

# The Influence of Globalisation in the Formation of Legislative Theory in Indonesia

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**Abstract:** This study aims to analyse the extent to which globalisation has influenced the formation of legislative theory in Indonesia, as well as to examine Indonesia's efforts to maintain a balance between openness to international legal norms and the preservation of national legal characteristics. Globalisation has brought about significant changes in Indonesia's legal system, ranging from the increased adoption of international legal principles to transparency in the legislative process. This study uses a descriptive-analytical method with a normative legal approach and is supported by an empirical legal approach. Data was obtained through a literature review covering legislation, legal literature, and empirical facts related to legislative practices in a global context. The results of the study show that globalisation has encouraged a shift in legislative theory from a normative and centralised approach to a more participatory, adaptive, and democratic approach. Global influences are also reflected in the transformation of legal values that are more open to the principles of social justice, public participation, and the protection of human rights. On the other hand, Indonesia continues to show its commitment to maintaining its legal identity by incorporating the values of Pancasila, customs, and local wisdom into the legislative process. Therefore, legislative theory in Indonesia has developed as a result of dialogue between local values and global demands. This finding underscores the importance of harmonising national law in a way that not only follows global trends but also strengthens the sovereignty and identity of the nation's legal system.

**Keywords:** Formation; Globalisation; Influence; Law; Theory

## Introduction

Globalisation is a complex phenomenon that reflects the increasing openness of the world to the exchange of ideas, information, technology, culture, and social and political systems, marked by a country's rapid advancement in communication and transportation technology (Hasibuan and Imran 2025). Globalisation is not only an economic or cultural process, but also involves transformations in the way countries form policies, run governments, and structure their legal systems.

One of the most obvious impacts of globalisation is the increasing external influence on domestic governance, including the formation of national legislation and legal systems. Globalisation encourages openness and integration across national borders, so that domestic policies and laws can no longer be drafted exclusively based on internal interests (Sodik et al. 2024). Pressure from the international community, international institutions such as the United Nations (UN), the International Monetary Fund (IMF), the World Bank, as well as regional organisations such as ASEAN and the European Union,

play an important role in encouraging countries to reform various aspects of national policies and laws.

Multilateral agreements, such as free trade agreements (FTAs), international conventions on climate change, human rights protection, and agreements on combating transnational crime, directly or indirectly require the adjustment of national laws to align with international norms and standards. For example, ratification of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) or the UN Anti-Corruption Convention (UNCAC) encourages countries to adopt international legal principles into their national legal systems.

This shows that in the era of globalisation, the state cannot be completely closed to global developments (Munawir, Putri, and Rofif 2024). The state is required to be adaptive and proactive in dealing with global dynamics, without neglecting national identity and sovereignty. The obligation to fulfil human rights standards, principles of good governance such as transparency, accountability, and public participation, environmental protection, and openness to trade and foreign investment are important indicators in determining the position and image of a country in the global order (Marhadila et al. 2024). In fact, international judgement of a country's compliance with these standards is often a factor that affects reputation, foreign aid, and the potential for economic and political cooperation at the international level.

Indonesia, as a country that is active in various international forums and is part of the global community, has not escaped the influence of globalisation, as in the legal context, globalisation has encouraged Indonesia to carry out legal reforms in order to be able to adapt to the global dynamics that continue to develop. This does not only include technical aspects, but also theoretical and philosophical aspects in understanding the law itself. The influence of globalisation in Indonesia is also evident in various aspects of life, ranging from lifestyle, language, to the value system in society (Mamik Indrawati and Sari 2024). The influx of foreign cultures through mass media, the internet, tourism, and trade often unwittingly begin to replace long-rooted local customs and traditions. According to Stever (1972), advances in transport and telecommunications infrastructure, including the arrival of the telegraph and the internet, are major factors in accelerating the process of globalisation and increasing interdependence between countries in economic and cultural activities.

Globalisation not only provides challenges, but also great opportunities for a country in determining a change (Sodik et al. 2024). Challenges in globalisation can be seen from how a country is able to maintain national legal sovereignty (Putri and Feby 2025), such as Indonesia which must be able to maintain sovereignty and the noble values of Pancasila in the midst of global values that may not always be in line. Meanwhile, the opportunity is the opening of space to enrich Indonesian legal theory and practice with broader global references, resulting in a more responsive, adaptive and competitive legal system at the international level.

Like the research conducted by Normaliyanti, Aslamiah, Adistianisa, and Yamani, in their article entitled "Legal Drafting: The Challenge of Bridging Theory and Practice in Regulatory Formation in Indonesia", which states that Globalisation and the development

of a modern legal system have changed the paradigm of regulatory formation in Indonesia, from a bureaucratic and technocratic approach to a more open, adaptive, and evidence-based one. The influence of globalisation is reflected in the demand for the application of international Legal Drafting principles, such as clarity, consistency, legal certainty, public participation, and effectiveness, which are now standard in the formation of legislation. The modern legal system demands that every regulation is not only legally valid, but also able to respond to the complexity of global issues such as environmental protection, digital economy, and human rights. This encourages a shift in regulatory drafting methods towards an interdisciplinary, data-driven approach, and prioritises meaningful public involvement. On the other hand, globalisation also reinforces the need for harmonisation of national regulations with international standards. However, this article also emphasises that although global influences and modern principles have begun to be adopted, their application in the Indonesian context still faces obstacles. The gap between theory and practice of legal drafting remains evident, characterised by the weak quality of legal drafting, overlapping articles, lack of public participation, and the absence of post-implementation evaluation. This shows that the influence of globalisation has not been fully accompanied by adequate institutional and human resource readiness. Therefore, in order for the formation of regulations in Indonesia to truly reflect the spirit of a modern legal system in the global era, it is necessary to strengthen institutions, increase the technical competence of regulatory drafters, and reform legislative procedures that ensure public participation and transparency. With these steps, globalisation is not only an external pressure, but also an opportunity to transform the national legal system to be more responsive, fair and effective (Normaliyanti et al. 2025).

Thus, globalisation not only creates challenges to state sovereignty, but also provides opportunities to strengthen domestic legal and institutional systems and learn from global best practices. The main challenge for states, then, is how to balance global demands with local social, political and cultural contexts in order to keep the adaptation process relevant and sustainable.

Therefore, this paper aims to analyse the extent to which globalisation affects the formation of legislative theory in Indonesia. This research is also intended to provide a deeper understanding of Indonesia's efforts to maintain a balance between openness to external legal influences and the preservation of the distinctive characteristics of national law. Thus, this study is expected to be an intellectual contribution in understanding the dynamics of interaction between globalisation and national legal identity, as well as providing a critical perspective in formulating legislative policies that are adaptive but still rooted in local values.

## Methodology

This research is a descriptive-analytical research, which aims to describe as well as analyse in depth how Globalisation has influenced the formation of Legislation Theory in Indonesia. The approach used in this research is also a normative juridical approach as the main approach, which relies on relevant laws and regulations, as well as theories used in forming a legislation. This approach is supported by an empirical juridical approach that aims to obtain a factual picture of the technical implementation of the formation of laws and

regulations in the midst of globalisation. The type of data used includes secondary data as the main source, which is obtained through a literature study of laws and regulations, and legal literature which is analysed qualitatively with a descriptive approach, namely by describing and interpreting data based on the legal context and empirical facts found, to then be presented systematically in the form of in-depth and structured descriptions.

## **Result and Discussion**

### **1. The Influence of Globalisation on the Formation of Legislative Theory in Indonesia**

Globalisation has brought major changes in various aspects of life in society, including in the field of law and legislation (Sembiring et al. 2024). In Indonesia, the influence of globalisation on the formation of legislative theory cannot be ignored, because with the rapid flow of information, the exchange of values across countries, as well as the demands for openness and efficiency of government have encouraged and brought changes in the perspective on the legislative process.

One of the obvious effects of globalisation is the increasing adoption of international legal principles and modern legislative practices into systems with international standards (Futuhiyah and Mahmud 2024), either because of commitments as members of international organisations such as the WTO, ASEAN, or because of the need for harmonisation in trade and cooperation between countries. This reflects the shift from a centralised and normative theory of legislation to a more responsive, participatory and global needs-based approach. In addition, globalisation encourages the need to strengthen legitimacy and transparency in lawmaking (Hartono 2025). Public participation, cross-sector consultation, and accountability are principles that are increasingly considered in the legislative process. This has influenced the theory of legislation in Indonesia, which has begun to position lawmaking as an open process and politics, rather than merely technocratic and bureaucratic.

Globalisation also brings pressure on the need for legal flexibility in the face of rapid change (Yamani 2024). In this context, Indonesian legislative theory has undergone a paradigm shift, from law as a rigid tool of social control to law as a dynamic instrument capable of responding to the times.

However, the influence of globalisation is not necessarily accepted without a challenge, on the other hand, globalisation raises concerns that the adoption of local or national legal values. Therefore, the theory of legislation in Indonesia must also attempt to balance between global demands and local wisdom values, so that the law remains contextual and relevant to Indonesian society.

At the theoretical level, globalisation has also encouraged a paradigm transformation in the way the law is viewed (Muthohar and Sholeh 2025), where previously the theory of legislation in Indonesia was more influenced by colonial legacies and positivistic and normative approaches to law, but now a more open and interactive approach has emerged, which makes law seen not merely as a product of

the state, but as the result of dialogue between various national and transnational interests.

In the context of legislative theory, the influence of globalisation has also increasingly emphasised the importance of public participation and transparency (Fina, Dompok, and Wasiman 2025), which in the global era has become a universal demand that must be accommodated in every legislative process. For this reason, the theory of legislation in Indonesia has begun to integrate the principles of deliberative democracy, where law-making is no longer elitist and closed (Eko Wibowo, Ismail, and Hartana 2024), but involves various actors, including civil society, academics, the private sector, and even foreign influences such as international NGOs or multilateral organisations.

At the practical level, globalisation also affects every stage in the law-making process, from planning, drafting, deliberation, ratification, to dissemination (Utami et al. 2024). For example, in the formation of laws relating to international trade, foreign investment, or the protection of intellectual property rights, the legislative process in these areas must consider international treaties that have been ratified by Indonesia, so that the formation of laws is no longer entirely independent, but must be adjusted to global commitments.

Along with globalisation, digitalisation has also become an important instrument that accelerates and improves the quality of the legislative process. Platforms such as the National Legislation Information System (SILEGNAS) and the JDIH Portal (Legal Documentation and Information Network) are concrete examples of how digital technology is utilised in the legislative process. Not only at the public consultation stage, digitalisation also touches the internal aspects of the legislative process, but in terms of preparing academic papers and draft laws, it is now done with the help of legislative software that facilitates synchronisation between laws. Even deliberations in the House of Representatives (DPR) can now be live-streamed online, which can increase accountability and oversight for the public. Digitalisation also opens up space for innovation in the format of legislation (Aryani, Patimah, and Yamani 2025). For example, the development of legal metadata systems, legal big data analysis, and integration with artificial intelligence to analyse overlapping regulations.

In addition, legislative institutions such as the House of Representatives (DPR) and the Ministry of Law and Human Rights (HAM) have also begun to open space for cooperation with international organisations, both in the form of technical assistance, policy consultations, and the preparation of academic papers. This shows that the law-making process is increasingly influenced by global best practices and comparative studies with other countries' legal systems. Globalisation has therefore become an important catalyst in encouraging the renewal of the theory and process of lawmaking in Indonesia. Legislative theory is no longer exclusively the property of the state, but develops as a result of the interaction between locality and globality. Thus, it can be said that globalisation has encouraged renewal in the theory of

legislation in Indonesia, both in terms of methodology, principles, and orientation. Legislative theory that is adaptive to global influences, but still rooted in national legal identity, is the direction that continues to develop in Indonesian legal development.

## **2. Indonesia's efforts to maintain a balance between openness to external legal influences and preservation of national legal characteristics**

Indonesia, as a country that upholds the sovereignty of law, continues to strive to maintain a balance between openness to external legal influences and the preservation of national legal characteristics rooted in the values of Pancasila, customs, and social norms that live in society. Openness to external law is reflected in Indonesia's active participation in various international treaties, human rights conventions, and regional agreements such as ASEAN.

However, this openness does not mean raw imitation of foreign legal systems. The government and lawmakers constantly make adaptations and normative selections, ensuring that any external legal influences adopted remain in line with national legal identity. For example, in reforming criminal law through the new Criminal Code (KUHP), Indonesia took into account global legal developments, while still maintaining distinctive national criminal law principles, such as the principle of legality and the recognition of living law in indigenous communities. In addition, Indonesia's approach to law enforcement is not solely formal juridical, but also considers aspects of substantive justice and local wisdom. In conflict or dispute resolution, for example, deliberation-based resolution mechanisms or through customary institutions are still recognised as part of the living law system in the community.

Indonesia as a country has adopted various principles of international law into the national legal system, especially in the fields of trade, environment, and human rights (Rizqi Mei Vindraputri 2024). This shows Indonesia's commitment to be part of a harmonious and equitable global legal order. In the field of trade, Indonesia actively follows the provisions set by the World Trade Organisation (WTO), including the principles of non-discrimination and market openness (Rastuti, Achya, and Khoirudin 2025). Meanwhile, on environmental issues, Indonesia has ratified various international agreements such as the Kyoto Protocol and the Paris Agreement, as well as demonstrated commitment to carbon emission reduction and biodiversity protection (Maulida, Febrianti, and Kamal 2024).

As in the field of human rights, Indonesia has also ratified various important international instruments, such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) (Salsabila 2024). In addition, the principles contained in the Universal Declaration of Human Rights (UDHR) have also been accommodated in national legislation, including in the 1945 Constitution of the Republic of Indonesia and various other sectoral laws (Habibie and Michael 2025). The adoption of these international legal principles not only strengthens Indonesia's position in the global

arena, but also reflects the country's awareness in strengthening the rule of law, creating social justice, and promoting sustainable development. The adoption of these principles can be used as an effort that is a reflection of the awareness that law is not only a technical tool, but also a reflection of the nation's values that continue to evolve in the midst of changing times. Law does not merely function as a means of regulating behaviour or resolving disputes, but is also a manifestation of the aspirations, identity, and moral ideals of society. Along with the changing social, political, economic and cultural dynamics, the law is required to be adaptive, responsive and progressive in order to remain relevant and effective in responding to the challenges of the times.

This awareness encourages policymakers to develop regulations that are not only based on legal certainty, but also on social justice and public participation. The legislative process, for example, increasingly emphasises the importance of the involvement of civil society, academics and other interest groups in drafting laws, as a form of legal democratisation. Noble values such as justice, humanity, equality and sustainability have also begun to be mainstreamed in various national legal products. In addition, technological developments and globalisation also require the law to accommodate new norms, such as personal data protection, artificial intelligence ethics, cybercrime, and other cross-border issues(Harsana et al. 2024).

Efforts to maintain this balance are also reflected in ongoing legal reforms, such as the reform of the Criminal Code (KUHP), which accommodates modern legal developments but still incorporates local values such as restorative justice and respect for local wisdom. Thus, national law is not only an instrument of social regulation, but also a reflection of the nation's dynamic and open identity(Damanik and Hadningrum 2024). The government has further strengthened the capacity of legal institutions to face global challenges through international cooperation, training of law enforcement officers, and raising standards of professionalism. On the other hand, various international legal instruments such as human rights conventions, environmental treaties, and regional cooperation in ASEAN are beginning to be internalised into the national legal system through a targeted harmonisation process. Therefore, continuous legal reform is an urgent need, so that the Indonesian legal system continues to reflect the spirit of the times without losing its cultural roots and national identity. This balance is important to ensure that openness to external influences does not erode the sovereignty of national law, but instead strengthens Indonesia's position as a sovereign, inclusive and equitable state of law.

One concrete manifestation of this effort is the application of the legal harmonisation model, where national laws are contextually integrated with international standards. Examples can be seen in legal policies in the environment, consumer protection, and human rights sectors, where Indonesia adopts global principles such as the sustainable development goals (SDGs) or the principle of non-discrimination, but still adapts them to domestic needs and the cultural and social diversity of society. Furthermore, the government and legislature have also

demonstrated a commitment to preserving the characteristics of national law through revitalising customary law and strengthening community-based legal systems. This is evident from the recognition of the existence of customary law in various regulations, such as in Law No. 6/2014 on Villages, as well as the recognition of customary law communities in the protection of natural resources and customary territories. This approach reflects that national law is not homogeneous and centralised, but respects the pluralism of laws that live in the community (Meyniar Albina 2024).

In the international framework, Indonesia also actively participates in global and regional legal forums, such as the ASEAN Law Ministers Meeting (ALAWMM) and the United Nations Commission on International Trade Law (UNCITRAL). This involvement is not merely as a recipient of norms, but also as a normative actor that influences the direction of international law development based on its national legal experiences and principles. Thus, openness to external legal influences is not interpreted as uniformity or imitation, but rather as part of a healthy legal dialectical process. This process allows Indonesian law to continue to develop progressively, while remaining grounded in national identity and distinctive local values (Daulah, Setyono, and Sanjaya 2025). Therefore, maintaining this balance is not just a technocratic effort, but part of a cultural and sovereignty strategy in building a responsive, inclusive and sustainable national legal system amidst globalisation.

## Conclusion

Globalisation has become an unavoidable force in shaping the face of Indonesian legislative theory and practice. Its influence has brought about a paradigm shift from a closed, normative and centralised approach to law to one that is more responsive, participatory and transparent. Global information flows, commitments to international co-operation, and the drive for efficiency and accountability in government have made Indonesian law more open to universal values, such as deliberative democracy, the protection of human rights, and international trade standards. However, this openness does not mean surrendering the sovereignty of national law to outside influences. On the contrary, Indonesia has made a real effort to maintain a balance between acceptance of global law and the preservation of national legal characteristics rooted in the values of Pancasila, customs, and social norms that live in society. The modern legislative process now not only considers effectiveness and global connectedness, but also emphasises the importance of substantive justice, public participation, and the sustainability of the nation's legal culture and identity. This transformation is also supported by the utilisation of digital technologies that strengthen transparency and public participation in the legislative process. Systems such as SILEGNAS and JDIH symbolise a new era of more open and accountable legislation. On the other hand, Indonesia's active involvement in international legal forums and global technical cooperation shows that Indonesia is not only an object of global influence, but also an active subject that contributes to shaping the direction of world legal development. Thus, the influence of globalisation on the theory of legislation in Indonesia has created a dialectical space between locality and globality. Legal theory is no longer seen

as the sole product of the state, but rather as the result of a complex interaction between local values and global demands. Efforts to maintain this balance are a form of Indonesia's cultural strategy and legal sovereignty in building a national legal system that is not only adaptive and progressive, but also inclusive, deeply rooted in national identity, and competitive in the global order.

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