

LEGAL THEORY IN THE APPLICATION OF INDONESIAN LAW

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ABSTRACT

The position of theory is very important in science, this can be seen from the task of theory, namely deepening the problem being studied. The existence of a theory can strengthen what previously stood alone, so that they reinforce each other and questions that are not yet clear are explored more deeply. In any field that is a field of legal science, theory can be a practical guide that explains how to approach the subject matter to be studied. Legal theory generally follows the flow of positive law, namely the search for just law. Law is an order issued by a sovereign authority, addressed to the government and given sanctions if violated (Austin). Pure law is a necessity that regulates human behavior as intelligent creatures (Kalsen). The application of legal theory emphasizes that a positive legal system will operate effectively if it follows the rules and norms of society. The combination of the three judges, certainty theory and utility theory is the right way to apply it in Indonesia.

Keywords : Theory, Law

Introduction

The position of theory is very important in the world of science. This can be seen from the function of theory, namely to understand the problems being studied in more depth. The presence of theory can strengthen what previously only stood alone, so that they strengthen each other and things that are not clear will be studied more deeply. The influence of theory in the world of law is very large, because theory is a basic concept that can answer a problem. Theory is a tool that provides a summary of how to understand problems in each field of legal science. It is very important for a legal academic to know the broad meaning of theory, so that errors do not occur in creating scientific work, which is the process of an academic's activities in scientific activities or in research (Sumaya, 2019).

Theories contain subjectivity when discussing very complex matters. From here emerged various schools in legal science that use a theory in law. Legal theory has at least two functions, namely the function of explaining and the function of predicting phenomena. The implementation and application of a law must be supported by an in-