



## The Role Of Legal Language In Formulating Written Legal Rules In Indonesia

Junaedi<sup>1</sup>, Jaya Mulya<sup>2</sup>

<sup>1</sup>Universitas Swadaya Gunung Jati Cirebon, Indonesia

<sup>2</sup>Universitas Islam Negeri Sunan Gunung Djati Bandung, Bandung, Indonesia

Email: pascajunaedi@gmail.com<sup>1</sup>, jaya290620@gmail.com<sup>2</sup>

### Abstract

*Legal language is a regulatory language that is intended to realize justice and care for the community and is expected to protect private and public interests. Because the legal language is modern Indonesian, the use of Indonesian must be clear, fixed, mono-semantic, and in accordance with the aesthetic requirements of the Indonesian language. Thus, to understand the rule of law and legal language, in principle, it is a unity in a legal discipline. If you want to learn and understand the rule of law, you must use good legal language. The rule of law consists of a systematic legal language, From this view it is very clear, that the role of legal language is very important to formulate legal rules in society. The problem is how to apply the rules of legal language and the form of the legal language used in formulating written legal rules in Indonesia. This study aims to determine the role of legal language in formulating written legal rules in Indonesia. While the (type of research is normative legal research, namely legal research conducted by researching library materials, or secondary data, or library research. And the results of this study, First; the rules of legal language to formulate written legal rules are (1) Luges and exact; (2) Objective; (3) Careful definition; (4) Not emotional; (5) the exposure is conventional; (6) Not dogmatic (7) thrifty; (8) The form of the meaning is stable. Second; form of legal language to formulate legal rules; (1) The form of the word must be correct; (2) The meaning of the word must be precise; (3) Sentences must be clear; (4) Distinctive terms; (5) Not greeting people; (6) Typical wearing style; (7) The writing follows the EYD; (8) Legal norms are conveyed through sentences.*

**Keyword: Legal Language and Legal Rules**





## 1. INTRODUCTION

In every life of society, there is a system of law, and order. The law consists of a set of legal rules, called a rules of law. Those rules of law are usually contained in legislation, government bureaucratic decisions, and judicial decisions. These legal regulations govern every behavior of citizens in the association of daily life. The rules of law require how we behave in relation to one another. Thus, the rules of law will give consequences for what we should do and what at least we shouldn't do (Ridwan & Sudrajat, 2020).

Therefore, the existence of a rule is inherent when humans interact with other humans in a society. Rules always contain the necessity to behave in a certain way, while the content of rules is permissible behavior, and what is not permissible and which should be carried out by man in everyday life. In essence, the rules governing human behavior are shown to maintain a balance and order of human interests in the survival of society, nation, and state (Purwaningsih, 2020).

Thus, to formulate a good legal rule, good legal language is also needed. Because the language of law is the main medium For the community to know the standard, clear rules and the purpose of the rule of law are formed. In this era of globalization, it has encouraged a social dynamic to build a transformation of modern communication through digital communication, so that in this context language has a very important role. So, the use of language in the legal dimension is also important to anticipate all possibilities of what happens to a change in social dynamics (Purwati, 2020).

Legal language is a language of regulations that are shown to realize justice and order in society and are expected to safeguard private interests and public interests. Because the legal language is modern Indonesian, using Indonesian must be clear, fixed, semantic, and in accordance with Indonesian aesthetic requirements. Perhaps during this time, it will raise the question of which language is the one. Written in the language of the law? The answer is simple but dogmatic, namely, The language is legal science. That answer may be born to those who are legal scholars. In contrast, those with a Master of Law background said the language of law is the language used theoretically in the treasures of legal science. It is also different from a Doctor of Law, that legal language will be a medium to interpret, understand, and reveal the nature of a legal science. And it is very likely that even a professor thinks differently.

The science of law is a discipline that stands on its own characteristics (*sui generis*). Legal science has its own logic, namely the logic of law / legal reasoning, and for the needs and interests of scientific functioning, legal science has its language itself (language), that is,





the language of law (law of language). Therefore the discipline of law with all its properties and scientific elements, with all its characteristics, structure, and classification, as well as with all the supporting elements of its system is loaded with legal languages. So to understand all scientific disciplines well, one must use one's own language, the language of law (Qamar, 2017).

Thus, understanding the rules of law and legal language in principle is a unity in a legal discipline. If to learn and understand the rules of law, one must use the language of law which is good. The rule of law is composed of a systematic legal language, From This view is very clear, that the role of legal language is very important in formulating legal rules in society. Therefore a problem arises, What is the role of legal language in formulating written legal rules in Indonesian? This is what must be expressed in order to know the embodiment of legal language in the formation of legal rules.

### 1.1 Problem Formulation

From the description above, it can be understood that the issue of legal language is very It is important to formulate a rule of law, especially written legal rules, so that there are several issues that can be used as a formulation of problems in this study, including:

- a. What are the rules of legal language in formulating rules of written law in Indonesia?
- b. What is the form of legal language used in formulating written legal rules in Indonesia?

## 2. RESEARCH METHODS

This research takes the object of the role of legal language in formulating written legal language in Indonesia. The type of research is normative legal research, namely legal research carried out by researching materials libraries, secondary data, or library research. The material or data collected is then identified, compiled, and presented as is. Then an interpretation is carried out and analyzed qualitatively, namely by describing, interpreting, and compiling systematically logically in accordance with research objectives. Furthermore, from the results of the study, conclusions were drawn on Problems studied by deductive methods and presented descriptive analysis.

## 3. DISCUSSION

### 3.1 Law as a rule

There are a number of experts who say the word "norm" is synonymous with the word "rule", According to the Indonesian dictionary, the two words have different meanings,





But it refers to the same issue of "rules". The word "norm" based on the Indonesian dictionary, is defined as a rule or provision that binds all or part of the community; Standard rules, are measures to determine things (Anwar, 2016)

The word rule, based on the Indonesian dictionary, is defined as the formulation of principles that become law; certain rules; a benchmark; or A postulate (TAQWA, 2018). Furthermore, Sudikno Mertokusumo emphasized that the rule is a The rules of life that determine the direction of how humans should behave and behave in public life so that all the interests of society are protected, or in other words, the rules of law are value systems listed in a concrete regulation (Ahmad, 2018). Meanwhile, according to Jimmly Asshiddiqie, rules are the manifestation of good and bad values into a system of rules (laws) containing abilities, Advice, or encouragement. Recommended or A command can contain a rule that is either positive or negative, which includes an exhortation to do something or not to do something. (Jimly Asshiddiqie, 2021)

According to Soerjono Sockanto, the law as a rule is a basic principle (benchmark) as a guideline for human behavior in daily life (Soekanto, 1986). While good behavior will become a rule of law habit if it meets two requirements, namely (1) material requirements, habits that are, (b) psychological conditions, a consciousness arising from the conscience to performing obligations under the law (Darmiyati Zuchdi, 2023). There are also elements. This legal awareness, in line with the principle of opinion, necessitates, is as the basis for distinguishing between actions or attitudes of legal behavior with attitudes of action or behavior that is not legal. Therefore, awareness of legal values arising from the heartstrings is a determining factor for the validity of a law, it will give birth to legal awareness. Good law Awareness directly or indirectly has a close relationship with compliance law, then concretized by the attitude of action or treatment of man.(Jaya, 2017)

It can be understood, that a rule is a rule that determines the behavior of Humans in life, so as to create a balance of interests between themselves and others. Therefore, legal rules can be used as guidelines for human life in the position of humans as private and social beings. Therefore, the rule of law is a rule made by the state, and the content of the rule applies to everyone, so that its enactment can be imposed by the state apparatus and its implementation can be maintained. Examples

1. Whoever by force or threat of coercive violence a woman who was not his wife had intercourse with him, was punished, for rape with imprisonment for not more than twelve years (Article 285 of the Penal Code) (Amrullah, 2020).





2. Every engagement to do something, or not to do something, if the debtor does not fulfill his obligation, obtains its settlement in the obligation to provide reimbursement of costs, losses, and interest (Article 1293 of the Civil Code).
3. Marriage is valid, if it is carried out according to the laws of each religion and belief (Article 2 paragraph (1) of Law Number 1 of 1974). (Burlian, 2019)

The example above, if you violate the rules of the law, you will obtain strict sanctions and imposed by the state apparatus, where the purpose is The main of this rule is for the realization of order and justice in society. For this reason, this kid is expected to be able to achieve peace in the association of human life. Thus, to maintain peace, peace, and harmony of life in society is a fundamental value of rules of law. This value is universal and forms the basis of this rule of law. While the cumulative value is that who does it must be responsible for that deed (Alidrus, 2023).

In everyday life, we know there are four kinds of rules as guidelines to direct human life to the best place. The rule is a rule that becomes a benchmark in the association of life between people. Among the four kinds of rules are the following:

- a. Religious Rules, These, rules come from God, teachings that come from God are man's guide for life and as a guide for his survival.
- b. Rules of Decency, This, rule relates to the position of man as an individual because it concerns the human person. This rule is considered a rule of life.
- c. The Rules of Modesty, This, rule is based on repeated good deeds and becomes a habit. The rule of origin arises from The, association of human life in life in the midst of society.
- d. Legal Rules, These rules are made by the ruler both written and unwritten, so that their implementation is coerced by the government if Committing negligence will result in strict sanctions from the government (Koeswanto et al., 2023).

Hans Kelsen argues for its relation to the rule of law, as seen in his book *The Pure Theory of Law*, explains; "Legal Norms are not judgment, that is, they are not statements about an object of cognition according to their meaning they are commands; they maybe also permission and authorization." Kelsen views that the rule of law is not informative, or merely A formulation of the basis of action, but the rule of law is a command, a rule, a permissibility, or an authority so that the rule cannot be seen as "right" or "wrong". Kelsen said: "... The norms enacted by the legal authority, imposing obligations and coffering rights upon the legal subjects are neither true nor valse, but only valid or invalid. " (Henny Nuraeny, 2022)





### 3.2 The Role of Legal Language in Formulating Written Legal Rules

In the field of law, the use of standard Indonesian is rarely used as a tool for strengthening the national legislation program. There are some rules of legislation that contain the meaning of bias, and not infrequently the meaning of justice Nor is it reflected in practice. Not only that, the language of Indonesian law, no is rarely translated by law enforcers, by analogizing that justice is only in the normative sphere according to the text of the text. The legal language used today is not so perfect, in semantic words and arrangement or composition. The words in each sentence are not precise and less clear. Because there are many rhymes. The law never has a special lesson in the language of law, and always forgets to learn the importance of good and correct grammar or Indonesian rules (Nasution & Nasution, 2020).

Legal language is a language used in writing and drafting a law, with the aim that the language of the law provides an explanation to be easily understood by the public. Therefore the language of the law must be appropriate to Indonesian language rules, such as having to pay attention to aspects of grammatical grammar, etymology (the science of the origin of words), semantics (the science of word meaning), and syntax (the science of grammar). None of this means that a law graduate has to be a scholar Indonesian language/literature, but pay attention to when the legal language is used in the drafting of laws, so it is mandatory to use all kinds of hardware media (such as dictionaries) as well as software (expert advice) linguists (Wijaya, 2022).

In the 1945 Constitution of the Republic of Indonesia, Article 1 paragraph (3) "The State of Indonesia is a state of law" (Hidayat, 2017). Law is the most effective system of norms to achieve state goals (Airlangga, 2019). Therefore, the legal dimension is always related to the regulatory aspects of human behavior or actions. The problem of regulation of human behavior or actions is not usually built, applied, or expressed without clear, firm, logical, and argumentative language. Then An argument arises that the language of the law is a language that has The rules of language itself, this view can be very clear when it comes to stress. This view ignores the rules of Indonesian use, especially those that deals with semantics, choice of words, use of spelling in the use of sentence formulation (EYD), as well as in the use of sentence formulations (Pengantar, 2020).

Such a situation raises many problems, especially in an effort to explain the position of legal language in line with the values of justice. Based on Law Number 12 of 2011 concerning the formation of legislation, it is very clear, that the formation of laws and





regulations must be in accordance with the principle of general clarity". The meaning of the "principle"

The general reason" is that every legislation to be formed must meet the technical requirements of drafting legislation, Systems, the use of words, sentences, and terms as well as in the use of legal language must all be clear unequivocal, and easy to understand so as not to cause various interpretations at the stage of implementation.

In-laws and regulations, the language used is the language Standard Indonesia. The language of legislation is Indonesian which is in accordance with the rules of Indonesian, such as regarding word formation, sentence construction, and spelling. Suppose to formulate a rule, in one sentence there is a sentence structure in which there is a subject. This is the party to be addressed by law. Where to make the law is to regulate the parties, so that the party (subject) must be determined.

First. Law and language are inseparable from each other, mutually relatedness because the language of law can be expressed. For that, in using Language in a formulation of written legal rules must use language that is straightforward, firm, clear, and does not cause much interpretation, all this to avoid meaning can be in law. This is in line with the characteristics of law that aims to regulate a legal society, while language is a single entity for there is no law that is inward, but the law must be manifested in daily life (AMINSYAH, 2022).

In relation to the role of legal language in the formulation of legal rules Written (laws and regulations) then the language used is language that must be scientific with criteria as follows:

1. Luges and exact because it avoids vagueness and taxation
2. Objective and suppress personal prejudices
3. Provide a thorough definition of the names, properties, and categories it investigates to avoid confusion
4. Be emotionless and avoid sensational interpretations
5. Tends to freeze the meaning of words, their expressions and style
6. The presentation is based on convention
7. Not dogmatic or fanatical
8. Frugal style, only the necessary words are used
9. Its form, meaning and function are more stable than ordinary words have.





The Indonesian used is related to the formulation of rules Law (Peraturan Perundangan) must then meet the requirements as the following:

1. The form of the word must be correct;
2. The meaning of the word must be precise;
3. Sentences must be clear, true, and precise;
4. Typical terms;
5. Not greeting people personally;
6. Distinctive wearing style;
7. Writing follows Enhanced Indonesian Spelling;
8. Legal norms are conveyed through sentences.

Language is a means, tool or medium for humans to convey their purpose to others, so that others know the meaning of the language. Therefore, the material content of laws or regulations must reflect good principles so that it can be accepted or felt for the existence of laws that reflect a sense of justice and peace for the survival of the community. In line with that, based on Law No. 12 of 2011 article 6 concerning the development of laws and regulations, it is stated that the content of laws and regulations contains the following principles:

1. Stewardship; Every law must function to provide protection in order to create peace community.
2. Humanity; Every material content of laws and regulations must be reflects the protection and respect of human rights and the dignity of every citizen and resident of Indonesia Proportional.
3. Nationality; Every material content of laws and regulations must be reflects the pluralistic nature and nature of the Indonesian nation (diversity) while maintaining the principle of the Unitary State of the Republic Indonesian.
4. Kinship; Every material subject to laws and regulations must ensure deliberation to reach consensus in every decision making.
5. Intermediary; Every material content of laws and regulations always pay attention to the interests of all regions of Indonesia and the material content of laws and regulations made in the regions is part of a national legal system based on Pancasila.
6. Bhineka Tunggal Ika; The content of laws and regulations must be Pay attention to the diversity of population, religion, tribes and groups, special regional conditions,







and culture, especially those concerning sensitive issues in the life of society, nation and state.

7. Justice; Every material content of laws and regulations must be reflects justice proportionately for every citizen without exception.
8. Equality of Position in Law and Government: The content of laws and regulations must not contain matters that are discriminating based on background, including religion, ethnicity, race, class, gender, or social status.
9. Order and Legal Certainty; Every material content of laws and regulations- Invitations must be able to bring order to society through the guarantee of legal certainty.
10. Balance, Harmony, and Harmony; The content of each regulation Legislation must reflect balance, harmony, and Alignment, between the interests of individuals and society with the interests of nation and state.
11. Other Principles in accordance with the Field of Law; Is a principle in accordance with the relevant field of regulatory law, including:
  - a) In criminal law, for example, the principle of legality, the principle of no punishment without guilt, the principle of formation of prisoners, and the principle of presumption of innocence.
  - b) In civil law for example the principle of freedom of contract, the principle of agreement, the principle of good faith.

Legal language used in the formulation of written legal rules / legislation is Indonesian where the characteristics or patterns The use of language is peculiar in the legal world. Based on the Second Indonesian Congress on October 28-November 2, 1954 in Medan, this congress paid great attention to the use of language in the legal shutter. In 1974, the National Legal Development Agency (BPHN) organized a language and law symposium in the same city, Medan. The 1974 symposium produced four

The following statutes are below.

- a. Indonesian legal language (BHI) is a Indonesian used in the field of law, which considering its function has its own characteristics; therefore, the language of Indonesian law must meet the requirements and rules of Indonesian.
- b. The characteristics of legal language lie in the specificity of the term, composition, as well as Style.
- c. BHI As Indonesian is a modern language whose use must be fixed, bright, monosemantic, and meet aesthetic requirements.





d. The symposium noticed a lack of perfection in the legal language currently used, particularly in word semantics, form, and sentence composition.

The principle of law is the basic principle in the form of a system of values that become. The foundation of thinking about a law. Other terms legal principle can also be said as the initial basis or reason for the formation of a legal regulation, or It is also called the "ratio legis" of a legal regulation, in which it is contained noble values, social ideals, or in other words an ethical view that wants to embodied in people's lives. Therefore, the principle of law is the heart or bridge that connects the positive laws and regulations with social ideals and ethical views of society, which are to be realized into a reality of human life. If we understand the main principles of a legal system, then the law must be can be communicated to the community. Conversely, when the rule of law cannot be Well communicated to the community, then the law will not be effective for influence people's behavior, which in turn will shape consciousness low law. In the end, the enforceability of the law did not work with effective. Because the law cannot be properly compromised on society. It is in this position that the language of law has a very fused role, especially in the formulation of a legal master. The legal language used must be a standard language in accordance with the rules of the Indonesian language.

#### 4. CLOSING

First; The rules of legal language used in formulating written legal rules must refer to Indonesian grammatical rules that standard, taking into account the scientific criterion of a language, namely: (1) Luges and exact because it avoids vagueness and taxation; (2) Objective and suppressive personal prejudice; (3) Provide careful definitions of the names, properties, and categories it investigates to avoid confusion; (4) No emotion and avoiding sensational interpretations; (S) Tends to freeze the meaning of words, their expression and the style of their presentation by convention; (6) Not dogmatic or fanatical; (7) Frugal style, only the necessary words are used; and (8) Its form, meaning and function are more stable than ordinary words have.

Second; As for the form of legal language used in relation to the formulation of legal rules of statutory changes), it must meet the following requirements: (1) The form of the word must be correct; (2) The meaning of the word must be precise; (3) Sentences must be clear, true, and precise; (4) Typical terms; (5) Not greeting people personally; (6) Distinctive wearing style; (7) Writing follows the spelling of the Indonesian Enhanced; and (8) Legal norms are conveyed through sentences.





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