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encourages rapid social change. Rapid social growth due to the modernization process can cause social anxiety and tension (social unrest and social stress). The rapidly changing value system demands new social life norms to preoccupy legislatures, dispute resolution institutions, and efforts to socialize the law.

One of the efforts to reform the law is to conduct a comparative study. Sudarto (1983: 16) also said that one of the objectives of a comparative analysis is to improve the law. The need for legal reform could be due to globalization, which has had many changing impacts. Comparisons are one significant source of knowledge. Comparison can be said as a technique, discipline, implementation, and method by which the values of human life, relationships, and activities are known and evaluated. The importance of comparison has been rewarded in every respect by anyone in study and research. This importance is reflected in the work and writings of scientists, historians, economists, politicians, jurists, and those involved in investigative and research activities. Whatever the ideas, ideals, principles, and theories, all can be formulated and can be said to be the result of the comparative study method. This is what is called a good law.

The contributions of the authors in these articles are the result of their comparative research approach. Jurisprudence as a science of law, the essence of its specialty lies in specific study methods, not in the rules of one country alone, but in the great ideas of the law itself, namely, laws originating

as a guideline, a tool in work skills, and a design for a situation in which the system can be built into their respective spheres of activity by comparing the laws of their country. With other legal systems by changing, modifying, and adding whatever is needed in the scope of further interest in the content of international law, legal studies, trade and commerce, diplomatic and cultural relations that can be reached and the most important thing is not the problem of the field of course, but a reality in services provided to humanity, society and the nation.

Therefore, it is our duty, especially academics, to reflect, think about solutions to existing problems, and analyze potential issues in the future. In connection with this, we present the International Conference forum The Internasional Confrence on Environmental and Energy Policy (ICEEP) thema “Strengthening Policy Planning and Implementation of Energy, Environment, Epidemiology and Information System as a Respond to Industrial Revolution 4.0”. This academic forum will make a significant and influential contribution in all fields of natural and social sciences. In this case, comparative law has significance for the systematic application of relative techniques to the area of law. That is, comparative law tries to study and research law by using a systematic comparison of two or more legal systems, parts of the law, branches of law, and aspects related to law science.

Hopefully, through this conference, there will be many bright ideas from around the world. The issue of comparative law in the forum and discussed

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Abdul Kadir Jaelani, I Gusti Ayu Ketut Rachmi Handayan, Lego Karjoko, Jaco Barkhuizen

This study aims to discuss the role of the Supreme Court in overcoming environmental pollution and destruction, so that a good and healthy environment can be created. The results show that the Supreme Court has tested 643 times related to the environment which resulted in significant changes related...

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Albertus Usada, I Gusti Ayu Ketut Rachmi Handayani, Lego Karjoko

This paper aims to find out the basic orientation of the judges in adjudicating good faith in land sale and purchase cases as a "ratio decidendi" in their

Technology and Information Communications Dynamics During the Covid-19 Pandemic

Insan Tajali Nur, Jamal Wiwoho, Isharyanto

This study begins with the COVID-19 Pandemic's appearance in an era of rapid technological, information, and communication development that is highly intensive in the midst of society and has an effect on unforeseen social transformation. This cannot be accomplished by the present authorities' policies...

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Dysfunction of Foreign Worker Employment Regulation to Prevent Xenophobia

Widiatama, I Gusti Ayu Ketut Rachmi Handayani, Lego Karjoko

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Heri Hartanto, Adi Sulistiyono, Isharyanto

E-court is one of the attempts in achieving a simple, expeditious, and inexpensive court process. The process of seeking justice in court is done to issue a quality decision to meet sense of equity of justice seekers as well as settling legal problems faced by parties. There are some problems faced by...

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Decision of Constitutional Court on the Rights of the Child Out of Wedlock

Bambang Ali Kusumo, Abdul Kadir Jaelani, Dora Kusumastuti

The status of children in Indonesia has been regulated in various laws and regulations. In marriage law, it is defined that a legitimate child is a child born from or in a legal marriage. However, after the issuance of the Constitutional Court's decision on the status of children out of wedlock, a debate...

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Fadjar Harimurti, Bambang Widarno

Community Service Activities were carried out in Talang Kalijirak Village,

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Josef Purwadi Setiodjati, Jamal Wiwoho, Suraji

Consumers are one of the backbones of the economy. Without consumers, the production sector cannot run smoothly. The large population of Indonesia ensures that the country has large consumption power. However, whether this potential benefit followed by the protection of consumer rights is an important...

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Measuring the Urgency of Draft Legislation on the Recognition and Protection of Indigenous People from Economic Analysis of Law Perspective

Anti Mayastuti, Jamal Wiwoho, Hari Purwadi

The purpose of this study is to determine the effectiveness of economic theory against law to measure the urgency of the Draft Legislation on the Recognition and Protection of Indigenous People in developing Pancasila Economic Law System. This research is a doctrinal legal research by

Globalization Era

Ismunarno, Hartiwiningsih, Isharyanto

This study aimed (i) to find out the legal politics strengthening in the form of control toward public policy and (ii) to analyze the public policy control as a preventive attempt against corruption. Policies have been used as a “gate” to commit policy corruption. It is necessary to extend the definition...

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Luthfiyah Trini Hastuti, Pujiyono, Burhanudin Harahap

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Posner's theory of legal efficiency. The economic analysis of law approach is used to analyze diversion arrangements in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System in order to realize restorative justice....

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Establishing Good Corporate Governance in Overcoming the Dualism of State Owned Enterprises Sectoral

Tuhana, Jamal Wiwoho, I Gusti Ayu Ketut Rachmi Handayani

This study was done to answers 2 (two) research problems: (i) why is it necessary to establish good corporate governance in overcoming the sectoral dualism of BUMN/SOEs; and (ii) how the BUMN/SOEs based on good corporate governance are able to optimize the management of natural resources in a professional...

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Constructing Legal Politics of Primary Education with Pancasila Character

Fadhil Purnama Adi, I Gusti Ayu Rahmi Handayani, Hartiwiningsih

The objective of research is to construct legal politics of primary education in preparing the superior students with Pancasila character in order to answer the ever changing challenge of time. This study was a doctrinal legal research using deductive logic and interpretative (hermeneutic) analysis....

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Strategy of Exclusive Dealing in Perspective the Law of Competition in Indonesia

Hernawan Hadi, Adi Sulistiyono, Albertus Sentot Sudarwanto

The purpose of this writing or research is to find out about the Closed

Criminal Law Enforcement of Money Laundering as a Community Protection Effort Against Economic Crime in Indonesia

Sri Wahyuningsih Yulianti, Jamal Wiwoho, Muhammad Rustamaji

In the era of globalization, science and technology advances have resulted in the emergence of global economic crimes or transnational crimes. One of the criminal acts in the economic field is money laundering, which is clearly an illegal act that has the potential to cause negative effects that can...

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Limitation of Land Tax Regulations as an Instrument for Land Tenure Management

Andhyka Muchtar, Jamal Wiwoho, Lego Karjoko

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Mapping Stakeholder's Role in Community-Based Tourism Development on Hutan Bambu Alu in Polewali Mandar, Indonesia

Sitti Hadijah, Ritabulan, Nuraeni, Muhammad Rizky Prawira

Hutan Bambu Alu is a part of the watershed area which is maintained by the Alu community in Polewali Mandar, West Sulawesi. Hutan Bambu Alu has become one of the tourist destinations in West Sulawesi which was planned to be built with an ecotourism concept approach that is managed by the community to...

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method used is normative juridical research, which is a study that focuses on the study of literature in the form of reading, studying, and analyzing legal materials....

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Prijo Dwi Atmanto, I Gusti Ayu Ketut Rachmi Handayani, Hartiwiningsih, Lego Karjoko

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Agus Suciptoroso, Andi Muhammad Sofyan, Winner Sitorus, Kahar Lahae

Forests are national treasures that must be protected by anyone without exception. Today many forests are reduced due to destruction by humans and corporations. This study examines the Corporate Criminal Sanctions in the Crime of Forest Destruction with a Restorative Justice Approach. The legal issues...

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Regulation of Land Use Rights After the Job Creation Act

Ummy Ghoriibah, Elita Rahmi, Yetniwati

The extension of the term of the Land Use Rights (HGU) after the Job Creation Act which extended the tenure of HGU to 95 years created a conflict of norms with Law Number 5 of 1960 concerning the UUPA. The uncertainty of the time period will cause many problems regarding the extension of the HGU that...

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Crime Prevention Policy Through Depriving Illicit Enrichment and Unexplained Wealth

Ermaida Ermaida, Sonata Lukman

Crimes with economic motives are very detrimental to the state and have implications for national development. The assets of crime are the "blood of evil" for the continuation of the crime itself. The existing law enforcement facilities in Indonesia are still actor-oriented conventional. Conventional...

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The 1945 Constitution specifically article 28 H and Law No. 32 of 2009 regarding Environmental Protection and Management mandate that every citizen has the constitutional right to live physically and mentally prosperous, to live, and to have a good and healthy environment and to receive health assistance....

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Sinta Ana Pramita, I Gusti Ayu Ketut Rachmi Handayani, Lego Karjoko

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Making the Administrative Law Enforcement in Indonesia Effective as an Effort to Prevent Violations Reclamation and Post-Mining Obligations (Study in East Kalimantan Province)

Muhammad Bagus Adi Wicaksono, I Gusti Ayu Ketut Rachmi Handayani, Lego Karjoko

This study has purpose to provide input and suggestions regarding the concept of an effective administrative law enforcement system to prevent violations of reclamation and post-mining obligations in East Kalimantan Province. This study was a non-doctrinal legal research that analyzes the effectiveness...

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Case of East Java Province, Indonesia

Himawan Estu Bagijo, Hendrawan Dendy Santoso, Maria Dwi Susanti

The purpose of this study is to discuss the role of employment development carried out by the Department of Manpower and Transmigration of East Java Province to companies and workers affected by the Covid-19 Pandemic. The research used random sampling, involving 859 companies in East Java with a reported...

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Otih Handayani, Adi Sulistiyono, Yudho Taruno Muryanto

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A Dominant Position in Bussiness Partnership Agreement: How is Legalprotection for Less Dominant Entities?

Akadiyan Aliffia Husdanah, M. Djafar Saidi, Achmad Ruslan, Aminuddin Ilmar

A dominant position is a situation where a business actor does not have a significant competitor in the relevant market in relation to the market share controlled, or the business actor has the highest position among his competitors in the relevant market in terms of financial capability, ability to...

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Legal Protection of the Environment in Indonesia from a Green Victimology Perspective

Rani Hendriana

The portrait of legal protection for the environment so far has not been oriented to the needs of the environment itself as a victim. As a result, the responsibility of perpetrators of environmental crimes has not been aimed at recovering the damage caused. This study aims to determine the legal protection...

Rofi Wahanisa, Eko Mukminto, Ratih Damayanti, Dani Muhtada

One of the measures taken to combat the spread and infection of Covid-19 is the issuance of Government Regulation No. 1/2020, in which the Indonesian Government imposed large-scale social restriction (PSBB). The implementation involves closing public schools and workplaces, restricting religious activities,...

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Seto Sanjoyo, Adi Sulistiyono, Agus Riwanto

The regional head becomes the chairman of a political party, which creates resistance in the monopoly of power. Political parties or a combination of political parties are a means to propose pairs of regional heads and deputy regional heads in the nomination. This study aims to determine the extent of...

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Andy Omara, Kristina Viri

In the past, freedom of association of the indigenous community in performing their traditional believes was not adequately protected. However, two constitutional court decisions in 2013 and 2016 provide significant protections for indigenous community in exercising such freedom. Unfortunately, there...

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The Legal Protection for Breach of the Marriage Promise for Women

Juliana S. Ndolu, Adi Sulistiyono, Mohammad Jamin

Cases of men breaching their promise to marry women following extra marital pregnancies often occur in Indonesian society and can be detrimental for women and children. However, the majority of cases cannot be prosecuted under the current legal arrangement. This paper aims to first analyze the legal...

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Permits for the Transfer of Agricultural Land Functions to Non-Agriculture in the Land Purchasing and Sale Process

Iswantoro, Abdul Kadir Jaelani, Resti Dian Luthviati, Muhammad Jihadul Hayat

The purpose of this research is to examine the process of purchasing and selling land that requires a permission to be converted from agricultural to non-agricultural use. This study employs secondary data to conduct normative legal research. According to the findings of the study, the process of purchasing...

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Effectiveness of the Implementation of Halal Product Guarantee Act to Provide Consumer Protection

Zaidah Nur Rosidah, I Gusti Ayu Ketut Rachmi Handayani, Yudho Taruno Muryanto

This study aims to determine whether or not the regulation of halal product collateral is effective and to describe what requirements are required by law for effective regulation of halal product guarantees. To answer the problem of this study used a normative method with a conceptual approach. The findings...

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The Justice System in Indonesia with the Application of the Green Constitution in Mining Dispute Resolution

Adimas Ardhiyoko, Jamal Wiwoho, Yudho Taruno Muryanto

Natural wealth is one of the important capitals in the development of a nation and state, therefore it must be utilized optimally for the benefit of the nation and state. Indonesia has a variety of natural resources, both renewable and non-renewable natural resources. From Sabang to Merauke, it is full...

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Government Policy in Yogyakarta Special Region to Improve the Fulfillment of Educational Rights for Persons with Disabilities

Indra Ratna Dewi

The alignment of Local Government Policy Yogyakarta Special Region of Yogyakarta Regulation No. 4 of 2012 on the Protection and Fulfillment Rights of Persons with Disabilities was discovered through the findings of this study.

Henry Indraguna, Hartiwiningsih, I Gusti Ayu Ketut Rachmi Handayan

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contagious effect. Meanwhile, in Indonesia, emergency liquidity assistance (ELA) during...

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Bachrul Amiq, Wahyu Prawesthi

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Siti Marwiyah

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Based on Law Number 17 of 2019 concerning water resources, Water

Legal Review of Policy Changes on Environmental Pollution in the Law on Environmental Protection and Management of the Job Creation Law in Indonesia

Fatma Ulfatun Najicha

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Rosidi Roslan, I Gusti Ayu Ketut Rachmi Handayani, Lego Karjoko

The life of modern society and traditional society requires a legal order in it. It is a challenge for the law to be able to adapt to social changes. Law and social change are closely correlated because they are interdependent. On the one hand, there are demands for social change that must be following...

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Diana Lukitasari, Hartiwiningsih, Jamal Wiwoho

This research tries to seize the opportunity to improve corporate criminal justice. This process starts with bettering regulations and submitting punitive mediation possibilities, all while designing an Artificial Intelligence (AI) system by initially inputting supporting data. The findings indicate...

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Standard Contract Based on the Legal Positivist Paradigm of Study

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***Abstract*–The conditions of this standard agreement can be provided by employing clauses that have been created or standardized and written in the form of groups with a large number that can be used for all agreements of the same type. The parties can create the standard agreement, although the contents are sometimes dictated by one of the parties. A unilateral standard agreement can also be defined as one that is determined by a party with a strong position in the agreement. It is actually the same as the legal requirements for an agreement agreement in general, which are contained in the provisions of Article 1320 of the Civil Code, as a legal requirement in the standard agreement or standard agreement. Even if it is included in the standard agreement, it is in violation of the parties' right to contract freely. However, as long as the parties do not object to the basic agreement being entered into, it can be regarded to be legitimate under Article 1320 of the Civil Code.**

***Keywords*– Standard Agreement, Paradigm, Legal Positivism.**

I. INTRODUCTION

In keeping with Indonesia's economic expansion and rapid pace, particularly in the domains of trading, buying and selling, and banking, both domestically and internationally. Of fact, the role of legal subjects in conducting business contacts with one another cannot be isolated from the trading and banking industry. As a result, not only are business relations marketing, but they also generate legal relationships between legal objects in trade and banking ties. The legal subjects are referring to a long-term connection with a binding contract. [1]

Even if it is governed by law, an agreement reached among legal subjects does not always result in a legal problem. Although the legal subjects' agreement does not generate legal problems in its implementation, it is possible that legal issues will arise and that a separate note will be included in the settlement. This is common in standard agreements, which have separate or predefined provisions.[2]

The Standard Agreement is frequently a polemic between the agreement that can be enforced based on each party's interests and is not contested. However, for one of the legal subjects, the normal agreement becomes a burden. The legal terms of the agreement have been set by the rules of Article 1320 of the Civil Code.[3] It is actually the same as the legal conditions for a standard agreement or standard agreement in general, which are mentioned in the provisions of Article 1320 of the Civil Code.[4]

An agreement, according to Bintang and Dahlan, has the same legal effect as legislation. That is, certain parties' agreements can be utilized as a legal basis for those who form them. To put it another way, the parties' agreement is legally binding. This is ensured by Article 1338 of the Civil Code, which provides that legally binding agreements are binding on individuals who form them. As a result, in the philosophy of law, a sort of philosophical settlement with a positivism paradigm approach is required. [5]

The legal positivism paradigm view can be utilized as a guide to create a legal notion that a standard agreement is truly not an issue provided legal subjects know the philosophical values contained in the agreement when carrying out the agreement. So that when the agreement is signed, the parties do not face any obstacles or compulsion, and the agreement does not become a source of contention. Even though standard agreements have become a habit in the connection between legal subjects while performing business, trade, or financial activities, they are still used. [6]

II. RESEARCH METHOD

A normative legal research method was applied in this work. Research resources in the form of primary and secondary legal materials are used in normative legal research (libraries). Mukti Fajar ND and Yulianto Achmad provide a framework for normative legal study in this case “Legal research in which the law is viewed as a set of rules. [7] Principles, norms, rules and regulations of laws and regulations, court decisions, agreements, and doctrines are all part of the normative system in question (teachings). Understanding is centered on the object of study in normative legal research, which is the law, which is viewed as a norm or rule of law. The three approaches are conceptual, statutory, and philosophical, and they are used to investigate ontological, epistemological, and axiological issues. [8]

III. FINDINGS AND DISCUSSION

Unquestionably tied to the standard clause itself, an understanding of the standard agreement cannot be directly provided prior to its standard.[9] However, this must be known on the basis of the whole agreement.

Article 1313 of the Civil Code defines an agreement that results in engagements as "an act whereby one or more persons tie themselves to one or more persons bind themselves to one or more other persons." (Code of Civil Procedure) According to this definition, the parties have agreed to do something with assets that can be measured in money.[10] The form employs a written agreement in this situation, which refers to a written clause that is mutually agreed upon by reading or reading each of them. There is also a type of oral agreement in which the parties deliver the agreement straight to each other verbally and all parties hear the contents. [11]

The agreement reached is also enforceable, as long as it is not revoked (by the judge) at the request of the party who has the right to do so. As a result, such an agreement does not rely on a party's willingness to follow it. Vernietigbaar is the name given to such an arrangement. Pursuant to Subekti, four agreed requirements are required for an agreement to be valid, according to Article 1320 of the Civil Code, for people who bind themselves, are capable of reaching an agreement, on a specific issue and a lawful cause. [12]

The subject makes the agreement, the first two conditions are referred to as subjective conditions. If one of the subjective conditions is not met, the judge might revoke the agreement at the request of the individual involved. It is meant that the two subjects who enter into the agreement must agree, agree, or agree on the main aspects of the agreement being concluded, based on "agreement" or sometimes known as licensing. Meanwhile, an agreement becomes void if it is given owing to a misunderstanding or mistake, compulsion, or fraud, according to article 1321 of the Civil Code. [13]

The standpoint of justice, it is essential that the individual who enters into an agreement and is later "bound" by it has the ability to recognize and accept responsibility for his acts. Meanwhile, from the standpoint of law and order, because entering into an agreement entails risking one's wealth, that individual must have the legal right to act freely with one's wealth. [14]

This can be linked with Herlien Budiono's perspective that the person acting's expression of will includes the offer and acceptance prior to the agreement's closure. The encounter of wills, or the interlocking of each expression of will as given by the other party reciprocally and as perceived by each, is a critical step in the process of forging or completing an agreement. As a result, each party becomes legally obligated to the other. These criteria can be stated to be based on the foundation of such an agreement, even if it is a standardized agreement.[15]

The content of the standard agreement, also known as the standard form of the contract, comes as an indirect result of the Civil Code's inclusion of the principle of contract freedom (articles 1320 and 1338) The lack of substantial regulations capable of balancing the negotiation positions of the parties and the compulsion imposed on the other. Even legal professionals aren't on board with the conventional contract.[16] The standard contract is not an agreement, as Sluijer argued, because the role of business actors in the agreement is similar to that of a private legislator (legio particulere wetgever), and the conditions set by business actors in the agreement constitute law, not agreement. Pitlo claimed it was a coerced agreement (dwang contract). If there is a reason to be concerned about the presence of a standard agreement, it is because it contains an exoneration clause. An exoneration clause is a clause in a contract that allows one party to avoid paying full or partial compensation as a result of a broken promise or unlawful act. The existence of an exoneration clause, as can be shown, causes an imbalance in the bargaining stance between business actors (producers and consumers). [17]

The agreement is still in force today based on the opinion that allows or does not allow the existence of the standard agreement in business activities, trade, or the financial industry. As a result, the author will attempt to discuss the standard agreement of the ideals contained in positivism's teachings or paradigm. [18] The positivism paradigm was born as an antithesis to natural law theory, which some legal positivist circles believe has had setbacks and failures in practice. In the middle of lawsuits against social and moral views at the time, natural law was seen to be incapable of making demands. However, this paradigm retains natural law traits, such as the use of the normativity thesis to distinguish law from empirical facts. [19]

Legal positivism is a trend that arose as a result of the modernization of the legal system. Where positivism fits into the 18th-century Galilean tradition, which was further refined by Auguste Comte (1798-1857), who maintained that human life is a logical consequence of the law of cause and effect, with all of its circumstances and probability factors. Due to its nature, which tends to be oriented toward the notion of state sovereignty, which places the state in the sole position of being able to develop legal products that bring legal certainty and order to the rest of the community. As a result, most positivist thinkers are the forerunners of modern law (modern law) and modern government (modern government) (modern state).[20]

According to Comte, the positivistic law, which is the essence of the flow of rationalism, is a neutral law that does not take sides with any ideology. The law that was created must be based solely on a scientific process that is correct and scientific in nature, that is, it must have gone through scientific procedures; otherwise, it is considered unscientific and incorrect. The methodologies of the exact sciences cannot have a significant impact on the scientific law of positivism. Human history, according to Auguste Comte's reasoning, is the steady growth of the human way of thinking itself. This is the forerunner of the principle of legal certainty, which is the standard word in the legal form of positivism. By arguing that humans will be able to explain the reality of life not speculatively but concretely, certainly even absolute truth, with rational and positivistic empirical thinking, this is the forerunner of the principle of legal certainty, which is the standard word in the legal form of positivism.[21]

The influence of Comte's positivism had a significant impact on John Austin's mindset, and he became a defender of the Positivism school by explicitly stating that valid law is only law that comes from coercive state institutions and must be obeyed by the community. The legal system of a country operates not because it is based on social life, the soul of the nation, or natural law, but rather because it is given positive form by the competent authority, namely the state itself. All of the ruler's orders are associated with the flow of legal positivism. This law is also often confused with law, in which the law is only perceived in its formal form and must be distinguished from its material form (legalism). The positivist school's popular phrase is "the law is the law." Furthermore, doctrinal-analytical philosophers argue that law is an order of norms that can only be produced by official state institutions, leading to the saying that there is no law other than state law.[23]

Orders, punishments, obligations, and sovereignty, according to Austin, are the four essential aspects of law. Provisions that lack these four components are just positive morals, not positive laws. The four elements are interconnected and can be explained in the following way: This element of the command means that one party wants the other party to do his will, and if the command is not carried out or obeyed, the other party will suffer. The order distinguishes between obligations to the governed and obligations to the sovereign, the latter of which can only be carried out if the sovereign is also the sovereign. Sovereignty can be exercised by a single person or a community of people (a sovereign person, or a sovereign body of persons).[24]

Austin's ideas were developed in the twentieth century by H.L.A. Hart, who believed that the characteristics of positivism in the science of law can be said that the law is an order from humans (command of human being). Furthermore, there is no absolute/significant link between the law that applies and the law that should apply. Included is the understanding that law is a logical, permanent, and closed system in which the right and correct legal decisions are usually obtained through logic from pre-determined legal regulations, regardless of social goals. Measures that are both political and moral. It cannot be made or maintained as a statement of reality that must be proven by rational argument, proof, or experiment in moral considerations. [25]

The related to the standard agreement that the author has stated at the beginning that every time there is an agreement there must be rules that regulate both those regulated by the authorities, in this case the state or the state, the expressions of the positivism paradigm developed by John Austin and Hart have similarities in assessing the law, if this is related to the standard agreement that the author has stated at the beginning that every time there is an agreement there must be rules that regulate both those regulated by the authorities, in this case the state or orders that are given by humans The order will be enforced in order to establish a legal order. And it will be really painful if you do not follow the established regulations. [26]

IV. CONCLUSION

The party would obey the mutually agreed upon agreement in a standard agreement, it can truly become a legal order. In practice, the agreement is required, even if it contains a standard clause that states that the party who accepts the agreement bears the consequences stated in the clause. In Hart's opinion, humans can govern the will of other humans in law, as long as that will can be mastered through a logical, exact, and right legal system. So that other individuals who embrace this system can simply comprehend the commandment's meaning. As a result, it must have been assumed that every basic agreement established by the parties did not generate a compulsion. Although there are benefits and drawbacks to using this standard agreement in practice. However, if you look to positivism's analytical paradigm, you can see that while the law is coercive, it will not become a compulsion if it is obeyed and enforced.

REFERENCES

[1] R. Danendra, I. G. Ayu, K. Rachmi, and A. K. Jaelani, "Legal Protection of Non Wage Workers Rights After Omnibus Law," *Jurisprudentie*, vol. 8, no. 13, pp. 85–99, 2021.

[2] L. C. Lintang, Adriano Martufi, and J.W. Ouwerker, "The Alternative Concepts of Blasphemy Law in Indonesia: Legal Comparison with Ireland and Canada," *Bestuur*, vol. 8, no. 2, pp. 121–128, 2020.

[3] M. Pungky and H. Wijaya, "Legislation Impediments in Reorganising Government Bodies in Indonesia," *Bestuur*, vol. 9, no. 1, pp. 1–16, 2021.

[4] S. R. Novikasari, D. Q. Ly, and K. Gershaneck, "Taxing Micro, Small and Medium Enterprises in Yogyakarta: Regulation and Compliance," *Bestuur*, vol. 9, no. 1, 2021.

[5] Saidah Fasihah Binti Che Yussoff and R. Nordin, "Freedom of Expression in Malaysia: Compatibility with the International Human Rights Standard Saidah," *Bestuur*, vol. 9, no. 1, pp. 44–59, 2021.

[6] U. K. Mishra and A. Negi, "Transgender and the Right to Employment in India: Analysing the Trajectories of Discrimination," *Bestuur*, vol. 9, no. 1, pp. 34–43, 2021.

[7] H. J. Noor, K. Afkar, H. Glaser, and U. G. Mada, "Application of Sanctions Against State Administrative Officials Failing to Implement Administrative Court Decisions," *Bestuur*, vol. 9, no. 1, pp. 73–93, 2021.

[8] N. P. Hidayah, "The Implementation of Labor Development Principles According to Job Creation Law as a Reason to Protect Wages Rights," *Bestuur*, vol. 8, no. 2, pp. 121–128, 2020.

[9] W. B. Putri *et al.*, "Medicolegal Perspective on Physician-Induced Demand Issue," *Bestuur*, vol. 9, no. 1, pp. 106–124, 2021.

[10] N. Ishak, R. R. Hasibuan, and T. S. Arbani, "Bureaucratic and Political Collaboration Towards a

Good Governance System," *Bestuur*, vol. 8, no. 1, p. 19, 2020.
[11] N. Zubaidi, R. G. Pratama, and S. Al-Fatih, "Legal Perspective on Effectiveness of Pre-Work Cards for Indonesian People," *Bestuur*, vol. 8, no. 1, p. 9, 2020.
[12] L. Karjoko *et al.*, "PATENT POLICY ON THE PHARMACEUTICAL SECTOR IN INDONESIA," vol. 23, no. 5, pp. 1–13, 2020.
[13] E. Sukmoro, A. Sulistiyono, and L. Karjoko, "The politic of law of PT. Kereta api Indonesia (persero) track access charge policy based on justice," *Int. J. Adv. Sci. Technol.*, vol. 28, no. 20, pp. 353–361, 2019.
[14] Prasetio *et al.*, "Problems of democratic and dignified election in indonesian simultaneously electoral era," *Int. J. Criminol. Sociol.*, vol. 9, pp. 1701–1708, 2020.
[15] I. G. A. K. R. Handayani, L. Karjoko, and A. K. Jaelani, "Model Pelaksanaan Putusan Mahkamah Konstitusi yang Eksekutabilitas Dalam Pengujian Peraturan Perundang-Undangan di Indonesia," *Bestuur*, vol. 7, no. 1, pp. 36–46, 2019.
[16] S. D. Baranyanan, I. G. A. K. R. Handayani, and Isharyanto, "Political law of local government to resolve disputes adat law in Kei Island," *Int. J. Adv. Sci. Technol.*, vol. 28, no. 20, pp. 494–499, 2019.
[17] E. T. Gomez, "Resisting the Fall: The Single Dominant Party, Policies and Elections in Malaysia," *J. Contemp. Asia*, vol. 46, no. 4, pp. 570–590, 2016.
[18] F. Khairo *et al.*, "Urgensi Contempt of Court Dalam Meningkatkan Wibawa," vol. 4, pp. 597–604, 2017.
[19] L. Karjoko, I. G. A. K. R. Handayani, A. S. Sudarwanto, D. W. Winarno, A. K. Jaelani, and W. N. Hanum, "THE CONSEQUENCE OF THE DECISION OF THE CONSTITUTIONAL COURT IN FORESTRY ON THE RECOGNITION OF TRADITIONAL FORESTS IN," *J. Leg. Ethical Regul. Issues*, vol. 24, no. 5, pp. 1–8, 2021.
[20] I. Iswantoro, "Strategy and Management of Dispute Resolution , Land Conflicts at the Land Office of Sleman Regency," *J. Hum. Rights, Cult. Leg. Syst.*, vol. 1, no. 1, pp. 1–17, 2021.
[21] F. U. Najicha, "Oil and Natural Gas Management Policy in Realizing Equal Energy in Indonesia," *J. Hum. Rights, Cult. Leg. Syst.*, vol. 1, no. 2, pp. 71–79, 2021.