



Philosophy as Creator of Student Intellectual

Nufaris Elisa¹, Ismed Batubara¹

¹University of Amir Hamzah, Medan, Indonesia

Email: nurfariselisa5@gmail.com

Abstract :

In this modern phase, it was thicked that in lerning the philosophy, there are two methods, namely: First, by history lerning, it has been developing since formerly period until nowadays. In this faced curriculum vitae of famed philosophers, with coming current or philosophy understanding in every problem, their ideas about logic, metaphysics, ethics and religion that talked chronologically according to each time. Second, with content learning methods, namely field learning that regulated in certain sector, such as ethica was confinnated according to ideas from classic period of Greek (Plato, Aristotle) with ideas of philosophers in middle ages (Thomas Aquinas, Al Farabi) with ideas of philosophers in aufklarung period (Immanuel Kant) with ideas of philosophers in nowadays (Jasfer, Marsel) with out problem order each divisions. Presentation of this subject can lead to more progress than others, until they are clever in learning it. Eventually they become intellectual-smart.

Keywords :

philosophy; smart students; intellectual.

I. Introduction

Paying attention and exploring the philosophical understanding can be traced in terms of language, philosophy means "*falsafah*" (in Arabic), philosophy (in English) whose origin is from Greek, which consists of the word "*philein*" means love and "*sophia*" means wisdom. Etymologically, philosophy means love of wisdom, in the deepest sense of a philosopher is a servant and seeker of truth. So philosopher is just someone who thinks about the nature of things seriously and deeply. Strictly speaking, philosophy is the result of the reason of a human being who seeks and thinks deeply about a truth, or the knowledge that truly studies the true nature of everything (Poerwantana, 1993: 1).

According to Pythagoras (582-496 BC), a Greek philosopher, that the word philosophy was used Pythagoras as a reaction to intellectuals of that time who called him is the experts of knowledge. Pythagoras argues that knowledge is very broad and is constantly developing, no one might achieve his goals let alone master them. Do not be arrogant to declare yourself as a figure and master the knowledge, especially wisdom, according to him, who compiled and found the right scientific formulas that are recognized until modern times are seekers and lovers of knowledge and wisdom, that is philosophers.

The following is expressed philosophy in Merriam Webster's Collegiate Dictionary, philosophy is:

- All specific lessons (regarding) technical teachings and practical arts,
- A comparison of subjects as core science, aesthetics, ethics, metaphysics, and original science.
- A study for a general understanding of values and reality rather luckily with the head rather than the meaning of observation,
- A basic analysis and basic beliefs (the base) of the speed of the concept concept, a principal theory or respect for an environment or activity in mind, the most common beliefs, concepts, and confessions of an individual or group.
- Calmness or anger and decision or consideration).

The scientific discipline disclosed by Merriam above includes logic, aesthetics, ethics, metaphysics and epistemology, and comes to simple understanding in acting, evaluating and thinking.

II. Review of Literature

2.1 Theory of Law Philosophy

Natural law is a philosophical theory for a period of growth, this philosophical theory arises to meet the needs of the level of equity and natural law, a great creative era in the history of law. Even the fastest growth does not allow lawyers to ignore the demands of stability. Theory of natural law has been perfected as a means of growth, as a tool for making a world law on the basis of the old true law of the city of Rome. But it is also perfected as a tool to direct and regulate lawgrowth so as to maintain public security.

Early of the law, humans did not have a greater conception and desire than to arrange a peaceful society as much as possible. But the Greeks were quick to get a better concession on how to maintain the status quo in society in a more orderly and peaceful manner. If natural law theory is applied to the conception, then an understanding of the form aspired to from the status of social qou is obtained, a form which states the perfect nature of social organization in a particular civilization, which must be continued is to maintain law order. When judges and law graduates get a road guide that used to help him a lot. They must measure all situations with a form aspired to from social order at a time and in a place, and they form laws so that they can maintain and advance the ideals of the status qou, so they can maintain and advance the ideals the ideals of the social qou status, these ideas are found in various forms throughout the subsequent history of lawphilosophy. This idea was also a permanent contribution made by Rome to the philosophy of law (Lubis, 2001: 5).

The interests of society that must be fulfilled by philosophy, among others: After living for a long time in a time of chaos, division and the use of violence, people finally wanted order, organization and peace. They demanded a philosophy that would uphold authority and provide a reason for their desire to impose a lawbond on society. It was a time of transition from primitive laws of the German tribes to harsh laws, either through the reception of Roman lawreceptions as authorized legislation or by collecting German customary laws which imitated Roman law more or less, as happened in the lands of Northern France or by customary law declarations in strong central court ruling reports, such as the United Kingdom.

By fully believing in the dialectical development of the base of the proposition given by those in authority, and believing in formal logic, and making the central problem of the placement of reason as a basis under authority, scholastic philosophy has welcomed that demand precisely. And it is not wrong if the most recent commentators and interpreters of the 14th and 15th centuries are considered scholastic lawfacilities, because as a large part is a philosophy so complete as to meet the needs of the time, so commentators and glossators can shape Roman law from Justinian so can be accepted and run on the European continent nine centuries later. While they make an explanation into law, instead of the text as it should, and many of the changes and improvements they make because they have to change and improve the law so that it can be harmonized with an entirely different social order, then the dialectical method of development from the base of an absolute and unmistakable proposition it is undeniable that what they are doing is developing logical conclusions from a text that has authority.

2.2 The Implementation of Law Conception

In fact the idea of human rights is merely coincidence explaining the law and showing that the possibility of the law is minimal, because it is a restraint on human freedom, even though restraints are few, but it demands strong justification. This shows, that someone should be creative in making legislation, so that more or less the purpose of the law is explicitly covered. This theory requires an implementation that is made as fast as possible (Roscoe, 1985: 17).

Therefore the notion of a law is contained largely in the notion of what law is, so a brief review of the notion of the nature of the law is seen from this standpoint to be very useful. No less than twelve conceptions of law and each of them can be distinguished, as follows:

1. Idea of a norm or norms compilation descended by God.
2. The idea of law is tradition or long costum can be receipted idols, and there is an ability for humanity.
3. Law as wisdom that noted from prudents some time ago.
4. Law can be understood as a basics system that meets by philosophy.
5. Law considered as a confirmation compilation and statement from the eternal ethics ordinance and different.
6. Idea of law as a compilation agreement that is made by people in society that is regulated by politics, the agreement was regulated human connection.
7. Law is thought as a reflecting from God brain that dominates the universe.
8. Law was understood as a order of compilation from power that has sovereignty in the society that according to the affairs of the system.
9. An idea that consider law as an order system that meets by human exching, a human want to achieve freedom.
10. People consider the law as a basics system that meets by philosophy and is developed until in detail by writings of loyers and decisions of the court.
11. Law consider by people as a compilation or norm system that is carried on people in society by a class that power for a time to progress the class is important it self .
12. There is an idea about law as order from economic and social ordinance that has relations with people behavior in society, that meet by observation.

2.3 Ransom Steps

The ransom step is actually not a new step or something that has just begun, but it is an old and well-known problem in society in the form of compensation. Classical Roman law experts thought in law terms, calling it a bond or relationship of rights and law between these two people, where one person according to justice and the law may collect and the other according to justice and the law are obliged to carry it out. In modern times an analytical law intellectual who thinks, whether he knows it or not, in terms of human rights and with quotations from rights based on the law, calls it rights in personam. But British lawyers, Americans who think in terms of procedures, call them contracts and acts that violate civil law (torts), using the term contract in the broadest sense. If pressed, certain demands that are forced to collect and obligations to fulfill bills may be returned to a quasi-contract category created by Roman law intellectuals, and are satisfied with saying quasi because of analysis that does not fit his theory of contracts, and says the contract is due bills and liability procedures are enforced ex contracts. If urged, then maybe it will be willing to add quasi acts of violating civil law to cases of common law liability without mistakes and compensation of workers, said quasi because there are no mistakes, and declared acts of violating civil law because according to the case of accountability is the effect ex exicto . But the case regarding obligations that can be carried out both ex contract and ex cleicto was the choice of defenders, and cases where very clever defenders are difficult to choose, have pushed in the search for something better (Rasjidi, 1985: 17).

Obligation, which means the relationship of the parties who litigate with what the analytical intellectuals call a right in personam. In addition the relationship is not something that is meaningful for systematic purposes, as demonstrated by the tendency of civil law intellectuals in expressing active obligations and passive obligations to extend the term from relationship to skills or demands to collect and obligations to fulfill exaction.

The next step is to measure the ransom not by revenge that must be redeemed, but rather by measuring the loss that has been inflicted. One final measure is to spend the anger by determining the reparation to be paid. This action was taken with indecision and has been mixed with each other, so that the punishment of reparation as a result of changing the ransom for revenge becomes compensation for loss. Thus, the receipt of compensation in the form of a sum of money as a punishment for an offense has become the starting point of the history or historical responsibility that is eternal and eternal.

A common event may be an event in which a redemption is promised for a loss that is not included in the detailed tariff of the redemption, which is abundantly contained in the books of the ancients. Another common event is where someone who holds someone else's possession for some purpose temporarily promises to return it. Such events are called people lending, because in the days before there was money, there was no difference between lending a horse to ride to another city by lending ten sheep so that the borrower could pay a ransom. Thus, another starting point of responsibility is the return of a certain item, or what was initially the same, a certain amount of money promised so that if it is not fulfilled, the action will jeopardize public security.

Therefore, by leading of a philosophical law intellectual, people turn to the logical development of the ideal nature or form of the situation and to the ethical ideas of what is demanded by good faith or good conscience in special relationship or transaction. Hard laws that rely on rules and forms do not take into account one's intentions as such. Words take a very independent effect from the thoughts that lie behind those words. But when lawexperts contemplate and teach something more than one group or professional tradition, begin to be influenced by philosophy, abandon mechanical methods solely and want to measure things with reason and not by arbitrary will, then the pressure shifts from form to content, from letters to soul and intention. The written law is then seen as a mere formulation of the legislator regarding a principle of natural law.

In the matter of the ransom not only arose in the past, but in the present there are many such ransoms. Banking regulations often stipulate to customers, especially customers who borrow money from banks, they are subject to various obligations that must be paid when due. Either in the form of mortgage or fiduciary rights determined by the bank, is a provision that must be covered by the borrowers of money to a bank. The debtors are obliged to return their ransom every month to the bank, and may not be up to three months unpaid or non-refundable. In this case, customers must be careful, they should always be available with deposits in the payment of ransom or debt to the bank. Do not be careless because banks have timely provisions to carry out their duties and obligations as debt collectors to their customers.

III. Discussion

According to Aristotle in *The Ethics of Aristoteles*, translated by J.A.K. Thomson edited by S. Tasrif states that when people talk about justice, what they consider to be certain is that there is

a state of mind that encourages them to do just things, to behave fairly, and not to want unjust things (Tasrif, 2005: 102).

Actually the description of unjust thought is considered to be applicable both to those who take more than their rights and to those who have violated the law, in other words that people who do not violate the law and people who do not take more than their rights are fair, meaning that it is fair means according to the law and the comparability he takes.

According to the fair law it is strictly required by the legislators. Laws that differ in content and purpose for the good of society as a whole or for an elected class that has been entrusted with power because that class has higher conditions or for other reasons. In this case there is a meaning of the word "fair". It is applied to anything that creates or protects happiness for a political society or happiness for part of that political society.

If in an act something is found that is bigger and smaller, then there will be something comparable, so that what is fair is the comparable, and the unfair is incomparable.

In Tasrif's thinking, there are four minimum requirements for justice to get its statement, namely: First, the fair is at the same time as mediator and comparability. Second, in its nature as a mediator, he must have two ends, and between the two ends he is located, Third, in its nature as comparable, that comparability must be stated in two comparable parts of what is divided. Fourth, in its nature as fair, there must be certain people for whom it is fair.

Thus fairness is a perfect virtue because it carries out a perfect virtue, namely that the person who has justice is able to apply it to other parties and not only in circumstances concerning himself.

Indeed, in this life, human beings have been given and provided with proper reasoning and therefore also given the law to him, which is nothing but proper and proper reasoning to allow for something good and forbid something bad to do. So the law also includes good reason, which is the true rule of all the commands and prohibitions. In other words ignoring the law, whether written law or not is in itself unjust.

It is understood that a good leader is a fair leader, as well as a judge, a good judge is also a fair judge, and a thousand and one other leaders, all of whom are fair judges. The true meaning of fairness is justice that is truly sought and forced by someone that there is an end point to its truth.

In reality, it is indeed difficult for people to do justice, even though knowledge and experience are already high, but it is very difficult to do justice, and they are able to change it with unjust acts. This unjust act is always reminded by wise people so that everyone avoid it, but that's why merchants and traders are very difficult to leave, employees or officials sometimes find it difficult to leave bribes that are presented to them, especially judges, prosecutors and their police all know that the money or goods they receive will inevitably judge them themselves, but even so it is very difficult for them to leave it, even some of them accumulate their wealth in this way, so that their wealth is multi-layered.

Regarding law and justice, Cicero said that humans were born for justice and that justice was not done by human opinion, but by nature as well. Fair according to the law is defined as something explicitly required by the legislators. The law was made with the aim of good security, peace and justice.

The further goal of the law is to realize true peace in society, said Hans Kelsen: The law is to be sure, an order for the promotion of peace, in that it forbids the use of force in relations among members of the community (Kelsen, 1973: 21). So that peace can be felt inside every citizen, although it is realized that the law forms various restrictions and sacrifices, it is still considered far better when compared to the lawless situation, therefore the community is willing to accept the law because the community is also aware that sometimes the interests of the individual are stronger than the assessment, the normative order is strengthened by a system of sanctions. The sanctions of law have the character of coercive acts in the sense developed above (Kelsen, 1973: 21). If it is needed, members of the community who wish do not want to, because the order is only useful if all are bound by it, then it is clear that not just any normative order imposed may be called law.

Clearly as an affirmation with law certainty so that the rules are strong and sturdy, if not accompanied by punishment will be weak and withered in carrying out the law, then the punishment also has the potential that can not be bargained again by anyone, because even law experts if guilty he was also escorted to the place.

So let's be good judges even though they are few in number, and don't be bad and greedy judges, especially if there are a lot of them. Be a just judge and don't be a wrong judge. Prioritize the truth wherever they are, because truth is above everything, even though in carrying out the truth there is no guarantee that it will be rewarded.

Finally, if philosophy has alluded to the truths which are also discussed by theology to cooperate in studies, then philosophy is a scientific aide to the wealth of revelation, then the relationship established between philosophy and this revelation, includes:

1. In the order of positions in humanity, theology occupies a higher place than philosophy, both subject to the object of discussion that is supernatural to nature, and because of the formal basis which is the guarantee of its truth, the word of God that cannot be wrong.
2. Moreover, it cannot be continued and said that religious belief has had a positive effect on philosophy. Historically, the religion of Islam, Judaism and Christianity that teaches the teachings about life has had a profound effect on philosophical thoughts, especially on the thoughts of those who embrace that religion.
3. Keep and do not screwing up nature and God's power, because between these two factors there are fundamental differences, therefore the fields of activity of the original and metaphysical beliefs must be carefully separated. People can learn things, and can also study things with the help of teachings that are outside of nature (methafsis).
4. Philosophy can be maintained, in reality it is a totalitarian rule. Philosophy is looking for information which bases on everything, but in the case that it is possible that humans, in fact, are involved in the rules made by God that transcend nature and human reason (Hamzah, 1980: 28).

IV. Conclusion

The position of philosophy is very important for students with the existence of this course, they can be judged to have the right advantages for studying philosophy, as if there is a kind of serious will that causes them to be qualified people not only for today but also for the future.

The nature of the course can and able to determine their strengths to have more value or interpretation that is rarely possessed by anyone except this law faculty which has its own

advantages, because the courses come from the Greek country who are experts rather than thinking and brain problems that can be relied upon to this day.

The benefits of philosophy is continue to develop wherever a person is located, both in the judiciary, prosecutors, in the police, in the field of advocates and various other fields expected by the community is an act of justice and away from tyranny.

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