



The Principle of Synderesis in Interpreting Legislation

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Abstract

In this study, the method of legal interpretation plays an important role in finding answers to research questions. In the study of statutory regulations, understanding a statutory regulation requires a separate understanding technique. Does the understanding technique itself use reading or interpreting techniques, but all of which must produce the common good. This common good is often called the bonum commune. In the study of legal philosophy, legal justice is the highest goal of law. In the concept of the welfare state, bonum commune is an entity related to the teleology of the felling of being well. Bonum commune doesn't mean that we define a standard principle that must be enforced and apply to everyone. Bonum commune is related to human awareness as part of a community that needs each other and leads to a good state of society. The principle of synderesis when used to interpret the entire Regent Decree Number 20 of 1997, the legal solution was found, namely Batu Tiga Village existed before the Regent's Decree Number 20 of 1997 because the statutory regulations that were *ius constitutum* originated from the prevailing customs in the community.

Keywords: *Principle; Synderesis; Legislation*

Introduction

In the study of statutory regulations, understanding a statutory regulation requires a separate understanding technique. Does the understanding technique itself use reading or interpreting techniques, but all of which must produce the common good. This common good is often called the bonum commune. In the study of legal philosophy, legal justice is the highest goal of law. In the concept of the welfare state, bonum commune is an entity related to the teleology of the felling of being well. Bonum commune doesn't mean that we define a standard principle that must be enforced and apply to everyone. Bonum commune is related to human awareness as part of a community that needs each other and leads to a good state of society. (Michael, 2016)

Researchers will examine the understanding through interpretation of the Decree of the Regent of the Head of the Manggarai Level II Region Number 20 of 1997 concerning Ratification of the Pontianak Village Decree, Komodo District, Manggarai District Level II District Number 01 of 1996 concerning the Splitting of Pontianak Village and the Formation of Batu Tiga Preparatory Village (Regent Decree Number 20 1997). As stated in Article 1 of the Regent's Decree Number 20 of 1997 that "The Village for Preparation resulting from the solution will be determined to be the Definitive Village after obtaining the Decree of the Governor of the First Level Region of East Nusa Tenggara with the approval of the Minister of Home Affairs "where until the time this research was written, the implementing regulations of the article hasn't yet appeared. It's absence has legal implications for community life in Batu Tiga Village.

The essence of this research is to answer the research question, namely the interpretation when the implementing when the implementing regulations of the Regent Decree Number 20 of 1997 haven't appeared while Batu Tiga Village already has a life in it.

Research Method

In this study, the method of legal interpretation plays an important role in finding answers to research questions (Ebertz, 2006). The study also uses the synderesis principle which is supported by empirical data in the form of maps.

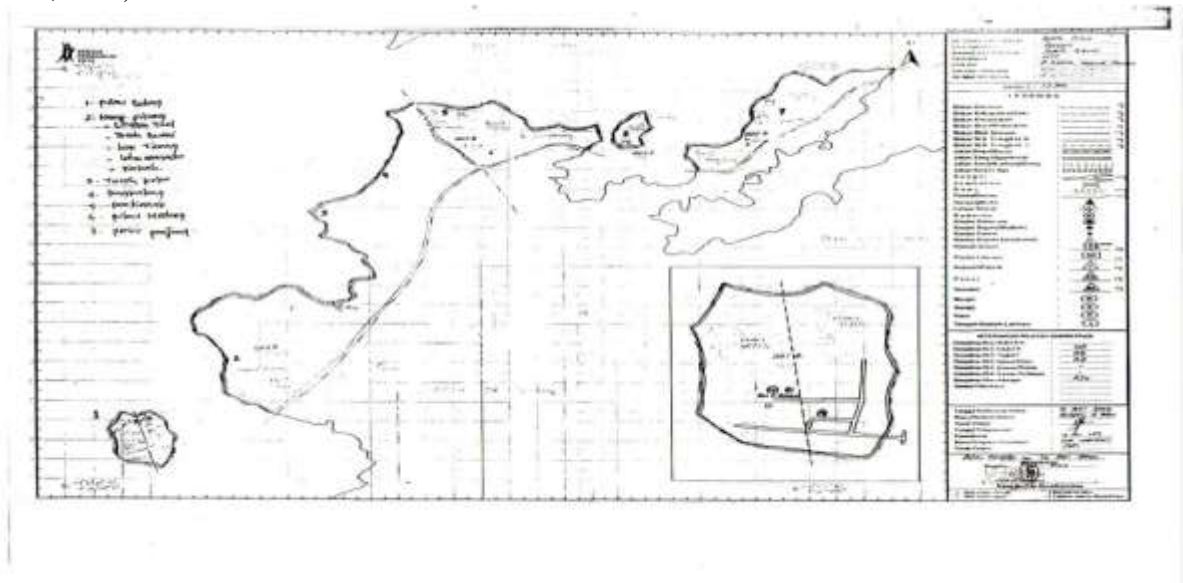
Research Results and Discussion

At the level of practice, everything that exists, as it's, what is produced has a motive, a cause, a reason for being. That is, everything has a purpose or existence. It's true that this truth doesn't escape: what is the purpose? There is no agreement that occurs between people. (Rodríguez, 2020) Society doesn't need an agreement when goodness is needed because basically humans long for good things. This thinking is actually also supported by the universal goodness as *bonum commune* as stated by St. Thomas Aquinas that it cannot be reduced to a formal procedure. This will become contemplation when the *bonum commune* is normalized because the idea of society and individual relations is limited (Speer, 2016). Understanding this if it's linked to the Regent Decree Number 20 of 1997, the *bonum commune* is reflected in the community. This can be seen from the attachment to the decision, which contains a Village Map, Meeting Attendance List and Personnel Composition of the Batu Tiga Village LMD Management Results of the Solution to Pontianak Village, Komodo District, Manggarai Level II District.

Based on the Law of the Republic of Indonesia Number 12 of 2011 concerning the Formation of Prevailing Laws, it's explained that the attachment in a statutory regulation is an inseparable entity and is in accordance with the needs. This means that attachments may or may not exist. Then how to find the *bonum commune* in that communal society? There is an agreement that involves significant forward planning, complex arrangement negotiation, and give and take. Other's don't. Commodity deals are usually concluded informally and quickly in standardized forms, with courts unwilling to take liberties with words in standard forms and they are designed by both sides to accommodate the needs of the needy (Bridge, 2017).

According to J Finnis, increasing the welfare of society is a need for practical reasons to guide individuals to pursue fundamental values. Since each fundamental value is equally good for all members of society, the fundamental value by an individual cannot be exercised in a way that only takes into account personal gain; on the contrary, they must pay attention to the ideal of fulfillment of the whole human being. *Bonum commune* is a rework of the main principle of morality (which means that all human choices must be open to the fulfillment of the whole human being) because it's human behavior in

the context of social life and every aspiration for fundamental values is relevant which depends on being shared (Osina, 2020).



Picture 1: Population Census Map



Picture 2: Map Covering the Flores Mainland

The existence of bonum commune, including village service activities that have been running, can be used as a basis for shaping norms. Human nature, in so far as it comes in contact with the angelic nature, must both in speculative and practical matters know truth without investigation. And this

knowledge must be the principle of all the knowledge which follows, whether speculative or practical, since principles must be more stable and certain. Therefore, this knowledge must be in man naturally, since it is a kind of seed plot containing in germ all the knowledge which follows, and since there pre-exist in all natures certain natural seeds of the activities and effects which follow. Furthermore, this knowledge must be habitual so that it will be ready for use when needed. Thus, just as there is a natural habit of the human soul through which it knows principles of the speculative sciences, which we call understanding of principles, so, too, there is in the soul a natural habit of first principles of action, which are the universal principles of the Natural Law. This habit pertains to *Synderesis* (Sequeira, n.d.).

The principle of synderesis can make the existence of Article 1 of Regent Decree No.20 of 1997 carried out communally. This means that what has happened in society is a necessity which can be interpreted which can be interpreted as *ius constituendum*. When there is rejection that is still rooted in individual actions, in this case a one-sided statement, then it's part of the personal will that doesn't understand the *bonum commune* and isn't something that can intimidate the principle of synderesis.

Conclusion

The principle of synderesis when used to interpret the entire Regent Decree Number 20 of 1997, the legal solution was found, namely Batu Tiga Village existed before the Regent's Decree Number 20 of 1997 because the statutory regulations that were *ius constitutum* originated from the prevailing customs in the community. Then the division of areas is clear, which refers to the Government Regulation of the Republic of Indonesia Number 45 of 2021 concerning the Implementation of Geospatial Information that maps as geospatial information can be used for policy formulation, policy making in order to optimize development in the economic, social, cultural and national resilience fields, especially in management of natural resources, preparation of spatial plans, planning of investment locations, determining regional boundaries.

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