

Simulacra Law Outside the National Legislation Program

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ABSTRACT--*Simulacra is usually known in social theory related to consumerism, or capitalist products. But in this research applied in the formation of legislation, especially the Law produced through the formation process outside the National Legislation Program. The people in this research are considered as consumers who are pressured by the simulacra produced by their thoughts, thus suppressing the reality that occurs. This study uses qualitative research with the critical theory et all. Paradigm. The approach used in this study is through social theory brought by Baudrillard about symbolic exchange. This symbolic exchange is elaborated with researchers' understanding of the formation of laws and regulations.*

Keywords: *simulacra, law, National Legislation Program*

I. INTRODUCTION

The National Legislation Program is believed to be the political law in Indonesia which determines the direction of the development of Indonesian law in the next five years. Therefore, National Legislation Program is actually not a simple process, it is not just a plan, but actually it has to be the starting point for Indonesia's journey to achieve the goals and objectives of the state. Filling a bill and ensure it can be approved and included to the national legislation program, has to go through a process in advance through academic texts or an initial conception that shows that the bill is indeed needed. However, normatively, the legislators are given an entry point to submit a bill outside the National Legislation Program to deal with exceptional circumstances, conflict situations, or natural disasters, and certain other conditions that ensure national urgency for filling a bill that can be mutually agreed by the apparatus of

the House of Representatives that specifically handles the field of legislation and the minister who carries out government affairs in the field of establishing legislation invitation. Thus it can actually be read, that the formation of a Law outside the National Legislation Program is a conditional condition that can be adopted by the legislators if the conditions are met. However, in practice the formation of laws in Indonesia, the formation of laws outside the National Legislation Program was carried out without knowing whether the requirements for their formation were fulfilled or not. Whether due to

extraordinary circumstances, conflict conditions, or natural disasters, or certain other conditions that ensure national urgency, so the arguments for their formation are often disguised in the process of establishing a Law based on National Legislation Program. Due to often disguising themselves, the results of their formation show a vague quality. Instead of being able to overcome the conditions in such a way as a conditional condition for its formation, it tends to create a gap between the material content and the conditions needed, as happened with the Law on Amending the Corruption Eradication Commission Act.

II. RESEARCH METHOD

This study uses qualitative research with the critical theory et all. Paradigm. The approach used in this study was taken through the social theory brought by Baudrillard about symbolic exchange. This symbolic exchange is elaborated with researchers' understanding of the formation of laws and regulations. From this theory, it can be seen that the rules contained in legislation that often lead to symbolic dominance through the code can destroy the symbols of social relations. So, Baudrillard's emphasis was, the main factor that damaged social relations was not ownership of the means of production, but more than that is control code.[1]

The data used are secondary data sourced from primary and secondary legal materials. The primary legal material used is Law Number 12 of 2011 concerning Formation of Regulations and Regulations as amended through Law Number 15 of 2019 concerning Amendments to Law Number 12 of 2011 concerning Formation of Regulations. Meanwhile, the secondary legal material used is about the formation of legislation mainly related to the National Legislation Program and rules as symbols and control codes.

The data was successfully collected through a document study and analyzed through a review process before it was compiled and indexed and then verified. The results of the verification produce an evaluation. The results of the evaluation are outlined in the research report guided by critical et. all.

III. FINDINGS AND DISCUSSION

From secondary data collected, revised and evaluated it was found that Law Number 19 Year 2019 concerning the Second Amendment to Law Number 30

Year 2002 concerning the Corruption Eradication Commission was formed as a Bill originating from outside the National Legislation Program. As has been stated above briefly, that the formation of laws outside the National Legislation Program can be carried out by the legislators in certain circumstances, namely to overcome extraordinary circumstances, conflict situations, or natural disasters, and certain other conditions that ensure there is national urgency. The Law on the Second Amendment to the Law of the Corruption Eradication Commission, for example, was formed on the grounds of national urgency related to the non-optimal eradication of corruption by the Corruption Eradication Commission.[2] That was conveyed by Member of the House of Representatives Commission III ArteriaDahlan in a follow-up session of the Law on Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission, at the third session of case Number 59 / PUU-XVII / 2019. However, normatively, the reason for national urgency used to form the Second Amendment Law to the Corruption Eradication Commission Act is not found to have parameters. This is what causes the legislators to freely translate the concept of national urgency to form a bill outside the National Legislation Program. Other laws established outside the National Legislation Program are the Law on Amendments to the Law on the People's Consultative Assembly, the House of Representatives, the Regional Representative Council and the Regional People's Representative Council. In the formation of this law, it is unknown the reasons for certain circumstances that make this Law feasible as an Act established outside the National Legislation Program.

If judging from the 2 Laws that are sampled in this study, this Law raises noise in the social fabric of the Indonesian people. The Law on Amendment The Second Law on the Corruption Eradication Commission, before it was ratified and enacted, had been demonstrated by students because it was considered to weaken the function and role of the Corruption Eradication Commission in eradicating corruption.[3] Likewise with the Law on Amendment to the Law on the People's Consultative Assembly, the House of Representatives, the Regional Representative Council and the Regional People's Representative Council which caused controversy with the political upheaval that occurred, potentially harming the community and making the House of Representatives a superior institution.[4] In contrast to the Law established under the National Legislation Program, Laws outside the National Legislation Program have no obligation to be preceded by academic texts as the basis for the argumentation of their formation.

This situation, confirms what was stated by Baudrillard about symbolic exchange. Society as a consumer of the product of the rules of a statutory regulation, has an illusory freedom which will ultimately destroy his mind in the relationship of social order. Society has been dominated by codes through the rules it consumes, so that its actions will adjust to that illusion. [5] The exclusion becomes a simulation that explains social relations through over communication obtained

from various types of media, such as electronic media and social media. Simulation appears as an attempt to re-create reality according to the codes produced by the media itself, with the aim of spreading simulacra (imitations), or emphasizing other dominant realities as if they were the only ones that were "truly real". Simulacra began to enter social networks, one of the symptoms of "everything is uncertain" [6].

Inclusive of the Law that is formed outside the National Legislation Program, supported by the absence of parameters regarding certain conditions, especially national urgency, so that people will easily guess through communication that is received as a code or symbol in their thinking. The result is that several laws that are formed outside the National Legislation Program cause noise and polemics, without highlighting their material quality. Not finding arguments that can be accepted by society makes simulacra succeed by suppressing other dominant realities.

IV. CONCLUSION

The vagueness of the arguments in the formation of laws outside the National Legislation Program makes the resulting laws tend to be of inferior quality and even cause polemics. The missing parameters to determine certain conditions as a condition for the formation of a bill outside the National Legislation Program become a weapon for lawmakers to include pragmatic laws. The Law on Amendments to the Corruption Eradication Commission Law and Law on Amendment to the Law on the People's Consultative Assembly, the House of Representatives, the Regional Representative Council and the Regional People's Representative Council, are concrete examples. Society as the owner of illusive freedom as a result of consumerism, the rules that are formed, will easily guess through communication that is accepted as a code or symbol in his thinking. This shows that simulations in the minds of the public which are not supported by effective communication from the legislators succeeded in suppressing other dominant realities, resulting in polemics in the acceptance of laws that were produced through laws outside the National Legislation Program.

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