

ETHICS, MORAL, LAW AND IT'S APPLICATION IN THE ERA OF INDUSTRIAL REVOLUTION 4.0.

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**PRESENTED ON INTERNATIONAL SEMINAR "QUO VADIS EDUCATION VALUE? HARMONIZATION OF RELIGIOUS
VALUES, LOCAL WISDOM AND STATE LAW IN MULTICULTURAL COMMUNITIES IN THE ERA OF INDUSTRIAL
REVOLUTION 4.0"**

**INDONESIAN RELIGIOUS LEADER OF EAST KALIMANTAN IN COLLABORATION WITH AWANG LONG SCHOOL
OF LAW, SAMARINDA AND NATIONAL AMIL ZAKAT AGENCY OF EAST KALIMANTAN AND SELCUK
UNIVERSITY, TURKEY**

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ETHICS

- ETIMOLOGICALLY FROM "**ETHOS**" (CUSTOM)
- **ETHICS** IS A WORLD OF PHILOSOPHY, VALUES AND MORALS
- **ETHICS** IS AN ABSTRACT AND RELATED WITH GOOD OR BAD SITUATIONS
- **ETHICS** = KNOWLEDGE ABOUT GOOD OR BAD SITUATIONS AND ESPECIALLY ABOUT RIGHTS AND MORALS OBLIGATIONS
- **ETHICS** = GROUP OF PRINCIPLES OR VALUES RELATED WITH MORALS
- **ETHICS**= VALUES ABOUT RIGHT OR WRONG EMBRACED BY A GROUP OR SOCIETY
- **ARISTOTELES**: ETHICS IS CRITICAL, REFLECTIVE AND COMPREHENSIVE, ETHICS IS ABOUT GOOD LIVING AND HOW TO ACHIEVE A GOOD LIFE. ETHICS IS IN ORDER TO MAKE PEOPLE TO LIVE BETTER, ETHICS IS ABOUT HOW A HUMAN BEING TO ACHIEVE A GOOD IN LIVING HIS LIFE.
- **BERTENS**: (1) VALUES AND MORAL NORMS WHICH BECOMES A GUIDELINE FOR A PERSON OR GROUP IN REGULATING THEIR BEHAVIOR, (2) GROUP OF PRINCIPLES OR A MORAL VALUE SYSTEM OR A CODE OF ETHICS THAT SERVES TO PROVIDE CERTAIN LIMITATIONS ON WHAT SHOULD BE DONE AND WHAT SHOULD NOT BE DONE, (3) KNOWLEDGE ABOUT GOOD OR BAD SITUATIONS (MORAL PHILOSOPHY)
- **ETHICS** = MORALITY BASED

MORAL

- **HENRY ADAMS:** MORAL IS RELATED WITH THE GOOD AND BAD OF HUMANS AS HUMANS. MORAL IS THE OVERALL NORMS, VALUES, AND MORAL BEHAVIOUR OF A PERSON OR A SOCIETY.
- **MORAL**= GOOD BEHAVIOR AS A HUMAN BEING
- **KBBI:** **MORAL**/MO·RAL/ N **1** (KNOWLEDGE ABOUT) GOOD OR BAD SITUATIONS WHICH IS GENERALLY ACCEPTED REGARDING ACTIONS, ATTITUDES, OBLIGATIONS, AND SO ON; MORAL; CHARACTER, MORALITY: **2** MENTAL CONDITIONS THAT MAKE PEOPLE STAY BRAVE, EXCITED, PASSIONATE, DISCIPLINED, AND SO ON; HEART CONTENT OR FEELING AS EXPRESSED IN ACTION; **3** DOCTRINE ABOUT MORALITY WHICH CAN BE DRAWN FROM A STORY;
- **MARZUKI:** GENERALLY THE MORAL MEANING IS ALMOST THE SAME AS ETHICS, BUT IF LOOKED CLOSELY, THE MORAL MEANING IS MORE FOCUSED ON THE DOCTRINE AND MENTAL OF A PERSON WHO MAKES IT TO BEHAVE WELL OR BADLY. THE MORAL MEANING IS MORE APPLICABLE, WHILE THE ETHICAL MEANING IS NORMATIVE. GENERALLY, THESE TWO WORDS OF ETHICS AND MORAL ARE DIFFICULT TO SEPARATE. ETHICS IS THE STUDY OR PHILOSOPHY OF MORALS, AND MORALS ARE THE EMBODIMENT OF ETHICS DAILY LIFE.

LAW

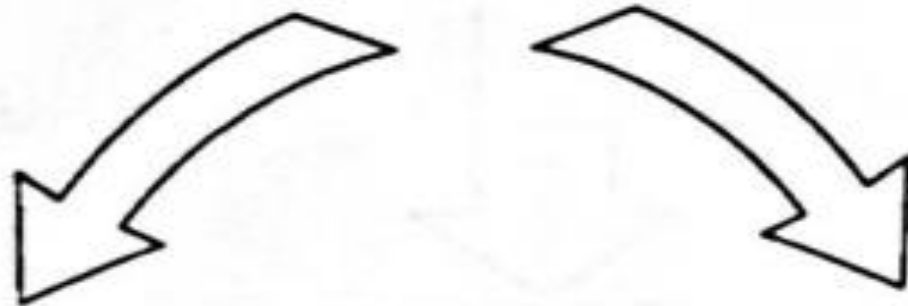
- **LEGAL ELEMENTS:**

- THE RULES ABOUT HUMAN BEHAVIOUR;
- MADE BY AUTHORIZED BODY;
- IMPERATIVE;
- THE RULES IS ACCOMPANIED BY STRICT SANCTIONS AND CAN BE FELT BY THE PERSON CONCERNED.

- **LEGAL CHARACTERISTICS:**

- AN ORDER, PROHIBITION, AND PERMISSIBILITY;
- STRICT SANCTIONS.

PERBEDAAN



AJARAN MORAL

Menetapkan apa yang boleh atau tidak boleh dilakukan

ETIKA

Mencari tahu mengapa dan atas dasar apa manusia itu harus hidup menurut norma-norma yang telah ditetapkan oleh ajaran moral

LIFE

(GOODNESS –
BADNESS)

SCREENED BY

VALUES

(LOOKING FOR
SOMETHING USEFUL)

SEARCHED BY

MORAL

(doctrine about how humans
must live and act in order to be
good human beings)

CONTINUED BY

ETHICS

(IDEA ABOUT GOOD/BAD)

NORMATIVED BY

LAW

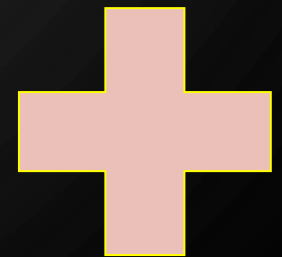
(ETHICAL ORDER FROM
MORAL DOCTRINE)

IN INDONESIA, **AS A RELIGIOUS STATE**, THE
VALUES ADOPTED FROM **RELIGIOUS THINGS**
THAT ARE ABSORBED IN THE **PANCASILA** AS
STATE IDEOLOGY AND BY GIVING SPACE TO
LOCAL WISDOM/CUSTOMS THAT HAVE
EXISTED SINCE ANCIENT TIME UNTIL NOW

THE ERA OF INDUSTRIAL REVOLUTION 4.0.

- TECHNOLOGY ADVANCES
- INTERNET AND INFORMATION TECHNOLOGY AS A TRIGGER
- APPLIED TECHNOLOGY IS DEVELOPING VERY RAPIDLY
- DIGITAL ECONOMY
- ARTIFICIAL INTELLIGENCE
- BIG DATA
- ROBOTIC
- DISRUPTIVE INNOVATION PHENOMENON
- INFORMATION ARE GETTING FASTER AND EASIER
- SIMPLICITY
- 75% WORK INVOLVES THE ABILITY OF SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS, INTERNET OF THINGS, LIFETIME LEARNING (ZIMMERMAN, 2018)
- CYBER PHYSICAL SYSTEM BASED REVOLUTION, A COMBINATION OF DIGITAL, PHYSICAL, AND BIOLOGICAL DOMAINS. (KLAUS SCHWAB, 2017)
- NEW CULTURE (CHANGE OF MINDSET AND HUMAN BEHAVIOR TOWARDS DIGITAL)

- THE INFORMATION ARE GETTING FASTER
- ACCELERATED PUBLIC SERVICES BY THE GOVERNMENT
- BORDERLESS WORLD
- VARIOUS TECHNOLOGIES THAT HELPED HUMAN ACTIVITIES
- ECONOMIC TRANSACTIONS ARE GETTING FASTER
- VARIOUS NEW PROFESSIONS BASED ON TECHNOLOGY



POSITIVE IMPACT

- MANY PEOPLE WILL POTENTIALLY LOSE THEIR JOBS BECAUSE THEY ARE UNABLE TO COMPETE OR ARE REPLACED BY MACHINES / ROBOTS
- ADJUSTMENTS TO THE DEMANDS OF THE INDUSTRIAL REVOLUTION 4.0, WHICH REQUIRE HUGE COSTS
- INTERNET ADDICTED
- CHANGES IN BEHAVIOR FROM "COMMUNAL" TO "MORE INDIVIDUALISTIC"
- TRADITIONAL VALUES IS NO LONGER BEING AN IMPORTANT PART OF LIFE BECAUSE IT HAS BEEN ERODED BY MODERNIZATION
- ETHICAL AND MORAL DEGRADATION, BECAUSE THEY ARE CONSIDERED AS "OLD-FASHIONED", ETHICAL AND UNETHICAL BEHAVIOR BECOME IN GRAY AREA.
- THE LAW LEFT BEHIND THE TECHNOLOGICAL DEVELOPMENTS, SO THAT IT IS UNABLE TO REACH NEW CRIMES MODEL, ESPECIALLY CYBER CRIME



NEGATIVE IMPACT

ETHICAL AND MORAL OF INDONESIAN LAW IN THE ERA OF INDUSTRIAL REVOLUTION 4.0 HEGEMONY

- BASICALLY, THE LAW IN INDONESIA IS NOT WRONG, BUT AS THE **DYNAMIC DEVELOPMENT OF SOCIETY** AND THE **DEVELOPMENT OF INFORMATION TECHNOLOGY** IN THE ERA OF THE INDUSTRIAL REVOLUTION 4.0 WHICH IS FASTER INCREASING, FORCE THE LAW TO KEEP MOVING TO ADJUST THESE DEVELOPMENTS.
- EXISTING LAWS IN INDONESIA TODAY ARE BASED ON VALUES, ETHICS, AND MORALS, BUT THE **SOCIAL CHANGE AND TECHNOLOGICAL DEVELOPMENT** BECOMES A CHALLENGE FOR THE LAW TO GUARDING THE CHANGE REMAINS WITHIN THE CORRIDOR OF BASIC VALUES/PRINCIPLES, ETHICS AND MORALITY ADOPTED BY THE INDONESIAN PEOPLE

- “PERANAN HUKUM DALAM PEMBANGUNAN ADALAH UNTUK MENJAMIN BAHWA PERUBAHAN ITU TERJADI DENGAN CARA YANG TERATUR. ADA ANGGAPAN YANG BOLEH DIKATAKAN HAMPIR MERUPAKAN KEYAKINAN BAHWA PERUBAHAN YANG TERATUR DEMIKIAN DAPAT DIBANTU OLEH PERUNDANG-UNDANGAN ATAU KEPUTUSAN PENGADILAN ATAU KOMBINASI DARI KEDUA-DUANYA. PERUBAHAN YANG TERATUR MELALUI PROSEDUR HUKUM, BAIK IA BERWUJUD PERUNDANG-UNDANGAN ATAU KEPUTUSAN BADAN-BADAN PERADILAN LEBIH BAIK DARIPADA PERUBAHAN YANG TAK TERATUR DENGAN MENGGUNAKAN KEKERASAN SEMATA-MATA. KARENA BAIK PERUBAHAN MAUPUN KETERTIBAN (ATAU KETERATURAN) MERUPAKAN TUJUAN KEMBAR DARIPADA MASYARAKAT YANG SEDANG MEMBANGUN MAKA HUKUM MENJADI SUATU ALAT YANG TAK DAPAT DIABAIKAN DALAM PROSES PEMBANGUNAN” (MOCHTAR KUSUMAATMADJA).
- PRINSIP “HUKUM UNTUK MANUSIA” (SATJIPTO RAHARDJO)
- HUKUM MERUPAKAN INSTITUSI SOSIAL, OLEH KARENA ITU, HUKUM DILIHAT LEBIH DARI SEKEDAR SUATU SISTEM PERATURAN BERLAKU, MELAINKAN JUGA BAGAIMANA HUKUM MENJALANKAN FUNGSI-FUNGSI SOSIAL DALAM DAN UNTUK MASYARAKATNYA (HUKUM RESPONSIF, NONET DAN SELZNICK)

APPLICATION

- **THE LEGAL PRODUCTS THAT PROTECT INDONESIAN PEOPLE FROM MORAL AND ETHICAL DEGRADATION NEED TO BE ADDED OR RENEWED**, THE EXISTENCE OF THE PORNOGRAPHY ACT, THE CHILD PROTECTION ACT, THE HALAL PRODUCT GUARANTEE ACT, THE INFORMATION AND ELECTRONIC TRANSACTION ACT MUST BE ACCOMPANIED BY THE EXISTENCE OF REGULATIONS RELATED WITH DIGITAL ECONOMY, BROADCASTING, CULTURAL PRESERVATION, TOLERANCE AMONG RELIGIOUS COMMUNITIES, PROTECTION FOR CUSTOMARY LAW COMMUNITIES, LABOR PROTECTION, INVESTMENT AND OTHERS WHICH WAS SUBSTANTIALLY ABLE TO PROTECT THE INDONESIAN PEOPLE FROM THE INDUSTRIAL REVOLUTION 4.0 NEGATIVE IMPACTS.
- EVEN SO WITH THE LAW ENFORCEMENT OF EACH THOSE RULES. **HUMANE, ETHICAL, AND DIGNIFIED LAW ENFORCEMENT**. LAW ENFORCEMENT BECOMES AN IMPORTANT ELEMENT TO KEEP LAW DIGNITY IN ORDER TO CREATE JUSTICE, EXPEDIENCY, LEGAL CERTAINTY, AND GREATEST HAPPINESS FOR GREATEST NUMBER. **GOOD LAW ENFORCEMENT WILL RELATED WITH PROTECTING THE ETHICS AND MORALS OF THE INDONESIAN PEOPLE.**

- **THE NEW REGULATIONS RELATED WITH INFORMATION TECHNOLOGY DEVELOPMENT OR INTERNATIONAL LAW MUST BE ABLE TO PROTECT INDONESIAN PEOPLE FROM THE INDUSTRIAL REVOLUTION 4.0 NEGATIVE IMPACT.**
- **LEGAL LITERACY FROM 3 DEVELOPMENT STAKEHOLDERS (GOVERNMENT, PEOPLE, AND ECONOMIC ACTORS) BECOME AN IMPORTANT THINGS TO DEAL WITH THE INDUSTRIAL REVOLUTION 4.0 ERA, ANTI CORRUPTION, COLLUSION AND NEPOTISM SPIRITS BECOME THE MAIN THINGS AS A MANIFESTATION OF THE VALUES, ETHICS, AND MORALS ADOPTED BY THE INDONESIAN NATION.** PLEASE HAVE A LOOK TO THIS ARTICLE [HTTPS://EKBIS.SINDONEWS.COM/READ/1376985/34/RI-SIBUK-KEJAR-INDUSTRI-40-JEPANG-MASUKI-ERA-SOCIETY-50-1549586880](https://ekbis.sindoneWS.com/read/1376985/34/ri-sibuk-kejar-industri-40-jepang-masuki-era-society-50-1549586880)

- **LEGAL EDUCATION FROM AN EARLY AGE IS VERY NECESSARY**, THIS IS IMPORTANT TO DEVELOP LEGAL AWARENESS AMONG CHILDREN AND ADOLESCENTS AS A VULNERABLE GROUPS AFFECTED NEGATIVELY BY THE INDUSTRIAL REVOLUTION 4.0, **THE LAW CURRICULUM MUST BE MADE TIERED AND CONTINUOUS WITH THE ETHICS AND MORAL LESSONS INSERTED.** **MINISTRY OF HIGHER EDUCATION AND MINISTRY OF EDUCATION AND CULTURE MUST HAVE DISCUSS TOGETHER ON IT.** ANTI-CORRUPTION EDUCATION FOR ELEMENTARY SCHOOL WAS A GOOD EXAMPLE FOR ANOTHER EDUCATION LIKE **INTERNET ETHICAL USE EDUCATION.**
- **THE LAW HIGHER EDUCATIONS CURRICULUM MUST BE ABLE TO DEAL WITH DEVELOPMENT CIRCUMSTANCES AND COLLABORATE WITH OTHER SCIENCES** IN ORDER TO PRODUCE ALUMNUS WHO HAVE STRONG LEGAL THEORY AND PRACTICE ABILITIES (SKILLFUL) BUT STILL “PANCASILAIS” AS THE CRYSTALLIZATION OF **VALUES, ETHICS, MORAL AND LOCAL WISDOM/CUSTOMS** WHICH IS EMBRACED BY THE INDONESIAN PEOPLE.

- **DEVELOP THE CREATIVITY OF THE LEGAL ACTORS TO DEAL WITH THE INDUSTRIAL REVOLUTION 4.0. ERA. THE PERIOD WHERE THE ROLE OF HUMANS WILL BE REPLACED BY MACHINES/TECHNOLOGY/ROBOTS.** LEGAL ACTORS MUST LEARN AND THINK HARD AND BE ABLE TO CREATE CREATIVE LEGAL PRODUCTS IN ORDER NOT TO BE ERODED BY TECHNOLOGY. PLEASE HAVE A LOOK TO THIS ARTICLE [HTTP://BERITAMUSI.CO.ID/2019/01/17/WIDODO-PERAN-PROFESI-HUKUM-DAPAT-TERGANTIKAN-OLEH-ROBOT-KECERDASAN/](http://beritamusi.co.id/2019/01/17/widodo-peran-profesi-hukum-dapat-tergantikan-oleh-robot-kecerdasan/)
- **EETHICAL AND MORAL LAW CAN NOT BE SEPARATED FROM THE EXAMPLES BY THE SUBJECTS/LEGAL ACTORS THEMSELVES.** IT'S HARD TO FIND A MILLENNIAL GENERATION HAVE AN ETHICAL AND MORAL BEHAVIOR IF GOVERNMENT EMPLOYEE, COMMUNITY LEADERS, PARENTS, OR PUBLIC FIGURES ACTUALLY TAKE ACTIONS THAT ARE **UNETHICAL AND IMMORAL.**

REFERENCES

- **BERNARD L.TANYA, YOAN N. SIMANJUNTAK, MARKUS Y. HAGE**, 2007, *TEORI HUKUM;STRATEGI TERTIB MANUSIA LINTAS RUANG DAN GENERASI*, CV.KITA SURABAYA.
- **FATKHUROHMAN DAN SYAM HADIJANTO**, 2015, *PENEGAKAN ETIKA DI INDONESIA;KAJIAN TERHADAP PERANAN COURTS OF ETHICS DALAM PROSES PENEGAKAN ETIKA OLEH DEWAN KEHORMATAN PENYELENGGARA DI INDONESIA*, INTELEGENSIA MEDIA, MALANG.
- **DUDU DUSWARA MACHMUDIN**, 2010, *PENGANTAR ILMU HUKUM*, REFIKA ADITAMA, BANDUNG.
- **MARZUKI**, *ETIKA DAN MORAL DALAM PEMBELAJARAN*.
- **MUHAMMAD ERWIN**, 2012, *FILSAFAT HUKUM;REFLEKSI KRITIS TERHADAP HUKUM*, PT RAJAGRAFINDO PERSADA, JAKARTA.
- **MOCHTAR KUSUMAATMADJA**, 1986, *PEMBINAAN HUKUM DALAM RANGKA PEMBANGUNAN NASIONAL*, LEMBAGA PENELITIAN HUKUM DAN KRIMINOLOGI FAKULTAS HUKUM UNIVERSITAS PADJAJARAN; DIEDARKAN OLEH PENERBIT BINA CIPTA, BANDUNG.
- **PAULINA PANNEN**, 2018, “MEMPERSIAPKAN SDM INDONESIA DI ERA INDUSTRI 4.0», KEMENTERIAN RISET, TEKNOLOGI, DAN PENDIDIKAN TINGGI REPUBLIK INDONESIA.
- **SATJIPTO RAHARDJO**, 2009, *HUKUM PROGRESIF; SEBUAH SINTESA HUKUM INDONESIA*, GENTA PUBLISHING, YOGYAKARTA.



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Thank You