



Political Configuration of Law in Law Enforcement in Indonesia

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ABSTRACT: This article discusses the configuration of legal politics towards law enforcement and its impact on the legal system in Indonesia. The politicisation of law enforcement is one of the negative implications of legal politics that can cause injustice and imbalance in the justice system. In law enforcement, it is important for the state to ensure the independence of legal institutions, avoid politicisation of law enforcement, and increase the accountability of the justice system as well as maintain public trust in the legal system and government. This research aims to find out the impact of the development of legal politics on the law enforcement system in Indonesia and the existence of legal politics in the law enforcement system in this country. The method used in this research is a normative juridical approach. The results of the study show that Legal politics has a big role in law enforcement, often in enforcing the law the role of politics is not applied properly, where law enforcers prioritise the interests of political elites. The impact of legal politics on law enforcement has a negative impact on society and the justice system. The law should be enforced based on the principles of justice, without political interference or involvement. Law enforcement officers should not give different treatment to anyone because everyone has equal rights under the law.

Keywords: Law, Law Enforcement, Political Configuration, Political Law, State



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INTRODUCTION

There are two terms that are often translated as "rule of law," namely "Rechtsstaat" and "Rule of Law." Although both have similar translations in Indonesian, namely "Negara Hukum," their origins and concepts come from different historical processes and backgrounds ([Tardjono, 2016](#)).

After the amendment of the 1945 Constitution, the concept of the rule of law in Indonesia has changed. Post-amendment, the concept of the rule of law in Indonesia no longer corresponds to the concept of "rechtsstaat" or "rule of law," but instead the term "Negara Hukum Indonesia" is

used. This affirmation has a very important significance, especially when connected to existing legal systems in the world. The concepts of state law in the form of "rechtsstaat" and "rule of law" have had a major impact on the Indonesian state of law ([Sulaiman, 2016a](#)).

Law is a very complex system of rules, encompassing a variety of different social realities, with many fields, aspects, dimensions and periods. Like a diamond, the law gives a different impression to everyone who sees it. ([Sidharta, 2020](#)), states that law originates from and is formed through a communication process involving various dimensions of society (poleksobud) as well as technology and religion. Law also shapes and participates in determining the order of community life, with its model determined by the community with various different characteristics, but at the same time also determines the character or characteristics of the community ([Ermakov et al., 2016](#); [Hansen et al., 2022](#); [Lenk et al., 2014](#)).

In the context of the legal concept, legal politics can be explained as an activity that aims to regulate the patterns and methods of law formation, supervise the implementation of the law, and change or renew the law in accordance with the interests of the state. As expressed by Soedarto, legal politics is a series of policies issued by the government through authorized institutions to formulate the desired rules, which are expected to be used to reflect the values and needs of society ([Sanyoto, 2018](#)).

Legal matters are indeed very complex, and that is why the method can involve various disciplines such as religion, philosophy, history, sociology, anthropology, psychology, politics, and so on. When discussing law, the aspects of philosophy and history cannot be ignored, because legal methodology involving interdisciplinarity has created various legal disciplines ([Wahjono, 2010](#)). In Padmo Wahjono's view, Legal Politics is the main policy that determines the orientation, format, and substance of the law to be produced. In another paper, Padmo Wahjono explained that Legal Politics is a policy set by the government regarding the criteria used to punish an act. This includes the process of law formation, application, and enforcement ([Cerulli et al., 2015](#)).

Thus, the topic of Legal Politics is closely related to how laws are made and how law enforcement is carried out. Law is considered the result of the political process, so political interference and chaos always affect the law. Since law is considered a product of politics, it can be concluded that law is formed through the intervention and participation of individuals or groups in the process. Law is considered a result of the political process, so political interference and chaos always affect the law. Since law is considered a product of politics, it can be concluded that law is formed through the intervention and participation of individuals or groups in the process.

Therefore, the relationship between politics and law is complex and mutually influencing. Political policies can shape the law, but conversely, the law can also influence politics through its implementation.

In the process of making laws and regulations, the role of legal politics has a high significance and involves three main aspects. First, legal politics includes state policies that are official in nature and determine how the law will be applied or not in order to achieve state goals. Second, the law-making process is influenced by the political, economic, social and cultural contexts that form the background of legal products ([Darmika, 2016](#)). Third, the importance of law enforcement in the

field as part of the implementation of law in everyday reality. This also applies to Indonesia, which is currently facing major challenges in its efforts to improve the quality of its human resources. (Triningsih, 2017), in the process of law formation by political institutions, it is important to pay attention to the principle of building the rule of law that is just. The rule of law means that the law must be the highest authority that binds all parties, including the political rulers themselves. This ensures that the law applies equally to everyone without any discrimination or exceptions.

Factors such as disinterest, bias, or social and economic disparities can affect fairness in the legal system. Therefore, it is important to continuously improve and develop the law so that it can be more precise in realizing justice. While achieving absolute justice may be difficult due to its complex nature, always striving to find a more just form of law that favors the values of justice is an obligation for a thriving and self-sustaining legal system (Sulaiman, 2016b).

Based on the conception of law above, legal politics can be explained as an activity that determines patterns and methods in law formation, oversees the implementation of the law, and makes legal improvements with the aim of serving the interests of the state. As expressed by Soedarto, legal politics is a policy originating from the state through state institutions that have the authority to establish regulations deemed necessary, which are expected to reflect the values that exist in society (Santoso et al., 2023).

For this reason, law becomes a determining factor in politics, and is also closely related to democracy in the sense that political activities are regulated and must comply with the rule of law. Politics uses various means, both legal and illegal, to achieve its goals (Biroli, 2015).

It also states that politics acts as a determinant of law, as law is the result of interacting and even competing political wills. The approach to interpreting whether law influences politics or vice versa depends on the perspective used by scholars. The "das sollen" (imperative) viewpoint states that the law must regulate relations between members of society. Meanwhile, the "das sein" (reality) perspective embraced by empiricists sees that law is significantly influenced by politics, not only in the process of making it, but also in its empirical reality.

The relationship between law and politics in Indonesia, as expressed by Sri Soemantri, can be conceptualized as a train locomotive going off the tracks. Law is supposed to be a solid foundation and function to achieve justice in society, but often there is intervention by politics that causes the law to get off its proper track. Political intervention in law can occur both in the law-making process and in the application and enforcement of law. When politics influences lawmaking, laws may emerge that are not fully in favor of justice and society as a whole, but are more oriented towards certain political interests (Iskandar, 2023).

Meanwhile, in the application and enforcement of the law, political interference can lead to impartiality and unfairness in the handling of cases and the application of the law against certain individuals or groups. This can undermine the integrity of the legal system and affect public trust in legal institutions.

Law enforcement is a series of actions aimed at implementing abstract legal values, ideas and goals. Legal goals or legal ideals include moral aspects such as justice and truth, and these values must be realized in real life ([Gazali Rahman, 2020](#)).

When the law is no longer focused on justice and is instead influenced by politics, the original purpose of law as a tool to protect and promote societal values is distorted. Efforts to improve the relationship between law and politics and reduce political intervention in law are important to create a fairer and more effective legal system for the whole society.

The negative impact of Legal politics when associated with law enforcement is the politicization of legal case handling. Politicization can occur when legal decisions are influenced by political considerations and party interests, not solely based on facts, evidence, and applicable law. In some countries, prosecutors and police can become overly dependent on political power or executive authority ([HR, 2021](#)). If law enforcement agencies are not independent, they may be inclined to pursue cases that support the interests of political rulers, while ignoring cases involving parties with opposing political power or interests. Powerful political forces can sometimes intervene in the legal process, either by obstructing investigations into cases, influencing judges' decisions, or even avoiding accountability for violations of the law. Such interference undermines the integrity of the justice system and casts doubt on the independence of legal institutions. Unchecked political power can also lead to low levels of accountability in law enforcement. If government officials or law enforcement officers are not closely monitored, they may operate without a sense of responsibility and potentially abuse their power.

The formulation of the problem in this study is how the development of legal politics has an impact on the law enforcement system in Indonesia and the existence of legal politics in the law enforcement system in this country.

METHOD

The method used in this research is normative juridical. Normative juridical research is research that uses laws and regulations as study materials by taking several references both legislation ([Utama, 2019](#)), journals, books, online news and others or what is commonly known as literature studies while still paying attention to the approach factor of the applicable laws and regulations.

RESULT AND DISCUSSION

Relationship between Politics and Law

The development of legal science began with philosophy, followed by legal dogmatics (positive legal science). Between the two, there are significant differences. Legal philosophy is very speculative, while positive law has a very technical approach. Therefore, to connect the two, legal theory is needed, which initially took the form of general legal teachings (*algemene rechtsleer*).

This legal theory contains general legal principles such as legal principles and similar issues that apply in various legal systems ([Hadjon & Djatmiati, 2009](#)).

The relationship between politics and law is intimate and interconnected. The function of law is to imbue the exercise of power and politics with a humanizing touch. Simultaneously, power politics is anticipated to establish a framework for human conduct, fostering structure and facilitating the attainment of justice. This underscores the pivotal role of law in fostering a more compassionate application of power and politics. ([Hasaziduhu Moho, 2019](#)).

According to ([Asshiddiqie, 2006](#)), there are 5 (five) bases or foundations in the formation of laws and regulations, namely:

- a. Philosophical Foundation: Laws always include legal norms that describe the ideals of society in achieving a better social and state life. This law reflects the aspirations of society to achieve noble goals in social life.
- b. Sociological Foundation: Every legal norm contained in the law must reflect the real needs of the community for legal norms that are in accordance with their legal awareness. This means that the law must be relevant to the social reality and demands of the community.
- c. Political Foundation: In considering the drafting of laws, it is also necessary to take into account the constitutional reference system which refers to the ideals and basic norms contained in the 1945 Constitution. This becomes the main policy basis or political source of law that underlies the formation of the law.
- d. Juridical Foundation: In drafting any law, attention must be paid to the relevant and appropriate legal basis or juridical foundation. This becomes a consideration that is kept in mind when formulating the law.
- e. Administrative Foundation: This foundation is optional and tailored to the needs. In the drafting of laws, there is also the use of administrative foundations expressed with the word "pay attention to." This foundation includes the inclusion of references that indicate an order to regulate administratively in a particular matter.

In politics, human thoughts and efforts are realized to achieve the desired goals of life. All efforts and actions are carried out through politics to achieve the goals to be achieved. Politics is considered an art to achieve visions and hopes in life, and can bring a peaceful and prosperous life if run properly. However, on the other hand, politics also has the potential to destroy civilization if used for bad purposes.

Politics can be a powerful tool to create a peaceful and prosperous life for society. When politics is run well, by prioritizing justice, sustainability, and the welfare of society, the results can have a positive impact on the lives of many people.

However, on the other hand, if politics is run with bad intentions, such as prioritizing personal interests or small groups, then politics can potentially damage civilization. Corruption, abuse of power and injustice that occur due to bad politics can threaten the stability and welfare of society.

Law is a complex entity that encompasses a diverse society with many aspects, dimensions and stages. According to ([Sidharta, 2020](#)) view, law plays an important role as a core element in

interactions within society, including in the political, economic, social, cultural, technological, religious, and other fields. Law is formed and participates in shaping the order of society, and the form of law is determined by society itself, because society automatically forms laws that regulate itself ([Rohayu, 2018](#)).

There is a close relationship and interdependence between politics and law. Law has an important role in creating and regulating the exercise of political power to make it more humane. Conversely, politics and power are expected to direct human behavior to be more orderly and promote justice.

Law functions as a tool to achieve justice in society. By having clear and fair rules, the law helps to humanize the use of power and prevent abuse of power that harms society. Laws provide the basis and limits for the control of political power, so that it is hoped that decisions and actions taken will pay more attention to the interests and welfare of the community.

Conversely, politics and power also play a role in directing human behavior and society as a whole. With wise politics and responsible power, society is expected to be more organized, respectful of the law, and obedient to the rules that apply.

This interdependence creates a dynamic of mutual influence between politics and law. These two aspects together contribute to creating a more just, organized and equitable society. Thus, law and politics have an important role in shaping human civilization and promoting the sustainability of social welfare.

If a legal norm has the support of real political power factors or *machtsfactoren*, then the norm can be considered politically valid. Even though the norm has support from all levels of society, is in line with the philosophical ideals of the state, and has a clear legal basis, if it does not get support from the authorities, then the norm will not be valid as law. In other words, the role of politics in this case is related to power theory, which gives legitimacy to the validity of a legal norm only from the perspective of power. If a legal norm has received support from power, then the legal norm can be valid, regardless of its form or substance. Law is considered a political product because the character of each legal product is strongly influenced by considerations of political power or configuration that produce it. Every legal product is the result of a political decision, so the law can be considered as a crystallization of political thought that interacts among politicians.

This indicates that law, which is the result of legislation made by the legislature, is actually the result of a complex interaction between various political wills that influence each other. This political will is the result of the ongoing situation in society, and can originate either from the society itself or from the state authorities ([Islamiyati & Hendrawati, 2019](#)).

In the law-making process, considerations of political interests, ideology, and political power will influence the substance and form of the resulting law. Although there is a view from the "das sollen" angle which states that politics must be subject to legal provisions, the "das sein" view states that the law is actually determined by the political configuration that gave birth to the law ([Schritt, 2016](#)). This means that political reality has a major influence on the substance and enforceability of the law. If political power supports a legal norm, then the norm will apply, even

though it may not be fully in accordance with the principles of justice or legal idealism ([Hidayat & Arifin, 2019](#)).

The interrelationship between law and politics shows the complexity of the relationship between the two. Although the law is supposed to be an objective basis for regulating people's lives, the reality is that the law is often influenced by political dynamics and certain political interests. Therefore, it is important to continuously improve the legal system and ensure the independence of legal institutions so that the law can function better as a tool to achieve justice and public welfare.

The impact of the relationship between law and politics is that there is a tendency in legal science to ignore or underestimate the role of social and cultural forces. This is because the focus on legal aspects and formal regulations often ignores the complexity of social realities and cultural dynamics that influence the implementation of law.

However, the view from political science is different, which emphasizes the importance of uncovering political awareness and participation. Through an understanding of the role of social and cultural forces, political science recognizes that there are various factors that influence the making and implementation of law. These "coercive" forces refer to the influence of political power, public opinion and community participation in shaping and influencing legislation.

Hans Kelsen's opinion of the state as a legal entity or Rechtsperson (juristic person) also emphasizes the importance of law in regulating and shaping the structure of the state. Kelsen is a legal theorist who emphasizes the importance of harmony and clarity in the legal hierarchy to avoid conflicts of power ([Kelsen, 2018](#)).

Overall, the interrelationship between law and politics shows the complexity of the relationship between the two. Law and politics influence and interact with each other in policy making and rule implementation. It is important to recognize and understand the role of social, cultural, and political forces in shaping just and equitable laws to achieve the goal of a better society.

Although politics and law are two different things, they are interconnected and need each other. Law is a part that exists in reality and reality, while politics is a way to achieve goals, including achieving goals related to the law itself through the political process.

Politics and law have complementary roles. Law provides the foundation and rules that govern people's lives and shape the power structure, while politics is a way to create policies and manage power to achieve certain goals in society.

Law becomes a goal that must be achieved through the political process. In the political process, stakeholders try to formulate policies and laws that will become the applicable law in society. Political goals to achieve justice, welfare and stability in society are implemented through law as a tool to achieve these goals.

Thus, politics and law are two things that are interrelated and influence each other in shaping the order of society and the state. Both have an important role in achieving societal goals and creating a just and equitable legal order.

Laws are the rules and regulations that apply in a society or country. Laws regulate the actions, relationships, and rights and obligations of individuals and groups in society. Laws provide a foundation and legal framework that must be followed and obeyed by all members of society.

Meanwhile, politics are the processes and mechanisms for achieving goals and managing power within a society or state. Politics involves decision-making, policy-making and power struggles between groups or individuals. Through the political process, the goals desired by society or the ruler can be realized.

In this context, law is one of the goals that must be achieved through the political process. The political process will influence the creation, change and enforcement of laws in society. Political policies made will reflect the values and goals that certain rulers or political groups want to achieve.

Conversely, the law also plays a role in regulating the political process itself. The law provides rules and limits to regulate the electoral process, lawmaking, government powers, and so on.

Politics and law are interconnected and play an important role in shaping the order and stability of society and the state. The success of achieving political goals depends on the suitability and enforceability of the law, while the law is also strongly influenced by existing political policies. Likewise, politics then needs law to legalize what is its goal so that what is done politically is accepted by the public as something legal even though in plain view it is not true, but the law can play its role in covering the issue so that it appears to be truly legal in the constitution. So it can be said that law and politics cannot be separated in a life or country, both will complement each other and need each other.

Based on this explanation, the question arises about the definition of legal politics. According to Mahfud MD, legal politics is a legal and official legal policy that determines how the law will be applied, either through the creation of new laws or changes in existing laws, all of this is done in order to achieve state goals ([Konradus, 2017](#)).

The Effects of Legal Political Development on Law Enforcement in Indonesia

Politics can be understood as a collection of meanings, values and choices taken by society to legitimize and regulate social order. In addition, politics is also a collective problem-solving process to achieve a common policy in the social life of the community, which is related to the values and choices adopted by the community to achieve certain goals.

According to Isbar, politics involves various differences in life between leaders and people oriented towards the improvement of power. In this case, politics functions as a means to actualize ideals and moral teachings, and acts as a coercive institution in the implementation of these moral commands and teachings.

Values in politics act as a guide to apply religious values in the social order. These values cannot be separated from the ideology that is the source of values and ideals that are realized through political institutions or certain organizational groups. Thus, politics involves various aspects, including values, ideologies, policies, and interactions between leaders and people. It plays a role in shaping the order of society and achieving the common goals desired by society ([Itmam, 2013](#)).

In legal science, legal politics refers to the basic policies used by the government to organize state policies in the field of law. Legal politics includes policies that are being implemented, have been implemented, or will be implemented, and these policies stem from the values prevailing in society in order to achieve the desired state goals.

Legal politics has an important role in shaping a country's legal system and determining the legal direction that will be taken to achieve the goals of the state and society. Therefore, legal politics can be a tool to strengthen the law and achieve certain goals, but it can also have a significant impact on justice and public welfare ([Zakariya, 2016](#)).

In a modern legal state, the ruler has a central role in enacting and enforcing the law. Law enforcement is the monopoly of the ruler, who has the power to sanction violations of legal rules. The ruler has the authority to run the judicial system and impose sanctions based on the applicable laws. Law exists because of legitimate power. Law regulates power and provides a legal basis for the ruler to carry out his duties and obligations as a ruler. Without legitimate power, laws cannot be implemented effectively and there would be no mechanism to enforce the rule of law.

However, in history there are also examples of laws that do not originate from legitimate powers or powers that are not actually authorized. This can lead to injustice in the legal system and threaten the integrity of the rule of law. In principle, law is a form of power directed at creating order and justice in society. The law should not be used as a means to seize power or exploit the people and the state. Good and fair law enforcement is important to maintain the balance of power in a modern legal state and protect the rights and interests of society and the state as a whole.

Law can be described as a complex entity, covering various aspects and dimensions of society. The establishment of law through legislation aims to realize the protection of human rights, which is the essence of the rule of law. This protection requires control mechanisms, such as social control, juridical control, and political control, as part of the legal interests of society. Through law, the interests of society are integrated to maintain the protection of subjective rights without reducing these rights. Law plays a role in providing the widest possible access for people to seek justice. The law protects the interests of society by allocating power to the law itself to act in accordance with those interests.

This allocation of power is done in a measured manner, by determining its limits and scope. In this context, powers granted by law to a person or law enforcement agency are referred to as rights. Thus, not all powers in society can be considered as rights, but only certain powers that are recognized and regulated by law. With the rule of law and control mechanisms, it is hoped that justice and protection of people's rights will be realized in a good and just legal state ([Kartono, 2017](#)).

Based on the above thoughts, the state has an obligation to always pay attention to aspects of legal certainty and protection of citizens' rights when formulating provisions in laws and regulations. Without good control over law and power, various related legal aspects can be affected, and even law enforcement can be influenced by the interests of the rulers.

When the politics of law is not well regulated, this can lead to inequality and injustice in the law enforcement system. In Indonesia, the influence of interference and interests from political elites is still widely seen in the law enforcement system. They can use their power to avoid punishment or break the law without consequences.

Therefore, law enforcers must learn from this situation so that they are not influenced or persuaded by whispers that invite them to abuse the law. They must uphold the principles of justice and independence in law enforcement, so that the law can be enforced fairly and any violation of the law can be sanctioned in accordance with applicable regulations.

The Role of Legal Politics in Law Enforcement in Indonesia

The procedure and influence of the legislature in lawmaking is particularly important, as modern lawmaking involves not only the determination of rigid legal content and legal rules, but also involves political decisions. Furthermore, in addition to these procedures, interventions from various parties both inside and outside the government, including global political interests, indirectly affect the lawmaking process. These interventions are usually carried out by groups that have power and influence, whether socially, politically, or economically ([Halim, 2013](#)).

Legal politics is a policy taken by the State through state institutions or officials who have the authority to determine the rules of law that need to be regulated. The purpose of this legal political policy is to ensure that the administration of the state and government can run well and orderly, so that state goals can be planned and realized gradually. This legal political policy is sourced from national law, so there is a close relationship between legal politics and applicable law. With this relationship, it is hoped that the authorities can ensure the upholding of the rule of law by prioritizing the principles of justice and truth for all citizens.

Law is considered an important institution to maintain balance and overcome the potential for disintegration in the social life of the community due to the conflict of competing forces. Some important points that can be elaborated from this statement are ([Marzuki, 2009](#)):

1. **Protecting the Balance:** Law functions as a tool to maintain the balance of power in society. This means that the law can be used to regulate and restrict the actions of individuals or groups who may try to utilize their power for personal gain, thereby preventing unfair domination.
2. **Controlling Power:** Law also plays a role in controlling the policies of the powerful. This means that governments or authorities with power must act in accordance with the law and must not abuse it. In a democracy, this means the law must also protect the rights of individuals and maintain a balance of power between the government and the people.
3. **Limitation of Authority:** Laws set limits on what individuals, organizations, or governments can and cannot do. It is a way of ensuring that all members of society operate within the same legal framework.
4. **Creating Harmony:** One of the purposes of law is to create harmony in social life. This includes conflict resolution, violence prevention, and the establishment of widely accepted social norms.
5. **Compromise and Peace:** Law tends to seek compromise solutions in conflict resolution rather than using aggressive and expansionist force. This means that legal processes often involve

mediation, negotiation or trial to reach a decision that is fair and acceptable to all parties involved.

In this context, law becomes the cornerstone of a civilized society, where fair and equal rules are used to maintain order, protect individual rights, and promote social cooperation. However, it is important to remember that implementation and enforcement of the law can also be challenging in achieving these goals, and the law itself can change over time to reflect societal developments and changing values.

The use of Pancasila as a source of value is an effort to realize justice and welfare for society. The basic values of Pancasila are used as a reference in the preparation of legal norms in Indonesia. Pancasila becomes an ethical and moral foundation that gives color to the entire legal system, so that the Indonesian state has a national law that reflects the character of the nation and aims to achieve social justice and prosperity for all its citizens. In the context of Indonesia's national legal system, Pancasila serves as a *grundnorm* or *staatsfundamentalnorn*, which is the basic norm or fundamental norm of the state that becomes the foundation for all levels of legal norms. This signifies the important role of Pancasila in shaping Indonesia's legal identity and as a guide in making legal decisions that reflect the spirit of diversity and national unity.

In the implementation of law in society, it does not only depend on public legal awareness, but is also strongly influenced by the behavior of law enforcement officials. We often see that some legal provisions are not implemented properly by a number of law enforcement officers who do not fully comply with the legal provisions they are supposed to implement. This situation occurs because the implementation of the law by the law enforcement officers themselves is not in line with the legal principles that should be applied. This is a negative example that can damage the reputation of the legal system. In addition, it is important to set an example of good behavior, integrity and high morality in law enforcement officers, as they are highly vulnerable to bribery and abuse of power ([Sanyoto, 2018](#)).

In the context of legal politics, efforts to uphold the rule of law are carried out through the process of forming, applying and enforcing laws based on the values of justice and truth. Thus, in every legal policy taken, the State seeks to achieve goals oriented towards justice and public welfare, by prioritizing legal principles that apply fairly and correctly. From the concept of legal politics that has been explained previously, we can understand its relationship with the thoughts of law and power proposed by Hans Kelsen in the Dynamic Legal Concept related to the Legal System.

In Hans Kelsen's view ([Kelsen, 2018](#)), law has a close relationship with power (right and might). Although law cannot work without power, law and power are not identical. According to Hans Kelsen's theory, law is a special order of power. That is, law is a structure or organization that regulates and controls power in society. The law provides rules and limits for the power possessed by the authorities or state institutions. In the context of legal politics, such power is directed and regulated to achieve certain goals, such as maintaining order, justice and public welfare. However, it is important to note that the power referred to here is not only physical or military power, but also involves political power, namely the ability to make policies and take decisions that have an impact on people's lives. In the context of legal politics, this power is used to create and implement legal policies that are based on the values of justice and truth. Thus, the concept of legal politics

emphasizes the importance of the relationship between law and power in shaping a just and equitable society. Law, as an order of power, plays a key role in shaping and influencing the dynamics of a country's social and political life.

Based on the 1945 Constitution, the legal objectives of the Republic of Indonesia are in accordance with the fourth paragraph which states that the law aims to maintain peace and establish a balance between society and law enforcement. Thus, the purpose of law in Indonesia is to provide justice, certainty, and benefit for the entire community.

1. Justice: The law is expected to provide justice for all citizens, indiscriminately. Every individual must be treated fairly and equally before the law, regardless of social status, economic status, or other backgrounds.
2. Certainty: Law also aims to create legal certainty, meaning that every legal regulation must be clear, understandable, and consistently applied. With legal certainty, people can understand their rights and obligations, as well as the consequences of their actions.
3. Benefit: The purpose of law is also to create benefits for the whole society. The law must be able to create a safe, fair, and efficient society. The law is expected to protect the rights of the community and make a positive contribution to achieving common welfare.

By achieving this goal, the law is expected to act as an effective tool in creating order and security, as well as providing a foundation for the realization of a just, prosperous and civilized society. These legal objectives become the basis for government and law enforcement efforts in formulating regulations and policies that prioritize justice, certainty, and benefits for all Indonesian citizens.

However, in reality, these noble goals are often tainted by acts of abuse of power and authority by State administrators. This has led to the widespread practice of collusion, corruption and nepotism (KKN), which basically reflects the existence of political interests that permeate the life of the nation. In addition, public participation in carrying out the function of social control has not been fully effective against the administration of the State, so that opportunities for KKN in the administration of the State remain wide open.

Indonesian law is often perceived as not always fair, and this can be caused by several factors. One of them is the justice system that may not always provide equal justice for all parties. Sometimes, the law tends to favor those with power or wealth, while those at the bottom have more limited access ([Fadhlin et al., 2021](#)).

In addition, legal problems in Indonesia can also be caused by inconsistencies in the application of the law. There are situations where the law is not always applied consistently and fairly, depending on certain factors such as social or economic status.

The intervention of power can also be a factor that affects legal justice. Sometimes, political or power interests can influence the way laws are applied or interpreted.

In addition, legal protections can also be an issue. Some groups or individuals may not have adequate access to the justice system or not get the legal protection they deserve.

All of these factors can lead to the perception that the law in Indonesia is not always fair and tends to favor those with power or wealth. Efforts are needed to improve the justice system, ensure consistency in the application of the law, reduce the interference of power, and ensure that all people have fair and equal access to legal protection.

According to Soerjono Soekanto, law enforcement can be explained as a process that involves making decisions that are not strictly bound by legal rules, but include elements of personal judgment. Some of the factors that influence law enforcement according to Soerjono Soekanto are ([Laurensius, 2015](#)):

1. The first factor affecting law enforcement is the law itself, whose source is limited to the law.
2. The second factor is law enforcement, which includes parties involved in the process of forming and implementing the law.
3. The third factor is the means or facilities that support law enforcement, including infrastructure, the judicial system, and law enforcement agencies.
4. The fourth factor is society, which includes the environment in which the law applies and is applied, and considers social norms and values that influence the understanding and implementation of the law.
5. The fifth factor is culture, which involves the work, creation, and taste produced by humans in daily life, and has an impact on the perspective and interpretation of the law.

Many argue that the law often does not reflect people's sense of justice, because law enforcers, especially judges in general, are more focused on creating law enforcement or legal certainty rather than paying attention to the sense of justice. This model of judges can undermine the principles and values of just law enforcement. Therefore, there is a need for visionary and progressive judges to overcome problems in the enforcement of just law. It is important to remember that the law must be enforced without compromise, but on the other hand, justice must also be considered. Law enforcement serves as a bridge or entrance to achieve the goal of justice. If justice is successfully upheld without causing turmoil in society, then fair law enforcement can be realized. However, if justice is ignored, then law enforcement can be considered pseudo or meaningless. It is very important for judges to decide cases firmly and professionally, without regard to the political interests of certain parties, especially from the political elite. This will ensure that law enforcement is carried out fairly and objectively, in the interests of society and the country as a whole.

Therefore, judges must act in accordance with the regulatory provisions set by the State in order to avoid the involvement of parties who are not competent or have political interests. The existence of legal politics in Indonesia still reaps pros and cons among the public regarding law enforcement. Law enforcement should be carried out by applying legal norms in reality so that the law can function and be enforced as a guide to behavior in society and the state. This is in accordance with the adage "ubi societas ibi ius" which means "where there is society, there is law". Society cannot live without law because legal norms regulate human life in society. To realize effective law enforcement in the future, there are several things that need to be considered:

1. Related to legal structure:
 - a. Internal reform of law enforcement agencies must be carried out consistently, professionally, and sustainably.

- b. Revamping legal institutions from the judicial mafia must be carried out immediately.
 - c. Law enforcers, judges and advocates must perform their duties well to increase public trust.
2. Related to the substance of the law:
- a. The drafting of laws and the development of customary law must be in harmony with the needs of society.
 - b. The law must be objective and non-discriminatory.
 - c. A good legal system will encourage law enforcement officials to work honestly, effectively, efficiently and with quality.
3. Related to legal culture:
- a. Public awareness of the law, including anti-corruption attitudes and ethics, must be improved.
 - b. Education on the rights and obligations of citizens in the family should be taught from an early age.
 - c. The government should create a society that obeys and respects the law, not out of fear of law enforcement, but out of self-awareness.

It is important for the government not only to focus on the formation of laws, but also to improve the legal culture of society. There are efforts that make legal politics in law enforcement become perverted. This means that the rules in the law enforcement system only become a display without ever being implemented properly. This is what makes the existence of legal politics in law enforcement in Indonesia raises pros and cons because it is not carried out with existing rules.

CONCLUSION

The correlation between law and politics is the tendency in legal science to ignore or underestimate the role of social and cultural forces. This is because the focus on legal aspects and formal regulations often ignores the complexity of social realities and cultural dynamics that influence the implementation of law.

According to the 1945 Constitution, the purpose of law in the Republic of Indonesia is to maintain peace, maintain a balance between society and law enforcement, and provide justice, certainty and benefits for the entire community. Unfortunately, these goals are often constrained by the abuse of power by state administrators, resulting in rampant practices of collusion, corruption and nepotism. In addition, public participation in carrying out the function of social control is also still not effective in overseeing state administration.

Due to the existence of legal politics in the law enforcement system in Indonesia, the role of legal politics is often not applied as it should be, not discriminatory against justice seekers, giving equal portions to all interests. Law enforcers tend to prioritize the interests of political elites in enforcing the law. Therefore, it is important for law enforcement officials not to give different treatment to anyone, even if that person is a power holder, because everyone has equal rights under the law. Law enforcement officers should not incorporate the interests of political elites in the law enforcement process.

The implementation of legal politics must be directed towards the rule of law where there is no favoritism to certain legal subjects and still make the constitution truly apply and develop in state administration and social life.

The impact of legal politics on law enforcement has a negative impact on society and the judicial system. The law should be enforced based on the principles of justice, without political interference or influence. Law enforcement officers should not give different treatment to anyone because everyone has the same rights.

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