department of Political Science, 2010.
- Sugeng Hadiwinata, Bob, Transformation of the Free Aceh Movement, Indonesia Office: Friedrich-Ebert-Stiftung, 2010.
- Suleman, Zulfikri, Democracy for Indonesia, Bung Hatta's Political Thoughts, Jakarta: PT Kompas Media Nusantara. Quarter, Period, Introduction to Law, Jakarta: National Library, 2006.
- The 1945 Constitution of the Republic of Indonesia. [http://www.dpr.go.id/ id/uu-dan-ruu/uud45](http://www.dpr.go.id/id/uu-dan-ruu/uud45). Accessed June 16, 2021.