



Transformation Of Bhinci-Bhinciki Values In The Establishment Of Regional Regulations

Wa Ode Zamrud¹, Faharudin^{1*}

^{1,2}Faculty, Fakultas Hukum, Universitas Dayanu Ikhsanuddin Baubau, Indonesia

*Correspondence: faharfaiz@gmail.com

ARTICLE HISTORY

Received: 15.05.2023

Accepted: 06.06.2023

Published: 30.06.2023

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ABSTRACT

The transformation in the formation of regional regulations is intended to reflect the values of bhinci-bhinciki coolies (pinch the skin) into the real world, especially in regional regulations. The type of research method used is normative legal research. The sources of legal materials used are primary and secondary legal materials. The BBK philosophy is a copy of the philosophy "Man arafa nafsahu faqad arafa nafsahu" (whoever knows himself, he will know his God). This divine philosophy is contained in the Preamble to the Constitution of the Sultanate of Buton. From this philosophy then developed in the form of humanity. If it is carried out sincerely, it believes that it will become an individual, a perfect human being or a perfect human being. Modern legal systems express a view of life, a sense of justice and other cultural values that are also instrumental in nature and are a means of achieving goals, so that regional law can develop and be able to relate to other regions., it is necessary to maintain and develop legal principles that are comprehensive and accepted.

Keywords: Transformation, Values, Regulations

1. Introduction

Indonesia is a developing country. The 1945 Constitution does contain the idea of political democracy (Kusuma, 2022). Good or bad regional development depends on the management carried out by the government (Sagama & Saparuddin, 2022). Law can actually change a civilization towards order, justice and prosperity, and independence. Independence is the essence of independence, as the right of every nation to determine its own destiny and determine what is best for the nation.

The spirit of the "founding father" of the Republic of Indonesia has been transformed into a constitution (Sri Soemantri Martosoewignjo, 2006). which states that the State of Indonesia is a state of law (MPR RI, 2013). which means that the Unitary State of the Republic of Indonesia (NKRI) is a state based on law (rechtsstaat), not based on power (machsstaat) and government based on a constitutional system (Basic Constitution), not absolutism (unlimited power). As a result, there are three basic principles that must be upheld by every citizen, namely: the rule of law, equality before the law and law enforcement carried out in ways that should and certainly not conflict with applicable law (Department of Law and Human Rights, 2004). The transformation in the formation of regional regulations is intended to reflect the values of bhinci-bhinciki kuli (pinch the skin) into the real world.

In this regard, given the views of Frederich Carl Von Savigny who stated that: "Das Recht Wird Nicht Gemacht, es ist und wird dem volke" means that the law was not made, but grew and developed with the society where the law applies (Bushar Muhammad, 1987). In relation to Bhinci-bhinciki coolies, there are four principles that underlie the life of the people in Baubau, namely:

1. Pomae-Maeka (Mutual fear among members of the community/respect for bodies)

The way to fear each other is that small people believe that big people should always be feared/respected. And generally, every human being must know where he is located or his position, which one is higher is what is feared by custom.

2. Pomaa-Maasiaka (Mutual affection between one another in society)
How to love one another or have compassion, that is, love always arises in the heart of fellow human beings, especially big people towards small people
3. Popia-Piara (Mutual care for one another in society),
The way to look after each other is that there is always a desire to protect and maintain the interests or safety of living together and not to disturb other people's pleasures.
4. Poangka-Angkata (Mutually elevate fellow members of society).
How to elevate one another's degree or respect, is divided into two parts, namely: respect for fellow human beings, generally according to customary law politeness and respect for syara's members towards the people.

The BBK philosophy is a copy of the philosophy "Man arafa nafsahu faqad arafa nafsahu" (whoever knows himself, he will know his God). This divine philosophy is contained in the Preamble to the Constitution of the Sultanate of Buton. From this philosophy then developed in the form of humanity. If it is carried out sincerely, it believes that it will become a perfect human being (La ode Turi, 2007).

This implies that all humans have the same feelings, the same self-esteem and the same human rights. This philosophy is a view of life between fellow members of society as a whole which contains the meaning of high human values and the legal basis of kinship which gives birth to a system of living together, sharing fate, feelings and struggles.

2. Research Method

Research Methods The type of research method used is normative legal research by examining legal norms and materials related to research problems. The sources of legal materials used are primary and secondary legal materials. The primary legal material studied is in the form of laws and regulations. Secondary legal materials are in the form of legal books, legal journals, legal papers, and also the internet with the name of the site (Irwansyah, 2020).

This writing uses a statute approach, which is carried out by looking at all laws and regulations related to the legal issues being studied (Petter Mahmud Marzuki, 2009).

3. Research Results and Discussion

3.1. Results

In the formation of laws and regulations, as stated above, the stages passed are planning, preparation, discussion, approval, promulgation, and dissemination. Planning for drafting laws and regulations is outlined in the National Legislation Program (Prolegnas) for the formation of laws and the Program for Forming Regional Regulations (Propemperda) for the formation of Provincial and Regency/City Regional Regulations. Prolegnas and Propemperda are the priority scales for the formulation of laws and regulations either on an annual or five-year priority scale. The Prolegnas was prepared based on proposals from the President, DPR RI, and DPD RI. Meanwhile, Propemperda is prepared based on proposals from the regional government and the DPR (Setyawan, 2021).

Regency/City Regional Regulations are laws and regulations established by the Regency/City Regional People's Representative Council with the approval of the Regent/Mayor (Citra Umbara, 2011). Regional Regulations whose formation is ordered by law. In its formation, it must fulfill the stages or processes based on rules regarding the formation of statutory regulations, namely Law Number 12 of 2011. Based on the provisions of the preparation of Regional Regulations that the Draft Provincial/District/City Regional Regulations can come from the DPRD or Governor/Regent/Mayor.

The connection with the word transformation is a word that comes from two basic words, namely "trans" and "form". Trans means across (across) or beyond (beyond) while form means form, because of that Transformation implies a move from one form to another. Transformation is a change from one state to another. Theoretical changes can be in the form of partial changes (incremental) to comprehensive changes (holistic). Change can take place slowly or quickly. Incremental change can generally be evolutionary, while holistic change is generally revolutionary, although in certain cases this is not always the case. Sooner or later the transformation, there are still many factors that affect the outcome of a change process, depending on its characteristics (Dahlan Harahap, 2012).

In order to systematize the transformation of Bhinci-bhinciki coolies, the researcher briefly conveys related to the transformation process that starts from the ideals of the law to the application of norms/rules in the formation of laws and regulations. Legal ideals are conditions that underlie positive law, without legal ideals there is no law that has a normative character, according to Larenz, legal ideals have a constructive function, giving meaning to law and the function of limiting it. Legal ideals function as the basis for the formation of law, without legal ideals all legal norms lose their meaning as law. According to Redbuch, the ideal of law is a regulative benchmark in judging whether a positive law is fair or not (Jum Anggraini, 2010).

In addition to being expressive (expressing a view of life, a sense of justice and other cultural values) the modern legal system is also instrumental (a means of achieving a goal). (Bernard Arif Sidharta, 1999). In order for regional law to develop and be able to relate to other regions, it is necessary to maintain and develop legal principles that are comprehensive and accepted. In development, general principles are prioritized that are accepted without abandoning original principles or customary laws that are still valid and relevant to today's modern life.

A principle is something that can be used as a base, pedestal, base, foundation, a place to lean on. The principle is not used by anyone, so it must be finalized or parsed later in jurisprudence and form in a legal product packaging. Sudikno Mertokusumo argues that legal principles or legal principles are not concrete legal regulations, but general basic thoughts, the background of concrete regulations contained in or against the background of every legal system, incarnated in regional regulations which are part of positive law and can be stated by looking for general characteristics in the regulation (Sudikno Metokusumo, 2009).

Legal principles cannot be equated with legal norms, there is a distance between principles and legal norms. To eliminate this distance, legal principles are included in the process of law formation, legal principles must be transformed into legal norms. Legal principles: Asas hukum adalah dasar dari sistem hukum, merupakan pikiran dasar dari sistem hukum;

1. Legal principles are more general than laws or other provisions;
2. The legal principle is the basis of the legal system;
3. The nature of the legal principle is abstract
4. Legal principles do not lose their effectiveness if they are no longer applied, in contrast to statutory regulations;
5. The legal principle can function inside and outside positive law, because the legal principle is a measure of value.

The function of the legal principle is to guide legislators in the process of forming laws in the form of regional regulations. Whereas if a principle for forming legislation becomes a legal norm, then a legal norm will result in a sanction if the legal sanction or the principle for forming statutory regulations is not complied with or implemented. Therefore, the legislators should no longer be used as a legal principle or the principle of forming statutory regulations (Maria Farida Indrati S, 2007). It can be said that the principles should not be included in the Regional Regulations, because these principles become a legal norm, even though the position of the principles is higher than the law in writing.

The legal principle always has legal ideals first. So the value contained in the ideals of law is intrinsic value, while the value in the legal principle is the basic value (fundamental), this is because the instrument for realizing positive law (Jum Anggraini, 2010). The relationship between principles, norms and legal norms are abstract principles, norms (going life) and legal norms that govern them.

Norms/rules are values, guidelines on how humans should behave in society, rules of life, norms of an ongoing principle. To protect human beings within the norms of belief, norms of decency, norms of decency and legal norms. Legal norms aim to protect human interests that have not been protected by norms other than legal norms (Maria Farida Indrati S, 2007). If a norm is used as a legal norm, it can be interpreted that a *das Sollen* becomes a *das Sein*. If the principle has become a running habit, it is called a norm and if it is promulgated in a new regional regulation, it becomes a legal norm.

The regional regulation formation program is a planning instrument for the formation of regional regulations programs that are prepared in a planned, integrated and systematic manner (Citra Umbara, 2011). The regional regulation formation program is the initial stage of the process of forming regional regulations, namely at the planning stage. As stated in Article 1 point 1 of Law Number 12 of 2011 concerning Formation of Laws and Regulations which states that: Formation of laws and regulations is the process of making laws and regulations which basically starts from planning, preparation, preparation techniques, formulation, discussion, ratification, promulgation and dissemination. The regional regulation formation program is included in the planning stage in the formation of regional regulations, meaning that every regional regulation produced by the Baubau City Regional People's Legislative Assembly with the aim of the Baubau City Regional Government stems from the regional regulation formation program, it can be said that success or failure in forming regional regulations depend on planning the formation of regional regulations. The program for forming regional regulations contains a list and scale of medium-term and annual priorities which are planned, integrated and systematically prepared by the Regional People's Representative Council of Baubau City together with the local government in accordance with developments in the legal needs of the community in achieving state goals at certain stages and periods. Operationally the regional regulation formation program contains a list of draft regional regulations which are prepared based on certain methods and parameters and are imbued with the vision and mission of regional law development.

The main focus of the regional regulation formation program is one of the elements of the law, namely the material/substance of the law or regional regulations (Ahmad Ubbe, 2019). The regional regulation formation program needs to be a top priority because changes to regional regulations have broad and fundamental implications for the constitutional system which need to be followed by changes in the field of law. In addition, the rapid flow of globalization supported by the development of information technology has changed the pattern of relations between the state and citizens and their government. These changes also require the arrangement of the legal system and the legal framework that underlies it.

Within this framework, the regional regulation formation program is needed to organize the regional legal system as a whole and integrated which is always based on the ideals of local wisdom, the ideals of the proclamation and the constitutional basis which states that Indonesia is a country based on law (*rechtstaats*) as stated in the Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. Even though legal material or regional regulations are only one element of the legal system, it is this element that is generally considered to occupy the highest place, because it is the foundation for its functions (system) of law in people's lives. Departing from this assumption, it can be said that if you want to improve local legal conditions, then what must first be corrected is legal material based on legal material on the local wisdom values of *bhinci-bhinciki coolies*.

The stages of substance processing and it can even be said that the regional regulation formation program is only in the form of a "wish list". The consequence is that there is an interpretation that the more written regulations or regional regulations, the better the legal conditions in the area. For that, we need as many regional regulations as possible that regulate all aspects of society. For the sake of legal

certainty, of course, the existence of various kinds of regional regulations is very necessary. However, if the swift flow of proposals or plans for forming regional regulations (legislation plans) that are submitted are not accompanied by the existence of an effective mechanism capable of guaranteeing order, then what will happen is not an improvement in the legal conditions in the regions but rather a worsening of the legal conditions in the regions. in society.

This can happen because it is almost certain that the initiating parties who submit proposals or plans will be of the opinion that the proposal really has a high level of urgency so that it needs to be prioritized for immediate realization in a short time. For reasons of urgency, the plan owner does not hesitate to make every effort to realize the program immediately, without considering that other parties have the same interests. This attitude, which is called sectoral ego, often becomes a disease in the regional regulation formation program in Baubau City (Ahmad Ubbe, 2019). Each initiator competes to propose a plan for the formation of their respective regional regulations, with the target of forming regional regulations. Because so many legislative plans have been proposed, while the institutions that have the authority to complete them are very limited in their capacities, the result is that conditions that further complicate regional conditions arise.

Initiators are required as stipulated in the following laws and regulations to attach academic papers, certificates of alignment of academic papers, draft regional regulations, certificates of the completion of the implementation of the committee meeting from the initiator and certificates of completion of harmonization, unification and consolidation of the draft regional regulations from the DPRD or local government.

The expression of BBK wisdom is purity based on the law of taste. According to this law, all animate beings, especially humans, acknowledge that it is in the expanse of the law of taste that exists in creatures that humans read the true values of truth and justice. There is not a single living creature that can lie to the face and language of their sense of self. It is on the face and body of the feeling that the laws which are true, absolute, absolute, eternal and universal are read (Udu et al., 2012).

3.2. Discussion

The study discusses the transformation in forming regional regulations to reflect the values of bhinci-bhinciki coolies in real-world applications. The research method used is normative legal research, and the BBK philosophy from the Constitution of the Sultanate of Buton is emphasized. It aims to develop a humanistic approach and comprehensive legal principles to foster regional law's development and connectivity with other regions.

4. Conclusion

The transformation of Bhinci-Bhinciki Kuli values in the formation of Regional Regulations is part of the law enforcement process based on local wisdom values that are still relevant which are explored in the midst of people's lives, therefore the draft regional regulations and regional regulations that have been formed must be used as means of solutions in creating security, order and peace and can also prosper the people in Baubau City.

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