
**THE RELATIONSHIP OF LEGAL RESOURCES WITH HUMAN CIVILIZATION IN INDONESIA LEGAL
HISTORY PERSPECTIVE**

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ABSTRACT

Human civilization continues to develop following the civilization of its era, the transition period from pre-history, the working period to the modern era today. The transition to human civilization provides an accumulation of information about the substance of the law in force at that time. History is horizontal in time, which makes it a reflection of the civilizations listed in historical relics, including legal civilization. History has the function of explaining and explaining something that happened in the past, giving a fundamental role to the science of history. So as to be able to explain events in the past to reflect human knowledge in the future. This type of research uses normative research methods. The normative research method is called legal research which focuses on doctrinal emphasis on secondary data, namely legal material that has been documented. Legal history has an important role in studying legal science as an object, has an important role in explaining and explaining the strategy of legal concepts in the past. Historical awareness for historians academics in general or legal historians is able to work together in studying legal science in the past, so that they are able to interpret and interpret humans in the present, to provide benefits and certainty for the guidelines of human life itself.

Keywords : Human Civilization, Legal History, History

PRELIMINARY

The history of law has a very important thing for the development of human life, without the history of law humans are unable to reflect on past events to become material for studying and understanding the law in the present. The inability to understand the dynamics of the law in the past will cause problems that humans do not have a reflection and fulcrum in understanding the law in the present, and are unable to predict and project the law in the future. The attachment of the present, the past and the future is a time dimension scope that is mutually bound and provides information to each other in the dynamics of human civilization, humans will not have adab when the law does not develop in the midst of humans to make humans civilized, forever will be human. wild and unruly.

The urgency in interpreting civilization for a nation is the benchmark for the extent to which a nation has civilization in running its nation. Facing this modern era in the association of nations greatly affects the self-esteem and dignity of the nation. Noerhadi Magetsari in his book Perspective of Modern Archeology in the Context of Indonesia, explains that the disclosure of pre-Srivijaya

culture has an important urgency in countering the assumption of western researchers who have the assumption that the Indonesian nation can be civilized like Srivijaya after embracing Hinduism. Noerhadi Magetsari in his opinion of Buddhism or Hinduism, the Indonesian people have had a live culture from the beginning, so they are able to embrace new religions, namely Hinduism, Buddhism and Islam. The Indonesian nation has full awareness, without any external coercion or violence. The problem is, the history of pre-Hindu culture has not been able to be revealed. From the perspective of Noerhadi Magetsari, that a civilization in the past of a nation can be revealed in the present, so that it will provide benefits and interests for the nation. So as to be able to provide a historical statement that this nation had an advanced culture in the past, it is also able to provide a statement that this nation is worthy and able to build a more progressive civilization from the present or the future.

Hendrik Willem van Loon quotes from his book *History of Humanity From Our Early Ancestors to the Age of Social Media*, that a king named Tiberius Graccius after returning to the stands in the Roman Empire, tried to liberate his people. He re-enacted two ancient laws that could limit the number of hectares of land owned by only one owner. With this mechanism, he hopes to liberate the independent and small landowner class again. Hendrik Willem van Loon's perspective shows that in the early days of the Roman Empire, which had extensive power on earth, it was able to accommodate its people so as to place justice in accordance with the norms and values of its time. This is able to provide an understanding that the history of law flows from various human civilizations in the east and west,

METHODS/IDEAS

This type of research uses normative research methods. The normative research method is called legal research which focuses on doctrinal emphasis on secondary data, namely legal material that has been documented. The emphasis of this research on a normative juridical approach is shown in library research. The main research is examining secondary data materials in the form of primary legal materials, secondary legal materials and tertiary legal materials. The reason for using this method is because legal phenomena are related to regulations and the history of applicable law.

RESULTS AND DISCUSSION

Humans have an attachment to history, with human history being able to reflect what happened in the past. In other words, every circulation of human life will give birth to history, because time goes on in the development of human life. History provides a sketch for humans about the meaning that humans live with several aspects that go hand in hand with their lives, with these sketches humans are able to anticipate sharing things from human life from time to time, so that regeneration will run properly. Based on this understanding, history is needed to understand the dynamics of the development of the human era so that the emergence of history can become a benchmark for past health problems to become a correction to the truth, from that benchmark humans are able to be wiser and wiser.

CH. V. Langlois and CH. Seignobos gives a perspective in his book Introduction To The Study Of History reveals that historical facts position themselves in different social strata in general, from facts taken inductively that apply to all people and develop over centuries, so that they apply from one's actions. Here the science of history differs from the sciences of rationality which uses observation as an existing object, measures systematically and obtains facts and implements methodically and then draws conclusions into general facts. In order to form a group of facts, it must be reduced to a general degree, so it is necessary to ask questions about general things that can be reduced to different species of facts. Historians agree with each other on this explanation. From the perspective of CH Langlois and CH Seignobos, they provide an understanding that studying history has its own characteristics and is different from other sciences, because the history of something that happened in the past century due to historical facts can be displayed so that it has different degrees of generalization, meaning that the historical concept has differences. time in time and is influenced by factors, but history can be applied by the whole society without any significant differences and has a long period of time.

Kuntowijoyo gave the opinion that history is a human science, not a natural science, where the human element is related to history and cannot be equated with having an objective like natural science. Historians have never thought of objectivity and subjectivity there are only good and bad historians. Kuntowijoyo argued that history has an ideographic nature, which is capable of describing, describing and telling only. As for social science, which is nomothetic, it means that the law seeks to reveal these laws. The analogy of history is like writing about revolutions, which is said to be the success of writing revolutions in detail down to the smallest things. On the other hand, from the perspective of social science, it will investigate revolutions and try to find general laws that correlate with revolutions. The essence of Kuntowijoyo is that the fundamental concept of history does not only provide an explanation of the explanation, narration and description of an event in the past, history does not seek to find laws relevant to events as does social science. The development of history is not influenced by space and time, because the contents of space and time have different events. History does not try to find laws that are relevant to events as social science does. The development of history is not influenced by space and time, because the contents of space and time have different events. History does not try to find laws that are relevant to events as social science does. The development of history is not influenced by space and time, because the contents of space and time have different events.

WJ van der Meulen SJ, quoting from his book Science History and Philosophy, provides an explanation taking from the term history in modern language that is used daily from previous times who experience and view history as a historical tradition or everything contained in the text of the book. Modern historical science separates past events and investigations of past events, the two realities have an attachment to the subject and object, but are driven by the habits of society and because they are shorter, the same term is still associated with the two realities. The science of history does not seem to fantasize that the depiction of the past becomes the past itself. It is concluded that speech and thought can be accounted for before reason. The mind can understand the past and explain it and not re-create or re-create the present life. WJ van der Meulen Sj emphasized that the science of history is about past events by investigating the relationship with

past events but reason, moral character that investigates and explains the events that occurred in the past. The mind has the ability to re-explain events in the past so that it can be understood and interpreted correctly. moral character that investigates and explains the events that occurred in the past. The mind has the ability to re-explain events in the past so that it can be understood and interpreted correctly. moral character that investigates and explains the events that occurred in the past. The mind has the ability to re-explain events in the past so that it can be understood and interpreted correctly.

History is a reflection, experience and depiction of human life in the past and will continue throughout human life. Studying history aims to reflect on human experiences, both humans and themselves from the past, so that they can learn, inspire and remind as well as motivate them to live life in the present and the future. Studying history is a manifestation of human responsibility what will be done to affect the track record in the future. A sense of responsibility is attached to himself, the community and the nation. The description above provides an understanding that history is a human event that has occurred in the past that can be explained and explained again with several aspects of human empiricism in the past to the next generation..

1. The Meaning of the Scope of Legal History

History studies the time dimension of society that occurred in the past in totality. Meanwhile, legal history studies more specifically about a certain scope of this, namely law. What applies to all, whatever applies to the whole, however to be used in part, and the purpose and purpose of the history of law inevitably end up being to choose and determine the arguments or laws that live in society. Thus, the problems faced by legal historians cannot be said to be impossible from any investigation in a particular field. However, by prioritizing that legal historians must make full efforts to carry out writing in an integral way. Of course, legal historians are able to contribute to historical writers in a complete and integrated manner, This contribution is fundamental considering the role of law is quite large in the association of human life. This shows that history has a correlation with legal history that has emerged in the development of society from time to time. Law has an essential role in human life, because the historical role of law in human civilization is important for the journey of human life.

Matters related to integrals have the understanding that they cannot be interpreted by separating the law from the phenomena that occur in society, among others, the law can be traced and has an attachment. But at the same time the law remains partial with the concept of legal history having a more objective and specific context. In fact, this is not the task of a legal historian, but rather from the task of a historian universally, the results to be achieved have a correlation with historians of law, politics, art, economics, literature. On the basis of this, it can be seen that the law has a more specific specificity,

Legal history is part of the implementation of internal history and has a focal point of attention originating in legal phenomena, where historical writing integrally uses the results of legal history and is at the same time able to reduce the side effects that are forced to surface as a place of pressure originating from legal symptoms. The ultimate goal of legal history is to be able to support and lead to a more integral history writing and should not eliminate the more specific

partial objectives required for surface existence, namely discoveries, arguments and tendencies towards legal development. Based on this perspective, the history of law must maintain its partial and specific nature of the law, even though the historical writing scheme can be integrated with other fields of science.

Legal history is not a branch of any of the legal sciences such as legal philosophy, which is one source of legal theory and legal dogmatics, but legal history is actually a historical science that has existing legal objects. The history of law is classified as a relatively new knowledge and discipline, when compared to other legal disciplines. One of the schools of law that dominates is the rationality school of nature and the positivism school which is the history of law which has not been able to develop properly. The positivism school has a way of thinking that something is seen from human behavior, causing people not to feel the need to reflect and pay attention to the past history of the law.

The dynamics of the time that the schools of natural law and positivism were unable to accommodate human efforts to seek justice in the legal context, many experts began to think about looking at the history of the journey of law in serving people's lives. Von Savigny has a role as the foundation for the development of the science of legal history. Von Savigny in his perspective that the law must be able to accommodate the justice of a society or nation itself is a *volkgeist*. From this discovery, Von Savigny is considered the Father of Legal History because he was able to produce one school in the science of law, namely the flow of legal history. Von Savigny's perspective drew Pucha from a growing German school of culture to provide support, thus giving birth to the discipline of legal history which is one of the branches of historical science that takes law as its ontology. The thought above, is able to provide an understanding of the history of law developing to answer the emptiness of the flow of natural law and positivism which is unable to accommodate human needs from the concept of justice, humans need a legal doctrine that reflects the laws of the past.

Von Savigny's legal system is essentially a representation of the soul of the people who developed the law. Pucha, one of Von Savigny's loyal students, stated that the law has a specificity as a *volkgeist*, namely that legal awareness is the embodiment of all laws. A strong law comes from the people and becomes strong with the people in the end the law dies when the nation loses its nationality. Law has a role in the soul and spirit of the nation, there is always a correlation between law and the personality of a nation. Law has a massive continuity that is unitary and inseparable from the history of the nation. The flow that has a legal correlation and the history of the nation is called the historical school. The school of history gave birth to positive law, the law that applies in certain countries and regions in certain contests. Understanding the law is the embodiment of the soul of the *volgeist* nation that has accumulated from the public awareness that grows and develops in the community itself. Therefore, there is a very close correlation between the laws that develop in the country and the soul of the nation.

A legal system that develops and grows will disappear together with the growth and development of certain societies. The historical phenomenon is one of the legal systems. The current legal order is distorted by the future legal order. The current legal system contains elements of the past legal system, on the other hand, the current legal system will have elements

of future manifestations. This phenomenon is a separate object of legal science called the history of law. From the context of the discussion above, it can be concluded that the growth and development and disappearance of the law of a country or society from historical phenomena. Historical phenomena will shape the dynamics of law, the occurrence of changes has an impact on history itself.

2. Human Civilization is Part of Legal History

Human civilization is an inseparable part of human civilization, it can be seen that human civilization on earth, both from the eastern and western hemispheres, gives a meaning that human civilization before the earliest legal civilization was introduced and implemented in that civilization. Nations that have high civilizations such as India, Babylonia, Rome, Persia and Egypt are no exception to the kingdoms that once stood in the archipelago also have civilizations as well as those of these nations which have high civilizations. The civilization of ancient nations had law as a control to provide rules so that the people of the nation obeyed the law that provided the goals of justice, benefit and certainty in the society of ancient nations.

The law that is displayed most completely is the Hammurabi Law, the law is not statutory law. The regulations were the first Mesopotamian textualized, King Ur-Nammu of Ur recorded his laws around 2059 BC, while Lipit-Ishtar of Isin wrote his regulations in 1930 BC. The Babylonian law contained a 7-foot pillar of basalt stone essentially to proclaim the Babylonian law its contents in all its glory. King Hammurabi manifested in the 18th century BC. The contents of the regulation are about society and life at the time. The law reads:

1. If there is a conspiracy that meets at a teahouse planning a crime and the owner of the teahouse does not report it, the owner of the teahouse will be subject to the death penalty on the basis of covering up the crime of a conspiracy.
2. Anyone who makes an agreement with a slave or son without witnesses or a written contract, to buy gold or silver, a slave boy or girl, sheep, donkey and cattle or load any other goods can be executed as a thief.
3. Whoever commits theft in a place of worship or in a palace of work must be paid with his life, and whoever receives the stolen goods must be executed.
4. Anyone who accuses someone of a crime is expected by the elders if he fails to prove the accusation then the death penalty will be imposed for those who make the accusation.
5. If he is able to prove his accusation so that the elders only give a fine of money and wheat which will be charged to him.
6. When there is a fire in a house there is someone who comes to help as well as letting the valuables burn, which helps will be thrown into the blazing fire.

Hammurabi built a magnificent palace in the city of Babylon and implemented a legal system for his people, this legal system made Babylon the most ordered kingdom of that era. Seeing from Hammurabi's draft constitution, it can be seen that King Hammurabi of Babylon in the 10th century BC, was able to make a regulation for his people with threats of death, fines and being thrown as one of the threats for violating the constitution. The king of Babylon has implemented civil law by firmly enforcing a coercive constitution on his people.

Attempts at reform occurred during the Roman empire Gaius was spearheaded against the interests of a powerful privileged group. Trying to take the lead in abolishing the penalty of poverty with the aim of helping languishing peasants. The implementation of the abolition of the poverty penalty made most Roman citizens become professional beggars. Seeing this case study during the Roman Empire, legal reform continued to develop, the brave knights became one of the pioneers like Gaius, who had a tendency to the lowly peasants to be protected from the powerful privileged class. In its dynamics the legal developments made through these reforms did not last long, the power of the rulers was greater than the reforms, on reformation killed the impact of political disputes so that the law that was fought for was abolished. The civilization of the Roman occupation provides an understanding that the law that exists and is enforced has not been able to accommodate the weak, the law has become a tool of the rulers to impose their wishes and desires.

The transition period from the Roman period to the Republic was quite slow, old habits took root so that there was a shift to the previous periods of situations and conditions. Usually people take the date of 509 BC, it is written on the list of consuls that began to be made because at that time the Etruscan domination lost its power and the power of the kings was weakened. The monarchy collapsed around 470 BC. The new political era with two consuls as leaders in essence was only defined by definition at the beginning of the IV century BC, in 367 BC the Lysine Law. During the transition from work to the republic, it can be explained that how much power is in the hands of the people, Rome has implemented laws to limit power so that the king is replaced by the two consuls, in the sense that no one can be a tyrant or dictator in the Roman Republic. Constitutional law has a principle that was born in the Roman Republic with the birth of civil and criminal law.

One of the most important sources of legal history is Greek law which became the modern legal order in Europe. The Greek state for the modern legal civilization seems to be more important because of the influence of its philosophies and thoughts so that private law is revealed. Judging from the track record and evidence in the past, the Greeks were not great legal experts, we don't have a legacy of laws and there is not even a legacy of legal and legal teaching books. The Greeks focused more on philosophical teachings than legal teachings, so that there was minimal legacy of legal teachings, the Greeks were able to contribute to human civilization about humanity, justice and truth. This benchmark point was able to be developed by the Romans so that it violated the essential legal teachings.

The legal civilization that developed in the west during the colonial period such as Greece, Rome, Persia and Babylon, but the legal civilization also ran in the east as in Arabia during the Caliphate. Fundamentally, judges have the main task of deciding cases or disputes in accordance with the regulations of Islamic law which are based on the Sunnah and the Qur'an. Provide fatwas regarding the law when there is urgency and a new legal vacuum is issued. The new judge was known in the caliphate of Umar bin Khatthab. Umar delegated many judges from other cities with the basic benchmarks he made, including the greatness and majesty of the judges in making decisions, namely honor and independence for them. During the caliphate there were no judges who thought about the glitter of the world so that it prevented them from acting fairly. they see

that humans have the same position. Interventions to regions are not empowered by judges giving decisions, judges are appointed and have direct responsibility by the caliph. At that time judges had full responsibility so that they were so trustworthy in carrying out decisions or fatwas that focused on justice for the benefit of the community. Islamic civil law comes directly from the Sunnah and the Qur'an.

The association of Hindus and religious law that embraced the flow of Brahmanism and Hinduism as a religion gave birth to Hindu law which was based on scriptures, especially the Kita Suci Veda. A number of books try to interpret this book which has a correlation with the field of dharma, the Hindu understanding of obligations that have a close relationship with the law. Based on the above understanding, it can be concluded that Hindu law is based on the Vedas, which focuses on the basic dharma of the footing of doing something that makes noble obligations, so that humans can reach the highest stage. India came to have a strong Hindu Law and several countries around it. The basic living law provides a decision based on the Vedas, it is stated on the legal principle to regulate society.

Traditional Chinese legal civilization is more specific to the unions of justice as a limit of obedience to the so-called Li society than the law. It seems that religion dominates an important role here, but philosophical teachings in the BC century were put forward by Mencius and Confucius. The life associations that occur in the lower classes are not able to comply with regulations to fulfill justice as the limit of compliance, so that the criminal law which is strong and harsh is distinguished as the Fa. The distinction between Li and the Fa has not completely disappeared or disappeared in the People's Republic of China which was born in 1949. The concept of the Fa in Chinese criminal law includes the death penalty, forced labor, deportation and stoning.

Nusantara as the name for the Indonesian people at that time, legal civilization had been implemented during the work-cooperation that entered the archipelago. Archipelago law civilization has continuity by religious teachings, as well as the law that developed in Hindu and Buddhist work, the development of the law is strongly influenced by Hindu and Buddhist teachings. After the collapse of Hindu and Buddhist work, regeneration to Islamic work where the law has correlation and legitimacy comes from the Qur'an and Sunnah, the source of Islamic law is influenced by Islamic civilization in the Middle East. The legal civilization of the archipelago gives the idea that the Indonesian nation is able to reflect on the past so as to provide legal ideas that are not inferior to other nations.

CLOSING

The history of law has a relationship with human civilization, providing a systematic description that humans in their development have undergone a metamorphosis of civilization from the pre-historic stage, history to the stage of modern human homo sapiens. Law can not be separated from the stages of human development from humans who do not know ethics and morals, to know the law even though it is still in the primitive period, then developed during the kingdom-work period after developing in the modern legal stage. The dynamics of a long time, of course, provide insight and

knowledge for those who have an interest in the development of legal history related to legal sources and human civilization. By understanding and interpreting that the history of law will make the picture of the law enforced in various parts of the earth clearer.

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