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Law enforcement in Indonesia from a political legal perspective

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Abstract

Laws are guidelines and rules related to the concept of social life and will always be appropriate to the circumstances community conditions. Law is a demand to be able to provide justice, meaning that the law is always faced with the question of whether the law can bring about justice. Related to this legal concept, legal politics interpreted as activity Which determine pattern And method form law, supervise it works law, And renew law For objective Country. By because That, law is determinant on political, And related also with democracy in meaning that Political activities are regulated and must be subject to legal rules. The law is seen from an angle das sollen (necessity), views that law must be guided by the relationships between members of society. Whereas those who look at it from the point of view of das sein (reality), empiricists see that law is greatly influenced by political No just in process making it, but Also in facts empirical. So that law influenced by political And even until moment This often autonomy law in Indonesia in intervention by political, No only in in terms of its creation, but also in its implementation, both in terms of law enforcement. This research aims to understand the impact of the development of legal politics in the law enforcement system in Indonesia and legal political existence in system enforcement law in Indonesia. Method Which used in study is Juridical normative.

Keywords: Law, Country, Political Law, Enforcement Law

Introduction

Background back

Montesquieu share power in three field ie *executive*, *judiciary* and *legislative*, hereinafter known as Trias Politika. Indonesia based on the 1945 Constitution, it does not adhere to the Trias Politics ideology. Nevertheless institutionalization of various state powers shows unequivocally that para The drafters of the 1945 Constitution were strongly influenced by the teachings of Trias Politika. Institutionalization The various state powers in the 1945 Constitution are not clearly separated will cause *checking power with power*. However, each one institutions holding power still have linkages and coordination (*checks and balances*).^[1] According to Lawrence Meir Friedman (1975,1998) there is three element in the legal system, namely *structure*, *substance* and *Culture Law (Legal Culture)*. Constraint law enforcement in Indonesia caused by downturn in three element system law Which experienced a shift from the ideals in the 1945 Constitution. As a source of law highest, Constitution 1945 has outlined base for implementation government Which good (*good governance*).^[2]

Law will be used as a tool used to achieve State goals. Like Which is known that law is instruction and organize rule related with draft life social And will always in accordance with circumstances condition public. By therefore Ideally, laws are made with justice in mind. Justice will be realized if the political activities that give birth to legal products are indeed in favor of the values of mark justice That Alone. Formation law That Alone Which done by institutions political Also must contain principles build supremacy law Which fair.^[3]

¹ Moh. Mahfud MD, *Struggle Political And Law in Indonesia*, Gamma Media,Yogyakarta, 1999, matter. 274.

² Ahmad Ali, *Downturn Law in Indonesia Reason And The solution*, GhaliaIndonesia, Ciawi-Bogor, Second printing, 2005, matter. 1.

³ Moh. Mahfud MD, *Political Law in Indonesia* (Jakarta: Rajawali Pers, 2010), p. 2.

According to Satjipto Rahardjo, quoting from Radbruch, there are values base from law, that is Justice, Utility And Certainty law. No seldom third mark base law the each other contradictory in enforcement law. When that matter happen so what must be prioritized is justice, considering the aim of the law creation of taste justice in society. ^[4]

According to Soerjono Soekamto, law can works with Good required harmony And connection between four factor, namely:

1. Law And regulation That Alone.
2. Mentality Officer Which straighten up law.
3. Facility Which expected to support implementation law.
4. Awareness And obedience law from para inhabitant public. ^[5]

Law as an embodiment of values that contain meaning, that is, its presence is to protect and advance the values upheld by its people. One of the critical discussions regarding law is the demand to be able to provide justice, meaning that the law is always faced with the question of whether the law can realize justice. ^[6]

The development of legal science began with philosophy and was followed by dogmatics law (positive legal science). Between the two there are sharp differences. Philosophy law very *speculative*, whereas law positive very technical. So that For bridge both of them required theory law Which beginning in the form of general legal teachings (*algemene rechtsleer*). Legal theory contains characteristics general issues such as legal principles and similar problems from various sources system law. ^[7]

Related with conception law the, so political law interpreted as activity which determines the pattern and method of forming laws, supervises the operation of laws, and renew law For objective Country. As expressed by Soedarto, legal politics as policy from the State through the State bodies authorized to set regulation Which desired, Which estimated will used For express What Which conceived in public. ^[8]

Therefore, law is a determinant of politics, and is also related to it democracy in the sense that political activities are regulated and must comply with the rules rule of law. Politics uses all means to achieve goals both legal and legal illegal. It is also said that politics is the determinant of law, because law is a result the crystallization of political wills that interact with each other and even compete with each other. So that in interpret is law influence political or political influence the law. This depends on the point of view used by the experts. Where, there are those who look at it from the point of view of *das sollen* (necessity), seeing that it is the law must be guided by interrelationships community members. Meanwhile those who looking from corner *das turn signal* (reality), para adherent empirical see that law very influenced by politics not only in the manufacturing process, but also in the realities empirical reality. Thus the answer to this

question is very relative, depends from perspective where somebody see it. ^[9]

Formulation of the problem

1. What is the impact of the development of legal politics in the law enforcement system in Indonesia?
2. How does existence political law in system enforcement law in Indonesia ?

Research Methods

Study work scientific This using method study law which Normative can be interpreted as the activity of analyzing a law both hierarchically and horizontally. In essence, normative legal research is study to law Which main because in Indonesia regulation in a way written is source law main. In study This using a statutory approach (*The Statute Approach*). Furthermore The sources of legal materials used in this research consist of materials primary law, namely legal rules, and secondary legal materials, namely books, law journal. The technique for collecting legal materials uses study techniques literature by reviewing related literature and regulations. After collection material law furthermore done analysis material law, in this research technique analysis Which used is technique systematization ie technique Which endeavor For analyze connection from formulation something draft law between regulation legislation. ^[10]

Discussion

Portrait Law Enforcement in Indonesia

According to Kelsen's doctrine, the State is seen as a system of human behavior And is order must man. Law seen as order normative from human behavior which is supported by the presence of power. Then with power In this way, someone can monopolize another community. Therefore, State composed of a free government, a population, and the ability to act interaction with other countries. Kelsen rejected any attempt to wipe out the State from law or even law Which is "will Country". ^[11]

Enforcement in English is known as *enforcement*. According to *Black law dictionary* interpreted *the act of putting something such US a law into effect, the execution of a law*. Whereas enforcer law (*law enforcement officer*) It means is *those whose duty it is to preserve the peace*. In Dictionary Big Language Indonesia, enforcer is Which establish, straighten up. Enforcer law is Which straighten up law, in meaning narrow only means police And prosecutor Which Then expanded so that covers also judge, lawyer And institution correctional. give meaning Law enforcement is attention and cultivation, both of actions that are against law Which truly happen (*onrecht in actu*) nor deed oppose law Which Possible will happen (*onrecht in potentie*). ^[12]

Reflected in the implementation of law in society apart from depending on awareness law public Also very Lots

⁴ Satjipto Rahardjo, *Knowledge Law*, PT Aditya's image devotion, Bandung, Print fifth, 2000, p. 19.

⁵ Soerjono Soekamto, *Theory Sociology about Personal in Public*, GhaliIndonesia, Jakarta, 1998, matter. 83-84.

⁶ Satjipto Rahardjo, *Sociology Law* (Yogyakarta: Genta Publishing, 2010), p. 65.

⁷ Philipus M. Hadjon, Tatiek Sri Djatmiati, *Legal Argumentation*, Gadjah Mada University Press, Yogyakarta, 2009, matter. 9.

⁸ Abdul Manan, *Dynamics Political Law in Indonesia* (Jakarta: Kencana, 2018), p. 9.

⁹ Mirza Nasution, *Political Law in System Constitution Indonesia* (Medan: Puspantara, 2015), p. 15.

¹⁰ Elisabeth Nurhaini Butarbutar, *Method Study Law*, PT. Refika Aditama, 2018, p. (81-84).

¹¹ Satya Arinanto, *Political Law 2* (Jakarta: Program Postgraduate Faculty Law Univ. Indonesia, 2018), p. 44.

¹² M. Husein Maruapey, "Law Enforcement and State Protection (Critical Analysis of Blasphemy Cases Religion by Patahana, Governor of DKI Jakarta)," *Journal of Political Science and Communication*, Vol VII, No. 1, June 2017, p. 23.

determined by apparatus enforcer law, Because often happen a number of regulation law No can accomplished with Good Which done by several law enforcement officers who do not implement legal provisions as where it should. Matter the caused implementation by enforcer law That Alone Which No appropriate and is a bad example and can lower the image. Apart from that, he is a good example, The integrity and morality of law enforcement officers absolutely must be good, because they are very vulnerable And open opportunity for practice bribe And abuse authority.^[13]

Ideally the national legal order leads on creation A order law national Which Can ensure state administration and relations between citizens, government and internationally well. The aim of legal politics is to create A system law national Which rational, transparent, democratic, autonomous And responsive to development aspirations And expectation society, not an oppressive, orthodox legal system And reductionistic.^[14]

If you look at the current situation in Indonesia, the concept of law enforcement is more important Lots placed on law Which very procedural. So that if person Which No capable buy procedure formal That so will Lots Which become victim. As example person Which pickpocket wallet Which its contents only 1,000,000 if caught so will beaten, on trial, and punished. Because that is the formality in the Criminal Code. Even though someone they will not be able to afford judges, prosecutors and lawyers. It's different with a person who is corrupt on a large scale, because he can afford a clever *lawyer* dodging, being able to buy mass media to direct opinion, then that person will survived and even the punishment imposed on him was so light that it felt unfair. Of course matter This Which require party authorities For can awaken And reintroduce the concept of justice in deciding cases.^[15]

It is often heard that law enforcers want the law to apply to everyone indiscriminately. However, when the rulers, officials or political elites of the country This has resulted in a legal case, law enforcers are very confused and the investigation process is like that long. In fact, many sentences were handed down with acquittals. Besides that, enforcers The law also often issues *statements* saying that they want it the judiciary is free from the practices of the judicial mafia. However, in reality it is very Many law enforcers are involved in the practices of the judicial mafia. Of course this is what it is make public No get certainty law.^[16]

Judicial freedom is an *essential* thing country law, so that by Because upright principles than something country law part big is depends from There is or lack of judicial freedom in the country. As a means parameter application democracy, freedom body Justice in inspect And disconnect things must guaranteed by constitution.^[17]

The Supreme Court is the highest judicial body which is not only as the last place to determine the law in a concrete sense

but also as a place to give birth to new legal principles and rules as well theories new about law. Makamah great Also own the authority to cancel decisions or determinations of courts from all environment Justice on level cassation, as mandated in Chapter 30 paragraph (1) Act No. 5 Year 2004 about Change On UU no. 14 Year 1985 about Makamah Great.^[18]

All That reflected from face law in Indonesia Which more Lots nature *repressory*, No *anticipatory* so that sometimes regulation legislation Which made often does not reflect the condition of society as a whole. This is because there are many regulations made but not attach importance to it justice for public.^[19]

Enforcer law Which on duty apply law covers very broad scope, including; strata officer upper, middle and bottom. What this means is to what extent officers must have something guidelines Wrong the only one regulation written Which covers room scope his task. In enforcement law, possibility enforcer law face the following things:

1. Until so far where officer bound with regulation Which There is,
2. Until boundaries where officer please give policy,
3. What kind of example should officers set? public,
4. So far what is the degree of synchronization of the given assignment to officers so as to provide firm boundaries on his authority.^[20]

The law is believed to be a strong balancing institution against the threat of disintegration in social life due to collisions strength Which You're welcome want to powerful And at a time limit the tyranny that reigns. Law in its original form nature limit power And try For possible happen balance in life social. Different with power Which aggressive And expansionist, law inclined nature compromise, peaceful and full of deep agreements life social And political.^[21]

By Because That in various matter apparatus enforcer law, especially Which struggling in court, required to have moral courage. The court must be independent speak out for truth and justice. The judiciary is required to act objectively and behave fairly and correctly. If this is not the case, gradually without realizing it, it will be give rise to damage Which hurtful for all circles.^[22]

A. Impact Development Political Law in Enforcement Law in Indonesia

Political understood as set meaning or mark as well as choices Which taken from society to justify the functioning of the social order. Politics is also understood as the process of resolution of collective problems to fulfill collective policies in life social public related with mark as well as choice for public in reach something objective. *Isbar* explained that politics is an issue related to various differences life between leaders and people whose orientation

¹³ Sanyoto, "Enforcement Law in Indonesia," Journal Dynamics Law, Vol. 8, No. 3, September 2008, p. 199.

¹⁴ Priest Syaokani, A. Ahsin Tohari, *Basics Political Law*, PT Rajagrafindo Homeland, Jakarta, 2008, matter. 72.

¹⁵ *Proceedings of the IV Pancasila Congress Strategy for Institutionalizing Pancasila Values in Upholding Constitutionality Indonesia* (Speech Chairman MK, Moh. Mahfud MD.) (Yogyakarta: PSP UGM, 2012), p. 13.

¹⁶ Oxydelpha Yanto, *Mafia Law* (Depok: Spreader Self-subsistent Group), p. 15.

¹⁷ Abdurrahman, SH, *Miscellaneous Problem in Practice Enforcement Law in Indonesia*, Alumni, Bandung, 1980, matter. 1.

¹⁸ Bagir Manan, *Theory And Political Constitution*, F.H. UI Press, Yogyakarta, 2004, matter. 116.

¹⁹ Amir Shamsuddin, *Integrity Enforcer Law Judge, Prosecutor, Police, And Lawyer* (Jakarta: PT. CompassMedia Archipelago, 2008).

²⁰ Zainuddin, *Philosophy Law*, Ray Graphics, Jakarta, 2006, p. 95.

²¹ Peter Mahmud Marzuki, *Introduction Knowledge Law*, Prenada Media Groups, Jakarta, 2009, p. 83.

²² JE Sahetapy, *Collapse Ethics Law* (Jakarta: PT. Media Compass Archipelago, 2009), p. 108.

is directed at improving power. Politics is also related to grounding moral ideals and teachings, as an institution coercive for implementation order And teachings moral. Mark in political as framework reference to function religious values in the social order. Values in politics cannot be separated from ideology which is the source of values and ideals which are actualized through institution political or organization group certain. ^[23]

In knowledge law matter about political more known with political law. Political Law is the basic policy of state policy administrators in the field of law will, currently And has applies, Which sourced from values Which applies in public For achieve the country's desired goals. The legal politics of a country differ from country to country Other things, this is in accordance with historical background, outlook on life, social culture and politics will from each each Country. ^[24]

In modern countries, laws can provide sanctions for violations of rules the law is the ruler. Because law enforcement is the monopoly of the authorities. Ruler has the power to impose sanctions for violations of legal rules. It is often said that law exists because of legitimate power. In history it is found law Which No sourced on power Which legitimate or power Which according to law in effect is actually not authorized. In essence, law is power, will but it is power that seeks order, not the other way around law being used as a means in seizing power by using detrimental means society and Country. ^[25]

In a political system where social control is carried out through law, every activities will be pursued in accordance with humanitarian relations through specific means by avoiding unnecessary contradictions. If government is based on power, such a government will tend to increase internal tensions field political And in a way social will give rise to something circumstances Which repressive. Whereas if government based on law, government sort of That precisely will tends to relieve tension. Therefore, to be able to prevent the structure from occurring power Which oppressive develop it system law which balances power with method distribution right And privilege between individual And group. ^[26]

The law protects the interests of society by allocates power to the law itself to act in its interests the. Allocation power This done in a way measurable. Determined breadth And its depth. That power is called right. Thus, not every power in society it can be called a right. Only certain powers are given law to somebody or institution enforcer law. ^[27]

Therefore, the impact of legal politics in the law enforcement system in Indonesia, to this day, is still heavily influenced by interference and interests from para elite political. Where, they with at will use their power to get out of the law, of course this too become a lesson for law enforcers so that in the future they will not be affected and No lulled with exists whispers Which invite on misappropriation-

misappropriation law specifically related with enforcement law.

Its creation law modern tightly connection with implementation *good governance*. To move towards modern law, improvements need to be made in government through *good governance*. *Good governance* according to State Administrative Institutions (LAN) are the process of administering power country in carry out provision *public good and service*. Pinto interpret *governance* as practice maintenance power And authority by government in management affairs government in a way general And development economy on specifically. ^[28]

B. Existence Political Law In Enforcement Law In Indonesia

1. Development Political Law in Indonesia

Political originate from Language Arab called *siyasa*, Which furthermore say This translated be a tactic. The origin of the word politics is from the word polis, which means city state, the word politics means there is a special relationship between people who live together in the city, in In this relationship, rules of authority arise, the behavior of officials, the legality of power, and finally power. Political can Also said as wisdom, strength, power government, conflict management Which become consensus national as well as power mass people. ^[29]

The legal concepts that are developing today are a continuation of law which is based on central political power. Soetandyo sees this shift deeply three stages, namely when the law is based on morality that occurred before it occurred colonialism, then transformation occurred during the colonial period, and finally during the independence where colonial law was then developed and taught in schools law.1 so happen like What is expressed Satjipto Rahardjo: ^[30]

In viewing or having an opinion about law (both as a science and as practice), we look at the image that exists and is constructed by law (both as institution nor institution). Reality Which There is about law present product or services provided by law enforcement agencies during this time, and the image projects more value of achievement or failure. It's a shame that Indonesia's legal conditions are portrayed as such fill the legal rot. Such an image is not wrong because of our legal conditions of course in circumstances critical And critical. ^[31]

Law is the most important system in implementation of a series of institutional powers. from forms of abuse of power in the fields of politics, economics and society in various ways and acts, as The main intermediary in social relations between communities towards criminalization in law criminal, criminal law that seeks ways the state can prosecute perpetrators in the constitution Law provides a framework for the creation of laws, protection of human rights And expand power political as well as method representative in where are

²³ m Shohibul Itmam, "Law Islam in Struggle Political Law National Era Reform," Al-Tahrir, Vol. 13, No. 2, November 2013, p. 283.

²⁴ Hafid Zakariya, Hernawan Santosa, et.al., " Influence Law And Political to Development Investment Foreign in Indonesia," Journal Porch Law, Vol. 10, No. 02, August 2016, p. 78.

²⁵ Peter Soerjowinoto, *Knowledge Law Something Introduction* (Surabaya: CV. Garuda Sir Prosperous, 2018), p. 28.

²⁶ Peter Mahmud amarzuki, *Introduction Knowledge Law* (Jakarta: Kencana, 2017), p. 76.

²⁷ Cartono, "Political Law Judicial Reviews in Indonesia," Journal Dynamics Law, Vol. 11, Edition Special February 201, p. 17.

²⁸ Pinto in Sadjijono, *Police Functions in Implementing Good Governance*, LaksBang Yogyakarta, Yogyakarta, Second Printing, 2005, p. 180.

²⁹ Abdul Manan, *Political Law Studies Comparison in Practice Constitution Islam And System Law West* (Jakarta: Kencana, 2016), p. 1.

³⁰ Ucut Agiyanto, "Enforcement Law in Indonesia: Exploration Draft Justice Dimensional Deity," Law Ranscendental Development And Enforcement Law in Indonesia, p. 493.

³¹ *Ibid.*, hlm 494.

they? will chosen. [32]

Political law like Which expressed by Sapiro Rahardjo is studies law Which directed on *iusconstituendo* (law Which must applies) And is part substantial knowledge of legislation (Maryanto). Political the law discusses what changes must be made in applicable law in order to comply community needs, discussing the process of forming *the iusconstituendum* from the inner *iusconstitutum* facing changes in people's lives, as well as the resulting legal changes which determines the framework and direction of legal development. This is also reinforced by The opinion from *Utrecht* stated that legal politics tries to create rules that will determine how humans should act. Legal politics investigate changes What Which must held in the law Which Now applies so in accordance with social reality. It could be said that legal politics continues development law by trying to eliminate as much tension as possible between positivity and social reality. Political law creates an *iusconstituendum* (law that will apply), and strive to make the *iusconstituendum* valid in the future as *iusconstitutum*. With The urgency of legal politics is of course highly expected in the development of products legislation to be more sensitive to the development of Indonesian society. Legal products are used as guidelines for regulating all aspects of life, both political, social, culture, security and in the economic field. Of course, with good references from Legislative regulations are expected to be able to overcome problems or dichotomies experienced by public. [33]

So this legal politics must look at the phenomenon of changes that occur in public. According to Himes and Moore, social change has three dimensions, namely: structural dimensions, cultural dimensions and interactional dimensions. Structural dimensions include there are changes in aspects of behavior and power, increasing or decreasing a number roles or categorization of roles, as well as changes in the type and effectiveness of social functions. In the cultural dimension that is highlighted is the existence of cultural changes that exist within public. Meanwhile, the interactional dimension is more focused on changes in relationships social in public. Change social of course become attention important in maintenance government especially in activity power that is related with legislative process. Don't let this power only be used for the interests of the elite politics or to legitimize the power of the ruler, while it is an attempt at democracy which continues to be echoed in our country will become an inevitability. Therefore, in study about political law need review about problem Which actual. [34]

So, principal discussion in knowledge political is Country (*state*), power (*power*), taking decision (*decision making*), wisdom (*policy*), distribution power (*distribution of power*), and allocation (*allocation*) results development. [35]

The sources of law for politics are *the constitution*, *policies written (law)*, and *unwritten policies*. Legal politics in Indonesia are included in, *first*, the constitution which is the outline of legal politics. *Second*, the Law the law is included in the applicable provisions. *Third*, there is wisdom as a

complement unifying. *Fourth*, customs can be values. *Fifth*, GBHN is a program. *Sixth*, law Islam can form mark. [36] Indonesian legal politics, which is based on Pancasila, requires development religious life and religious law in national legal life. There are several direction of legal politics regarding the implementation of national law, namely the principle of concordance enforce law west to in law national. On basically political law lead to interest nation Which more big, that is realization justice for all over nation Indonesia Which based on Pancasila And Constitution 1945. [37]

2. Existence Political Law in the Enforcement System Law in Indonesia

Humans as social creatures can only realize their lives internally togetherness with person other with ensure life together as well as give place for person individual And group For maintain self And fulfil need his life in frame reach objective together. For That required exists law Which regulate so that conflicts of interest can be prevented, and do not become open conflicts, which resolved solely on the basis of the strengths or weaknesses of the parties involved. Effort Realizing Pancasila as a source of values means making basic values a source for the preparation of legal norms in Indonesia. Operationalization of the basic values of Pancasila is made it Pancasila as norm base for preparation norm law in Indonesia. Indonesia has national law which is a unified legal system. Where Pancasila domiciled as *grundnorm* (norm base) or *staatsfundamentalnorn* (norm fundamentals Country) in level norm law in Indonesia. [38]

Legal politics is one of the policies taken or pursued by the State through State institutions or officials who are authorized to determine which laws which needs to be regulated, so that with this policy the administration of the State and government can be implemented walk with Good And orderly so that objective Country in a way gradually can planned And materialized. Political law also originates from national law, which exists The link between the two is hoped by the authorities to ensure the upholding of supremacy law man based on justice And truth.

Based on draft political law in on, so as thinking law And power (*Right and Might*) proposed by Hans Kelsen in Legal Concepts Dynamic related with System Law:

"The efficacy of law belongs to the realm of relity and is often called the power of law. Thought lawa cannot exist without power, still law and power, right and might, are not the same. Law is, according to the theory here presented, a specific order or organization of power". [39]

In this thought, Kelsen provides an illustration that between thoughts law and power, however, cannot be equated. Because Between the two have different domains. Therefore, the relationship between legal politics and existence power is indeed very influential and even in the law enforcement system though Which identical with exists influence from party Which own interest in matter these are political interests

³² Journal Results Research, *Understanding Law According to Para Expert*, in <https://www.e-jurnal.com/2013/11/engertion-huckm-nou-rt-p-a-h-l-i.html>, accessed on date December 17, 2023.

³³ Indri Astuti, "Political Law Constitution Act Criminal Corruption," Forum Knowledge Social, Vol. 41, No. 2, December 2014, p. 170.

³⁴ *Ibid.*

³⁵ *Op.Cit.*, Abdul Manan, p. 2.

³⁶ Abd. Rahman, meatball Madion., *Political Law Land* (Makassar: Bosowa Publishing Group), p. 5.

³⁷ Amran Suadi, Mardi Chandra., *Political Law: Perspective Law Civil And Criminal Islam As well as Economy Sharia* (Jakarta: Kencana, 2016), p. 4.

³⁸ Revelation Widodo, Gunarto, et al. *Political Law* (Semarang: University PGRI Semarang Press, 2016), p. 28.

³⁹ *Op.Cit.*, Satya Arinanto in *Political Law 2*, p. 13.

or the parties who own it power.

The role of legal politics in the law enforcement system in Indonesia, then refers to what is the purpose of the law itself? When law enforcement officials already know the purpose of law, Then applied in do solution case, so related with exists abuses and the interests of other parties are likely will be avoided, considering that the purpose of the law is basically as a means of upholding justice. As for in a way more clear objective law as following:

1. Theory Ethical, objective law is For agree justice;
2. Theory, the purpose of law is to realize what is beneficial or useful for person other;
3. Protection Theory, the purpose of law is to provide protection or to protect public with say other protect man in meaning active (create condition safe on public), And passive (prevent action arbitrary).

The legal objectives of the Republic of Indonesia according to positive law are contained in fourth paragraph of the 1945 Constitution, where the law maintains peace and holds balance between public And party enforcer law. So that on the main thing is objective law is to provide justice, certainty and benefit. ^[40]

However, in reality, these lofty goals are often tarnished by actions abuse of power and authority by State officials, thus triggering the proliferation of practices of collusion, corruption and nepotism (KKN) or in other words the existence of political interests in national and state life. Besides that, society too Not yet fully role as well as in operate function control social Which effective to State administration, so that there is an opportunity for KKN to occur in State administration open with heavy. ^[41]

According to Soerjono Soekanto explained that law enforcement as a process, which involves making decisions that are not strictly governed by the rules of rule law, but have element evaluation personal. As for factors Which influence enforcement law according to Soerjono Soekanto, that is: ^[42]

1. The law Alone, limited on Constitution just;
2. Enforcer law, ie parties Which form nor apply law;
3. Facilities or facilities Which support enforcement law;
4. Society, that is environment in where the law applies or implemented;
5. Culture, ie results work, create, And flavor Which based on intention man in in association life.

It is often heard that the law does not reflect society's sense of justice, because law enforcers, especially judges, in general only want its creation law enforcement or legal certainty by overriding or ignoring feelings justice. The judge model above can damage the principles and values of law enforcement fair by therefore moment This very needed exists judge Which visionary And progressive to overcome the impasse of just law enforcement. On the one hand, the law must enforced, but in other party justice even must enforced. Enforcement law That is bridge or entrance to achieve the goals of justice. If justice has been served without any social unrest, it can be ensured that law enforcement is carried out

with justice has been realized, but if the opposite is not enforced with justice then enforcement law the can said pseudo. By Because That judge in disconnect something The case is expected to be firm and professional, ignoring the interests of interest political from circles elite political. ^[43]

Gray's concept of thought put forward by Kelsen is related to tasks a judge and his position in the State. So, in his opinion it is said that a judge does not have absolute power. Because what determines everything is sourced from state power. The power to decide cases rests with the judge only limited to what has been provided by the State organization. Gray said, "that organization determined by the will of the State authorities." Gray further explained that in Determining who is meant by ruler is not easy. Because of this condition is indeed influenced by the conditions of validity, the reality of a constitution and society politics. ^[44]

By Because That, judge in disconnect case so must Act in accordance with provision regulations Which has set by Country. Of course matter This the goal For Avoid involvement from parties who are not competent or who are have political interests. The existence of legal politics in Indonesia Indeed, until now there are still many pros and cons among the community in particular in matter Enforcement law. Enforcement Law in Indonesia should done with efforts to apply legal norms in real terms so that the law can function and be enforced as a guideline for behavior in social and state life, both by each individual inhabitant country nor apparatus enforcer law Which have task And authority under the law. This is in accordance with the adage put forward by Cicero, namely " *ubi societas ibi ius* ", which means " *where there is society, there is law* ". Society doesn't Possible life without law, Because norms law that's Which arrange life man in social. ^[45]

In the future, For can realize enforcement law in a way effective, Which need noticed as following:

1. Related structure law: Reform internal institution enforcer law must done in a way consistent, professional and sustainable. Efforts to improve the legal institutions of the mafia justice must be carried out immediately. Law enforcers together with judges and advocate must can operate his task with the best, so that result trust public increase.
2. Related substance law: Drafting And formation Constitution And development law habit must compatible with need public, must objective and does not discriminate. A good legal system will force enforcement officers law For Work with Honest, effective, efficient And quality.
3. Related culture law: awareness public to law (including in inside attitude anti- corruption and character lessons) must be improved, even taught from an early age within the family sphere, including how a citizen has rights and respective obligations that must be carried out. From the government's side there must be action which can create a society that obeys (submits) to the law and respects law (*law abiding-society*) not because of fear of law

⁴⁰ Andre Raharjo, *System Law Indonesia Terms Law Indonesia And The relationship with Law International* (Jakarta: References Yustisia, 2016), p. 10.

⁴¹ Bambang waluyo, *Enforcement Law in Indonesia* (Jakarta: Ray Graphics Offset, 2016), p 87.

⁴² Laurence Arliman S, *Enforcement Law and Awareness Public* (Yogyakarta: Deepublish, 2015), p

⁴³ Binsar m Gultom, *View Critical A Judge in Enforcement Law in Indonesia* (Jakarta: PT.Scholastic Main Library, 2012), p. 50.

⁴⁴ *Op. Cit.*, Satya Arinanto in *Political Law 2*, p. 44.

⁴⁵ <https://www.hucumonline.com/berita/baca/lt5c2c4d8a2e4aa/reflexi-penanan-hukum-indonesia-2018-by--frans-h-winartha>, accessed on date 17 December 2023 .

enforcers but because of awareness self. The government should not only focus on forming laws, however forget repair culture law its people. ^[46]

In essence, it is to maintain the existence of legal politics in the enforcement system law in In Indonesia, openness from law enforcers is very necessary. Because often political And law become bait in application system enforcement law in Indonesia. Therefore, efforts often arise that make legal politics deeper law enforcement becomes perverted. This means that there are rules in the system Law enforcement actually only becomes a display without ever being implemented properly it should. This is what makes the existence of legal politics in law enforcement in Indonesia give rise to pro And counter Because No executed with rules Which There is.

Conclusion

Based on the first problem formulation related to the impact of development legal politics in the law enforcement system in Indonesia, is that with The continuing development of legal politics in Indonesia will of course have implications in various walks of life. Especially in terms of law enforcement in Indonesia. Because There are still many legal politics in the law enforcement system in Indonesia influenced by interference and interests from political elites. Where, they arbitrarily use their power to get out of legal traps, of course this is also a lesson for law enforcers later No affected And No lulled with exists whispers Which invite on irregularities law specifically related with enforcement law.

Based on the second problem formulation related to the existence of internal legal politics The law enforcement system in Indonesia is how to enforce law in Indonesia In the future, law enforcement officers in carrying out their duties will be able to act firmly and consistently prioritize exists justice. And still prioritize exists effectiveness in carry task, with operate things as following: *First*, notice legal structure. *Second*, pay attention to the legal structure and *third*, do not merely refer to it on culture law Which There is in public just. So it is related to the impact arising from the existence of legal politics in the system law enforcement in Indonesia is that law enforcement is often carried out the political role of law is not implemented properly, where the enforcers law precisely prioritize, interests from para elite political. By Because That should in matter enforcement law para apparatus enforcer law No can give treatment Which different though he is a holder power, Because After all, everyone has the same rights in the eyes of the law. Not supposed to law enforcement officials combine the interests of political elites to straighten up law.

It is better in terms of maintaining the existence of the development of legal politics with the law enforcement system in Indonesia, the political role of law should be maintain and prioritize factors, legal objectives and others etc. related to law enforcement. So that in the future the existence of politics will exist The law in the law enforcement system in Indonesia is not tainted by external things legal purposes. Especially those arising from law enforcement which is often chaotic. marut consequence the existence of KKN.

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