

# THE RELATIONSHIP BETWEEN CONSTITUTION AND LEGAL INTERPRETATION

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## I. INTRODUCTION

This writing is to analyse and discuss the relationship between constitutional basis and legal interpretation in our country from which the rules and methods are drawn out to support the legal interpretation. In order to prove for the stated arguments the writing has used the Constitutional basis in Articles 17, 18, 23, 146 and 147 (Constitution 1992); Law on Issuance of the Legal Norm Documents 1996 (Issuance of Legal Norm Documents – Amendment, Supplement 2002); Law on Land 2003; Draft Law on Compulsory Purchase and Requisition of the Property; these contents are arranged to answer the following questions:

1. Why do we need legal interpretation?
2. What are the roles of official legal interpretation and unofficial legal interpretation?
3. Which foundation should we base on in order to have a unified and synchronized legal interpretation?
4. What are the conventional principles for legal interpretation to increase its effectiveness?

## II. THE NECESSITY OF DOING LEGAL INTERPRETATION

Legal interpretation is to illuminate the laws issued by the legislative bodies prompting from the realistic requirements in the consensus of the way to understand, apply and implement law. The necessity of this activity is explained right below.

### 1. **Illuminating the generalized legal norms**

The laws laid out the generalized legal norms and the legal principles based on the most general constitutional principles<sup>1</sup>. The ruling principles and these generalized legal norms ‘creating frame’ for the legal norms to be issued to adjust the social relationships. Legal interpretation helps to illuminate these general principles and methods. It is possible to say that

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<sup>1</sup> Constitutional principles are basic principles laid out in the Constitution; constitutional principles are those to be laid out by the rules/laws but basing on the foundations and principles of the Constitution.