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**Legal Ideals: Lawmaking and Law
Enforcement Primarily based on Community
Social Life in Indonesia*****

*Ideales legales: creación de leyes y aplicación de la ley
basadas principalmente en la vida social de la comunidad
en Indonesia*

*Ideais jurídicos: legislação e aplicação da lei com base
principalmente na vida social da comunidade na Indonésia*

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Abstract

The aim of this study is to conceptualize how lawmaking and law enforcement work together to serve society's best interests. Historically, law has primarily functioned as a tool for social control and is extremely inflexible, making it impossible to properly uphold the core principles of justice implementation and enforcement. Law should evolve to become a tool for fostering social development, leading to contentment and the establishment of a just societal order. As a result, legal development should prioritize the desires and needs of the people. This is a socio-legal study wherein social phenomena are interpreted as the direction of legal development. Employing a conceptual approach and analyzing qualitative data derived from a literature review, our findings indicate a shift in people's desires, particularly in Indonesia, influenced by legal establishments. With the desire to contribute their aspirations into the creation of law and serve as the participatory society in monitoring the way law enforcement is carried out, the development of legal thinking within society is evolving in a positive direction. Legal development must change the paradigm that has previously considered law merely as a mechanism of social control, as a result of societal changes. Both lawmaking and law enforcement should embrace a participatory society. Thus, the goal is to translate this legal ideal into practice by establishing a legal development that benefits society.

Keywords: Law Formation; Law Enforcement; Legal Development; Participatory Society; Legal Thinking.

Resumen

El objetivo de este estudio es conceptualizar cómo la creación de leyes y su aplicación trabajan juntos en beneficio de la sociedad. Hasta ahora, la ley ha servido únicamente como una herramienta para el control social y es extremadamente inflexible, lo que hace imposible mantener adecuadamente los principios básicos de la implementación y la aplicación de la justicia. La ley debe poder evolucionar para servir como una herramienta que fomente el desarrollo social y que resulte en la satisfacción y el establecimiento del orden legal. Como resultado, el desarrollo legal debe priorizar los deseos y necesidades de la población. Este es un estudio sociolegal en el que los fenómenos sociales se interpretan como la dirección del desarrollo legal. Empleando un enfoque conceptual y analizando datos cualitativos obtenidos de la revisión de la literatura, nuestros hallazgos revelaron que las necesidades de las personas, particularmente en Indonesia, han cambiado en respuesta al establecimiento de la ley. Con el deseo de aportar sus aspiraciones en la creación de la ley y servir como sociedad participativa en el monitoreo de la forma como se lleva a cabo la aplicación de la ley, el desarrollo del pensamiento legal dentro de la sociedad se está moviendo en una dirección positiva. El desarrollo jurídico debe

cambiar el paradigma que anteriormente consideraba al derecho meramente como un mecanismo de control social, como resultado de los cambios sociales. Tanto la creación de leyes como la aplicación de estas deben abrazar una sociedad participativa. Por lo tanto, el objetivo es traducir este ideal legal en la práctica mediante el establecimiento de un desarrollo legal que beneficie a la sociedad.

Palabras clave: formación de la ley; aplicación de la ley; desarrollo legal; sociedad participativa; pensamiento legal.

Resumo

O objetivo deste estudo é conceituar como a aplicação da lei e a formação da lei trabalham juntos para beneficiar a sociedade. Até agora, a lei serviu apenas como uma ferramenta para controle social e é extremamente inflexível, o que torna impossível manter os princípios básicos de implementação e aplicação da justiça. A lei deve ser capaz de servir como uma ferramenta para promover o desenvolvimento social, resultando na satisfação e estabelecimento da ordem legal. Como resultado, os desejos e exigências das pessoas são a principal preocupação no desenvolvimento jurídico. Este é um estudo legal no qual os fenômenos sociais são interpretados como a Diretoria de Desenvolvimento Jurídico. Este estudo usa uma abordagem conceitual e analisa dados qualitativos obtidos na revisão da literatura. Os resultados do estudo revelaram que as necessidades das pessoas, principalmente na Indonésia, mudaram em resposta ao estabelecimento da lei. Com o desejo de investir suas aspirações na criação da lei e servir como sociedade participativa no monitoramento da aplicação da lei, o desenvolvimento do pensamento legal na sociedade está se movendo em uma direção positiva. O desenvolvimento jurídico deve mudar o paradigma que antes considerava o direito apenas como um mecanismo de controle social como resultado da mudança social na sociedade. A elaboração e aplicação da lei devem ser capazes de acomodar a sociedade participativa. É para esse fim que um ideal legal que deve ser colocado em prática é estabelecer um desenvolvimento legal que beneficie a comunidade.

Palavras-chave: formação da lei; aplicação da lei; desenvolvimento legal; sociedade de participação; pensamento legal.

Introduction

Law has evolved into a mechanism for maintaining order in society and the state. Each person's rights are thought to be protected by the law, which also serves as a check on the government's ability to exercise its authority. To resist individual egoism and prevent social conflicts, the law functions as a tool for social control (Trubek, 1972). Currently, the law not only regulates daily life but also serves as a means of achieving justice and valuable benefits. It has become an institution that connects the interactions, interdependencies, and determinism among individuals in society and the state (Rondonuwu, 2014). The law has advanced to the point where it now plays a role in preserving the social fabric as a unified entity. This underscores the significance of law in modern progress.

Every nation in the world now regards law as essential for preserving social order. However, at times, the law can become overly stringent in its pursuit of social order, leading people to perceive it as cruel and oppressive (Nonet & Selznick, 2001). This worsens the situation and typically results in public dissatisfaction with the existing legal system. An example of this can be seen in the Indonesian reform event of 1998,¹ where political reforms triggered legal reforms in Indonesia (Lukman, 1998). As both Indonesian law and the constitution underwent changes, so did the social fabric. These recent changes have spurred calls for new laws that better reflect desires and requirements of the community. According to Peter Mahmud Marzuki (1999), legal reform requires the implementation of new legal principles based on changes in people's lives. Lawmaking is expected to harmonize emerging community desires with existing norms, and lawmakers must be willing to observe and adapt to societal conditions. This underscores the importance of aligning the creation of laws with the realities of people's lives.

According to Philippe Nonet and Philip Selznick (2001), the law can serve as a tool for achieving the ideals of equality and freedom for all people. It can

¹ The 1998 reform occurred as a result of an inappropriate policy executed by President Soeharto's government at the time, as well as the onset of a monetary crisis, which resulted in the fall of the Indonesian people's standard of living. Reforms were demanded in politics, law, and the economy (Santoso, 1998). Furthermore, Suharto's 32-year-long presidency, characterized by authoritarianism, undermined democracy. Law was exploited as an instrument of power, state infrastructure was misused for personal gain, unjust law enforcement prevailed, and the military played a significant role in every aspect of state life. On May 21, 1998, Suharto announced his resignation as president, which marked the end of his reign (Akmal, 2021b). This announcement ushered in a new era in both social and state life.

also be used to determine the limits of state institutions' authority and correct constitutional issues that prevent it from working properly. In response to the reforms made in 1998, the community has also demanded this. People felt confined and miserable during that period due to human rights violations and excessive state power. In recent advancements, the principle of freedom has transformed people's habits of participating in voicing their opinions when they feel that the law-making process does not align with the aspirations and requirements of society. For example, the creation of a new Criminal Code and the Job Creation Law exemplify this positive shift. Of course, it's crucial for lawmakers to recognize this as an integral part of the law-making process to ensure its intended effectiveness.

Lawmakers must be able to comprehend these three legal objectives as each carries its own weight. Legal certainty must include the principles and norms that govern society as well as the specifics of how the law must be adhered to. In this way, not only individuals are restrained and compelled to obey the law, but also the law impacts people's lives. The next legal objective is benefit, which is the fundamental principle behind law creation. The emphasis is on the benefits the community gains from the enactment of laws, which must not be abstract. The benefits of forming laws must be based on societal desires, not only on the interests of specific individuals. In an economic sense, the objective of benefit value is to improve social welfare. Benefit value can also be understood from a social perspective, which entails fostering a positive link between human rights and limitations on behavior that violates the rights of others. Legal infractions occurring during the application of the law may disturb social stability. When justice is the primary goal of law enforcement, it is imperative for lawmakers to comprehend this fundamental objective.

Law, as a cohesive connection, still contains unanswered questions and is fundamentally highly metaphysical (Rondonuwu, 2014). This arises from human imperfections, which are prone to mistakes. The connection between lawmakers and law enforcement must be harmonious for the law to function effectively as a tool. Community oversight is required to bridge the gap between egoism and human nature in the creation and application of laws, given that the community would be directly affected by how the law is implemented. Once this relationship is harmonized, it is anticipated that justice, benefits, and legal certainty would all be adequately executed. Due to how well they develop and support one another, the three legal objectives

evolve to function as a single, cohesive entity. Law is now also seen as a tool for fostering social development rather than only being a tool for social control. The community should be treated as a subject that reflects the nature of the society existing in each nation, rather than just as an object. This is what is anticipated to become a basic legal ideal that can be attained by many nations around the world, as well as a common legal ideal in establishing the state of law, specifically in Indonesia.

The goal of this study is to reintegrate the perspectives of legislators and law enforcement officials as they utilize their authority to create a legal system that society requires. The study also attempts to establish a paradigm for community involvement in the legal system from its inception to law enforcement. This is due to the community's rights to decide what the needs and sense of justice in the particular legal system are. The first topic aims to redefine the fundamental meaning of legal certainty. If the creation of legislation is not accompanied by the community's actual requirements, it will merely create unrest in the community and serve only for gaining legal certainty. Legislators must carefully comprehend this before drafting legislation. This is something that countries that establish a civil law legal system based on positive law must pay close attention to. The focus of the second topic is on the implementation of law enforcement, which must be progressive in its comprehension of the context and state of society. What needs to be realized is that law cannot directly act as a subject like humans. Law enforcement officers must, therefore, have the ability to bring about justice, foster trust, and give the community a sense of security in order to handle it properly. The third topic focuses on the creation and enforcement of laws, which support the social order. Law must be conceived of as a component of community needs, and as such, it must be formed in accordance with community aspirations. The envisioned legal system is one that can work hand in hand to assist the growth of people's lives. It is envisaged that the establishment of legal order would be supported by the value of community-felt benefit in the creation of law and upholding justice. In the final section, we will discuss and outline how a participatory society has evolved to comprehend the fundamentals of justice in the realm of law enforcement. The topic at hand is critical because it is not limited to a specific legal system. This development ultimately led to a paradigm shift in how people think about law. Law enforcement is seen by the public as the

law itself. As a result, the legal system must further develop the harmonious link between legal substance, law enforcement, and a participatory society.

Methods

This is a socio-legal study that delves into social realities to elucidate social phenomena in relation to legal facts. It involves a comprehensive examination of issues related to lawmaking and law enforcement based on social realities (Banakar & Travers, 2005; Irianto & Sidharta, 2009). The objective is to define the link between law and society, which is subsequently established in terms of the paradigm of lawmaking and law enforcement. The main point of discourse in developing this relationship is the issue of positive impacts on community social lives. We employ a conceptual approach that explores viewpoints and theories within legal studies (Soekanto & Mamuji, 2003). These ideas and theories serve as the framework for addressing the covered legal concerns. A qualitative data analysis was employed to scrutinize the data with the aim of better understanding the issues under discussion and advancing theory (Amiruddin & Asikin, 2010). The data was gathered through library research, in the form of primary legal materials (laws, regulation, and court ruling), secondary legal materials (books and journals), and tertiary legal materials (internet sources). The main data analyzed involved a comparison of social and policy developments related to the creation and enforcement of laws in several countries. This comparative analysis, grounded in actual empirical conditions, serves as a crucial foundation for additional analysis and elaboration that paves the way for the realization of the expected conceptualization of legal ideals. Empirical conditions establish society as a critical component of a country's existence; therefore, legal ideals are not limited to a specific legal system. The process involves, first, defining the issue that will be discussed. Second, identifying the theories and doctrines that will form the basis for this study. Third, gathering relevant legal materials, such as regulations related to discussions, books, journals, and other internet sources. Fourth, conducting problem analysis based on the gathered data. And finally, describing the results using words grounded in scientific logic.

The Purpose of Legal Certainty in Lawmaking

The development of law formation cannot be separated from the evolving demands of the community for law, driven by the utility and purpose of enacting the law. More broadly, philosophical explanations of law are characterized by

examining the causes of its formation, the enactment process, its binding strength, the underlying aims, public perceptions, and the intricate relationship between law and people's lives. Law, as a system, establishes an organized structure that serves as the foundation of societal life, illustrating their interdependence. The intimate link between law and society is founded on the necessity to regulate and protect the individual interests in society. People are transformed into subjects whose interests are regulated, with the law acting as a controlling mechanism applicable to all. The goal is to advance equal law enforcement based on general justice across society. As a result, law can never be divorced from the development of people's lives, embodying values essential for social progress to ensure order and regularity. This leads to a desire to advance justice through the rule of law, while highlighting its importance as a binding norm (Isharyanto, 2016; Rahardjo, 2000).

The dimensions of law encompass values, norms, and moral standards (Soekanto, 1986). In the normalization of a law, these three aspects are interconnected, shaping it into the embodiment of societal life for which it is intended. Presently, the law has become a behavioral standard for every individual in society, exerting control to prevent activities that are inconsistent with or contradict the law. Consequently, the law serves as a tool for maintaining order and fostering an organized social life (Suparman Usman, 2008). Law can also be defined as a social norm aimed at establishing an ordered and peaceful society (Isharyanto, 2016). Legal rules have two distinct functions: they give protection from all interests seeking to exploit it (by punishing those who violate the law), and they provide protection not fully explained by other social norms (normatively based on relevant legal norms) (Basuki, 2014; Mertokusumo, 2011). Even with generally recognized norms, the existence of law is critical because each of these norms has its flaws. According to J. Van Khan and J.H. Beekhuis, as quoted by Rumokoy & Maramis (2014), commonly recognized norms are insufficient to safeguard society's desires. Hence, the law can be used to protect society's interests by providing legal certainty.

Legal certainty is seen through juridical-dogmatic doctrines (based on the positivist school of thought), which tend to view law as autonomous and independent, implying that law is merely a set of rules. According to this school of thought, laws exist to ensure that legal certainty is realized. Legal certainty is the true embodiment of law as a general rule (Ali, 2002). Legal

certainty and legal positivism share a close relationship, with the common objective of providing clarity to positive law. The tenets of legal positivism argue that law must provide regularity and certainty for the legal system to function properly (Buana, 2010; Julyano & Sulistyawan, 2019). The protection of the public interest (including personal interests), serving as the enforcement of justice in society, preserving citizens' faith in the government, and the maintenance of the government's authority over citizens are all objectives that can be attained with legal certainty (Halim, 1987; Julyano & Sulistyawan, 2019).

The flow of positivism traces its origins to the history of the development of legal positivist thinking. The mid-18th century bourgeois movement in France and the Industrial Revolution in England brought about significant changes in European society that gave rise to positivism. Concurrently, the traditional epistemological system, characterized by the dominance of the king and the church, started to face scrutiny. Ideas challenging the reasoning and quest for fundamental truth by monks and kings began to emerge. Since the Enlightenment, the pursuit of truth has been unquenchable and uncontrollable. Science started to shift the dominant role of religion, leading to the waning popularity of the church and the rise of educational institutions. In the end, rational and empirical knowledge replaced metaphysical knowledge. The ideas of Auguste Comte constitute the summit of removing subjectivity from knowledge. Auguste Comte coined the phrase "Law of three phases", as quoted by Widodo Dwi Putro (2011), referring to the theological, metaphysical, and positive stages. Furthermore, the positivist meaning that Comte articulated at that time might be understood as a positive meaning that is true, certain, beneficial, unambiguous, precise, or possesses characteristics that contribute to the arrangement of order (Julyano & Sulistyawan, 2019; Shidarta, 2013).

Legal positivism reasoning, rooted in Comte's conceptual framework, has evolved over time, gaining prominence even in classical Chinese philosophy. During China's Han Dynasty, Han Feizi formulated his ideas on legal positivism. As cited by Feng Yu-Lan (1966), Han Feizi states that legislation must be recorded in administrative offices and made public. This practice aimed to ensure that everyone is aware of the legal requirements and restrictions. To maintain the rule of law, rulers must watch over and manage their subjects. The power to punish lawbreakers and reward those who uphold the law is also granted to rulers.

Legal positivism has reshaped the perspectives on law formation in numerous countries. In its implementation, legal positivism frequently encounters considerable challenges in keeping pace with the swiftly changing dynamics of people's lives to meet their requirements. Since legal certainty is an integral component of the legal protection part, the law is compelled to continuously adapting to circumstances. If the demands of society change, static law cannot keep pace with social change. As a result, there is a legal void, undermining the significant value of legal certainty. To accommodate the social development of society and commonly accepted norms, the law must be adaptable. Alvin S. Johnson (2006) emphasized the necessity for a relation between law and society in the form of legislation based on societal interests rather than merely individual ones. Legal certainty is best achieved when the law is based on community desires, ensuring fair and proper application.

In Indonesia, the evolution of the legal system has given rise to a dynamic array of issues and social instability. This may be observed in the formulation of the newest Criminal Code² as well as the Law on Job Creation, which was created using the Omnibus Law technique.³ The community believes that the creation of these laws does not adequately consider the desires and requirements of its citizens. Consequently, multiple groups staged demonstrations (CNN Indonesia, 2022b; Idhom, 2019; Sutrisna, 2022). After being passed, the Job Creation Law became the subject of a constitutional review at the Constitutional Court, which was requested by a number of groups that believed their constitutional rights had been violated. Ultimately, the Constitutional Court ruled that the Law on Employment Creation was

2 Since 1963, criminal law scholars have been working on a new Criminal Code with the objective of replacing the Dutch-inspired Criminal Code that has been in use in Indonesia since 1918 (Humas dan Protokol BPHN, 2022). There have been numerous parties interested in the Criminal Code's reform since it was first proposed. However, many academicians who worked on the new Criminal Code died before it was enacted, including Prof. Soedarto, Prof. Roeslan Saleh, Prof. Moeljanto, Prof. Satochid Kartanegara, Prof. Oemar Seno Adji, Prof. Andi Zainal Abidin Farid, and Prof. Muladi (Sahbani, 2017).

3 Referring to both the Omnibus Law and the Omnibus Bill is essentially the same. The Draft Law is called a 'bill' in several countries, but it is directly understood as a Draft Law in Indonesia. The term "Omnibus Law" is used literally by separating the words "Omnibus" as one of the forming process and "law" as the thing it forms (Akmal, 2021a). The term "Omnibus" is defined by the Black Laws Dictionary (Garner [ed], 2009) as relating to or dealing with numerous objects or items at once; including many thing or having various purposes.

conditionally unconstitutional⁴ (The Constitutional Court of the Republic of Indonesia, 2021). Meanwhile, on December 22, 2022, the new Criminal Code was eventually passed following many considerations and input to replace the old Criminal Code (*Wetboek van Strafrecht*), inherited from the Dutch colonial era in Indonesia (Puspito & Masyhar, 2023). The formulation of the new Criminal Code aimed to establish a national, superseding colonial-era legislation. The new Criminal Code is also anticipated to better reflect the state of society today and satisfy public demand for criminal law regulations.

In essence, the original intent⁵ of passing the Job Creation Law was to offer legal certainty on the ease of investing in Indonesia (Ansari, 2020; Suriadinata, 2019). However, the community believes that their aspirations were overlooked during the creation of this law, constituting a fundamental concern. Moreover, the public believes that the law will actually harm workers and laborers. Similarly, the new Criminal Code has faced criticism, with concerns raised about certain provisions that could potentially harm society. Public rejection of these two laws stems from various issues highlighted in various articles. This is crucial because once a law is enacted, it becomes a regulatory framework binding society. It's essential to avoid the implication that law enforcement is merely normative in nature. Hence, the solution to the issue must be implemented before the creation of a law, and justice cannot be solely demanded from law enforcement after the fact.

Similarly to the issues surrounding the establishment of the Job Creation Law in Indonesia, the imported commercial legislative framework in Vietnam is perceived as detrimental to the community. It is believed that the role of the community in giving aspirations for the creation of laws and policies is asymmetric and that business elites are prioritized (Gillespie,

4 “Conditional unconstitutional” is the inverse of “conditional constitutional”. Decisions labelled as “conditionally unconstitutional” interpret articles and laws subjected to judicial review as being conditionally unconstitutional under the 1945 Constitution of the Republic of Indonesia. If the conditions outlined by the Constitutional Court have been met by the addressee of Constitutional Court decision, the requested article and laws for judicial review will be deemed constitutional (Asy'ari et al., 2013).

5 The idea this legislation originated from a speech by Joko Widodo during his second presidential inauguration. President Joko Widodo expressed a desire for streamlined regulatory frameworks in the investment sector. Indonesia faces challenges in implementing investments due to the sheer amount of investment-related regulatory laws. As a result, the Job Creation Law was drafted utilizing the Omnibus Law technique. The objective is to reduce the problem of overregulation while simultaneously luring international investors to invest in Indonesia (Akmal, 2021a).

2008). Consequently, the perception of injustice in society becomes a significant concern in the legislative creation process. In Malaysia, a lack of community participation is also a concern, resulting in community rights being inadequately addressed in legislative development (Rodiyah et al., 2023). In contrast, the formulation of laws in Mexico has experienced a more democratic implementation. To combat corruption, the public desires that politicians' financial information be made public. A participatory society⁶ successfully contributed to the formation of the law, after roughly 634,000 people participated in the process (Capone et al., 2017). Such participatory measures have not been adopted in Indonesia, posing a significant obstacle to the creation of effective laws.

The formation of law should be grounded in the aspirations of the people to ensure that it brings societal benefits. According to Jeremy Bentham, the value of a benefit in a law is its capacity to bring about happiness in its implementation. Although Utrecht (1989) criticizes Bentham's viewpoint, arguing that happiness is an abstract concept that overlooks particular issues. Utrecht also holds that the pursuit of happiness is inherently personal, which makes it exceedingly challenging to comprehend the need for justice. Utrecht views legal certainty as more practical in ensuring people's social lives because the objective of law is to protect human interests from interference. In essence, Utrecht's perspective aligns with how the law functions to safeguard human rights—a crucial aspect of the benefits derived from enacting laws. By synthesizing the perspectives of Bentham and Utrecht, a common theme emerges: the protection of human interests as the intrinsic value of benefits in law formation, fostering a sense of peace and ensuring a prosperous life through mutual respect for individual rights, ultimately culminating in the establishment of the rule of law. This should be the overarching objective guiding the creation and implementation of laws.

6 The terms "participation opportunities" and "participatory society" have almost the same meanings. "Participatory society" refers to society as a subject that not only possesses the ability to participate but is also part of citizens' rights, which cannot be separated from the law-making process. This right is a representation of the existence of the state, which must be capable of providing equal opportunities to all individuals and incorporating societal requirements into the laws that are enacted.

Progressive Law Enforcement

Law enforcement is a process in which abstract legal functions are upheld and carried out in accordance with concrete circumstances that arise. Soerdjono Soekanto (2007, p. 35) describes law enforcement as

The activity of harmonizing the value relationships defined in the solid and manifest principles/views of values and attitudes of action as a process of elaboration of the final stage of values to establish, sustain, and maintain social stability.

The purpose of law enforcement is to generate concrete legal certainty. The aim sought through the enforcing the law is the actualization of the value of benefits and the fulfilment of justice. Law enforcement must be aligned with the prevailing legal system in a country. This is because every country in the world exhibits fundamental differences in the evolution of its legal system. This legal system is, of course, tailored to the principles of the country's citizens.

In practice, law enforcement frequently engages with community rights, particularly the often overlooked sense of justice. Legal positivist nations exhibit normative aspects in their laws, imposing constraints on law enforcement. In the end, law enforcement can convey a sense of justice only when grounded in ethical principles. The conflict of interest between the law and community rights is a problem as it can lead to social unrest. Actions contravening legal norms, encompassing orders and prohibitions, are deemed violations punishable by administrative sanctions and criminal sanctions (Nurhayati, 2020). The foundational issue with legal positivism arises when the formulation of laws neglects the desires and requirements of society. Hence, achieving legal protection necessitates a close intertwining of lawmaking and law enforcement.

Since the reformation in 1998, the empirical reality in Indonesia has produced a sense of widespread skepticism toward law enforcement. This lack of trust arises from the practical shortcomings in law enforcement procedures, that fail to meet society's expectations of justice. Based on this reality, Satjipto Rahardjo (2010) developed the concept of progressive law as a positive legal doctrine (analytical jurisprudence). Rahardjo (2009, p. xiii) defines progressive law enforcement as follows:

Implementing the law is more than just following the black and white terms of the laws; it is also about following the spirit and deeper meaning of the

law, or the law in general. Law enforcement requires not only intellectual but also spiritual intelligence. In other words, law enforcement is carried out with complete resolve, empathy, dedication, and commitment to the nation's suffering, as well as the guts to find different approaches than what is typically done.

This perspective underscores that if justice cannot be achieved, law enforcement officers must not be bound by legal positivism. To become clear and sustain the concept of truth, law enforcement must evolve into a process that translates initially abstract values, ideas, and legal ideals. The embodiment of law enforcement must be put into action in practical reality. The most important subject in achieving a sense of justice is society. To attain the intended legal ideals, the law must be capable of becoming an ideal problem solver. If moral standards are adequately established, society will accept the presence of law. In the end, orderly law will be accompanied by public trust in the rule of law and law enforcement.

In the material sense, Indonesia as a state of law,⁷ sees law beyond its formal representation defined by the legislature (MD, 2006). The primary objective is the implementation of the value of justice. Justice can only be achieved when the legal system effectively enforces the law. The application and enforcement of the law are influenced not only by public legal awareness but also by the presence of law enforcement officers who adhere to their duties and responsibilities correctly. In practice, law enforcement officers frequently fail to carry out legal provisions as required. This sets a concerning precedent that fuels public skepticism toward the rule of law and the legal system (Sanyoto, 2008). The integrity and morality of law enforcement officers must be maintained for law enforcement to provide a sense of justice to the community.

Progressive law enforcement requires officers to courageously interpret the law solely to uphold justice. Suteki, as quoted by MYS (2013), contends that progressive law has evolved since Satjipto Rahardjo introduced it. This evolution is attributed to the fluid nature of progressive law, always in pursuit of truth. Satjipto Rahardjo (2005) characterizes progressive law as having objectives for

⁷ Article 1, paragraph (3) of the 1945 Constitution of the Republic of Indonesia asserts Indonesia as a state of law. The article is an addition to the third amendment to the Constitution by the People's Consultative Assembly of the Republic of Indonesia on November 9, 2001. This amendment was introduced to underscore the significance of the rule of law in Indonesia.

human welfare and happiness, possessing human moral substance, serving as liberating law, and being analytical and functional in order to continue to find and solve existing problems. These criteria aim to direct law enforcement to be idealistic in its efforts, aligning with the nation's desires to attain national goals. The country's ideals include eliminating legal inequity and legal prejudice. The national goal is to achieve equality before the law for all citizens, regardless of economic or social background. This will subsequently demonstrate that the law was created not merely to provide legal certainty, but also to promote happiness (Rahardjo, 2010).

Satjipto Rahardjo's concept of progressive law aligns with the utilitarianism concept popularized by Jeremy Bentham in 1789. The central tenet of utilitarianism is that the development of law must be capable of providing happiness for humans (Latipulhayat, 2015). Similarly, the concept of progressive law seeks to achieve happiness as a goal in law enforcement. If integrated, lawmaking and law enforcement must emphasize their objective of bringing happiness to the community by considering its interests. The law should function as a tool for fostering happiness in the community. The happiness under consideration involves the fulfilment and implementation of the values of justice and benefit in the formation and enforcement of laws.

The Role of Law and Law Enforcement in the Development of Social Order

The utilitarian school of thought introduces legal benefits as the objective of law, as the most feasible aims are legal certainty and benefits (Darmodiharjo & Shidarta, 2004). The purpose of law enforcement is to ensure legal certainty. Laws must take into account the value of the community benefits for law enforcement to deliver the essential elements of justice. The significance of this component of justice and expediency stems from the fact that the rule of law is not a final goal to be reached. Law is merely a tool for an objective in society and as a state. The presence of law as something that can maintain peace and order must be felt by society as a subject to be regulated. Furthermore, the state, through the institutions that create the law, must strive to set the welfare of the community as the value of the benefits it desires. If correctly executed, the role of preserving human interests and the purpose of enhancing welfare in the lawmaking process can be achieved (Sampara et al., 2011).

Countries around the world have progressed toward a welfare state, which has ramifications for the development and implementation of laws. This is evident in Colombia, England, Finland, Indonesia, Japan, the United States, and other countries (Abadía-Barrero, 2016; Bhambra, 2022; Dimiyati et al., 2021; Ervasti, 2001; Howard, 1999; Pekkanen & Pekkanen, 2022). This demonstrates that the construction of laws is beneficial in the sense that attempts to increase welfare are not limited to a single legal system. Each country strives to establish the best possible welfare state for its citizens, with the distinction lying in what each country provides based on its citizens' demands. The goal of enhancing people's welfare becomes the fundamental element of benefit, which is subsequently formalized into law as the basis for implementing policies. Legal formation necessitates seamless integration with societal demands expressed during the law creation process. The benefit component will then have consequences for happiness, which is represented in people's quality of life and society's perception of a law's justice value.

Montesquieu (2013) likens the process of creating a law to a doctor prescribing medication after diagnosing a patient's condition. To keep order in social and governmental life, lawmaking and implementation must function together. Simply said, harsh laws will only cause society to disintegrate apart (Rato, 2010). Following Montesquieu's analogy, societal issues are akin to a disease, and the law serves as the medication to treat this illness. If the law is not aligned with the requirements of society, it cannot alleviate community problems and may, in fact, exacerbate them. Conversely, when the law is crafted in accordance with the desires and needs of society, it will turn into a solution for the issues at hand. This captures the significance of the community receiving, realizing the benefits of the law. If the creation of the law has standardized the value of the benefits for the community, it will be left to law enforcement officers to meet the demand for a sense of justice.

Roscoe Pound, as quoted by Achmad Roestandi (1980), asserts that the primary purpose of the law is to function as an instrument for the construction society. In this context, "constructing society" implies influencing socioeconomic conditions and fostering social and cultural development. A law's ability to be binding compels the community to uphold it. The implementation of a well-organized law is the desired outcome. The efficacy of a nation's law enforcement can be gauged by how well regulated its laws are. A populace that is obedient and respectful toward authority can be indicative

of effective law enforcement and an ability to meet the community's demands for justice. On the other hand, it is quite possible that law enforcement struggles if the community frequently violates laws. Krabbe, as cited by Moh Kusnadi and Bintan R. Saragih (2008), asserts that people's willingness to uphold the law depends on their level of legal awareness. Even though the law is impersonal, individuals who are fully conscious are more likely to follow it if they perceive that it serves justice. In such cases, it becomes conceivable to utilize the law as a tool for social change once justice has been served.

The core of the value derived from law enforcement lies in the provision of justice to each individual and fulfilment of broader demands for justice. By closely attending to the foundational legal requirements and actively participating in overseeing law enforcement, society can progress along a more positive trajectory. As a result, the community will develop a better understanding of both the law and law enforcement. Law enforcement and legal substance are inseparable components in establishing the desired legal order. Legal order can only be achieved if the community is convinced that justice has been served and that law enforcement is being appropriately executed. This constitutes a legal ideal that must be realized by the state through institutions responsible for law creation, law enforcement officers upholding the law, and the community as subjects who demand a sense of justice and benefit in the formation and implementation of laws.

The implementation of the legal system demands awareness of the evolving dynamics of society to establish and sustain a stable legal order. According to Follet (1919), the process through which individual interests are incorporated into community interests constitutes society as a creative process. Prior to creating a law, it is crucial to gain a better understanding of the community development process. The initial compromise in individual lives evolves into a common will, becoming an integral component of the social order system. The current legal framework must be further connected with this community's social life. It will be challenging to achieve the desired legal order if law enforcement does not uphold the requirements of a sense of justice. To comprehensively integrate all societal aspirations, lawmaking should be perceived as a subsequent stage in community development. The aspirations, forged through a compromise process, transform into prerequisites for advancing communal development, transcending mere personal interests.

Participatory society is a significant and inseparable element in legislation formulation across numerous nations globally. Technological innovations are being leveraged to encourage citizen participation in lawmaking, exemplified by initiatives in Colombia, Brazil, and various European Union countries (Capone et al., 2017). Citizen participation ensures that community needs can be addressed in the formulation of laws, as the necessary information and data comes directly from the community. The various opportunities for society to influence public policy prompted the Finnish parliament to enact The Citizens' Initiative Act on March 1, 2012 (Christensen et al., 2017). The Citizens' Initiative was also adopted across Europe in 2012 as part of the Lisbon Treaty. This demonstrates the significance of society's existence in state entities and is a manifestation of democratic law creation.

Society deserves to be treated not merely as an object governed by law but as a subject with protected interests. An expression of the need for law is the aspirations that exist within society. The social structure dictated by legal developments is no longer appropriate for the functioning of contemporary society. This perspective is grounded in the human right to freedom of expression. Lawrence M. Friedman (1969) argues that, because modern society is constantly focused on change, the concept of social engineering is perceived as a component of legal culture. Laws are not immutable; their certainty evolves with shifting societal demands. Compliance with the law is more likely when people perceive it as a response to societal needs.

For instance, the creation of laws addressing property ownership disputes must align with the community's requirements. In circumstances of such conflicts, law enforcement turns into a mechanism for upholding justice. The law guiding the eradication of corruption is another good example. To make people afraid and discourage those thinking of doing something wrong, these laws need to have strict punishments. Corruption poses a threat to established social order and violate the rights that should be granted to the community. This highlights the need for laws to protect the interests of the larger society.

The purpose of creating laws and enforcing them is to support the existing social order, not to change it. The stringent nature of the law must be used to defend the needs of society. Laws that aim to establish new standards can only be implemented if they serve to safeguard larger interests or address social issues (Sunstein, 1996). For example, banning the sale and use of illegal drugs is aimed at protecting users and preventing the harm to the country's youth. Sellers of

illegal substances may face severe penalties, but users who are identified as victims may receive rehabilitation to treat their addiction. Another example that can have a significant impact on the community's social development by fostering new norms is the implementation of a scholarship program to support the education of the next generation. This illustrates how the legal system can contribute to maintaining societal order.

Participatory Society in the Formation and Enforcement of Laws

Satjipto Rahardjo (2004) emphasized that the law evolves and exists within society, rather than being formed instantaneously. The ideals and norms of community life are then abstracted to form the basis of law. The resulting legal framework becomes the foundation and direction for the lives of society, the nation, and the state. The state is responsible for enacting and enforcing laws. Lawmaking and law enforcement are inseparable parts of a unified system. It is quite possible that law infractions will arise throughout its implementation (Ariyanti, 2019). The state addresses these issues through law enforcement officials, aiming to establish organized laws for the maintenance of harmonious community life.

According to Jhon Austin, as quoted by Darji Darmodihardjo dan Shidarta (2004), the nature of law contains a command element, as it consists of a set of rules that society is obligated to adhere to. The definition of the command element implies that it is something mandatory for everyone, and compliance may or may not be carried out. In addition to specifying consequences for breaking the law, it is also expected to evoke a sense of fear in potential violators. If law enforcement is aware of the principles that must be upheld in order for justice to be served, its coercive nature can be applied carefully and fairly (Aburaera et al., 2013). On the contrary, if the requirement of justice is not met, the law may also be a terrifying force for society. The objective of law is to delineate boundaries that individuals cannot breach against others, in order to foster a peaceful community life. Since the enforcement of law is inherently authoritative, human values must be preserved when putting it into practice. If law enforcement officers are unable to distinguish between right and wrong based on their consciences, the law will never succeed in delivering justice. If the element of command is not coupled with upholding justice and has a positive impact on society, the law will just serve as a tool to constrain society.

According to Aristotle, as quoted by R. Soeroso (2009), the purpose of law is to protect justice based on moral principles of fairness acknowledged by society. In reality, justice is highly subjective and depends on the perspective of each individual. As a result, law enforcement suffers from a sense of justice that isn't universally realized. The case of Minah, who stole three cocoa pods, elicited compassion from the general population. This is so because Minah was given a one-month-and-fifteen-day jail sentence after the judge found her guilty (Dwiatmodjo, 2012; Purwokerto District Court, 2009). The community perceives that the criminal conviction in this case has harmed law enforcement's sense of justice. This sentiment arises due to Minah's advanced age and poor socioeconomic background as a farmer. The fact that Minah must go through a difficult legal process at her age has raised concerns in the community. However, the court's decision provides a sense of justice to the cocoa companies that reported Minah. Other examples include the stealing of a watermelon by Basar Suyanto and Kholil. To quench their thirst on a hot day, they took a watermelon from someone's garden and ate it. Both were found guilty and given prison terms of 15 days (Abi, 2009).

Legal certainty is the primary aim of law in both instances, where criminal penalties are imposed on those who commit offenses. Nonetheless, the case study also demonstrates that the law is unforgiving. The normative aspect of the law underlines that an offense cannot be justified to uphold the value of justice. This is yet another limitation in the law itself. People are moral beings by nature, and they can evaluate a situation to judge the importance of fairness. In these two cases, the value of the loss resulting from the committed actions is not significant, and the offenders are in poor financial condition. The community believes that the case should be settled through mediation rather than going to court, and that compensation should be provided. Of course, there is a chance that this approach might not have a deterrent impact. Yet, a sense of fairness will appeal to conscience more than indiscriminate punishment.

Legal certainty can have negative effects if justice is not prioritized in law enforcement. The maximum limit of permitted and prohibited actions should be based on legal certainty. To prevent arbitrary actions against society, law enforcers must exercise their authority grounded in legal clarity. The principle of fairness must be respected in the implementation of law enforcement (Putri & Arifin, 2019; Suhardin, 2007). When the law meets the requirements of a sense of justice, it contributes to the happiness of the community and avoids

causing harm to various parties. The judicial system should be employed as a last resort in law enforcement.⁸ Taking the instances of watermelon and cocoa theft linked earlier, there shouldn't be a need to resort to lawsuits to resolve such issues. This calls for the application of conscience as a human being compared to the way legal certainty is carried out as the normative aspect of a law.

Recent developments frequently elevate legal purity to the utmost priority. However, the law contains impure norms as well. According to Scholten, as cited by Isharyanto (2016), a law that is strictly executed will only result in a "bloodless phantom." The law encompasses not just rules and regulations but also court rulings and societal norms. When looked at more closely, societal norms that exist and evolve are also covered by the law. Law must be adaptable in order to accommodate changes in social life (Nurhayati, 2020). Similarly, law enforcement must act in accordance with the community's sense of justice. Law must be able to adapt to people's lives in addition to being a tool that drives societal dynamics (Ali, 2002). Achieving the value of benefit in the application and enforcement of law is the essence that must be realized.

Justice is the most difficult thing to comprehend and to attain in a legal system, primarily because perspectives on justice vary widely. Justice is also an abstract concept, which makes upholding it a difficult issue for law enforcement. Justice is frequently interpreted in light of the social, economic, and freedom principles (Uke, 2017). The notion that everyone's freedom should be equal as long as it doesn't infringe on the rights of others to their own freedom is explicitly stated in the 1945 Constitution of the Republic of Indonesia.⁹ Every

8 Restorative justice is an alternative to criminal justice, aiming to resolve problems by prioritising integration between perpetrators and victims to find a solution. In the process of resolving criminal matters, restorative justice takes a concentrated approach toward criminals, victims, and the community (Candra, 2013; Herlina, 2004; Prayitno, 2012). The emphasis should be placed so that the perpetrator can reflect on and accept responsibility for his actions. Victims are the primary focus of restorative justice implementation, with their recovery carried out by perpetrators in accordance with mutual agreement. This recuperation is meant to restore the situation to its pre-crime condition. Yet, in certain circumstances, complete recovery for victims may not be achievable. As a result, restorative justice cannot be used in cases of murder or other serious crimes. The community later plays a role in overseeing and contributing to the development of victim recovery measures (Satria, 2018).

9 Article 28], paragraphs 1 and 2 of the 1945 Constitution of the Republic of Indonesia, states "(1) Every person shall respect human rights of the others in the order of life of the society, nation, and state. (2) In the exercise of his/her rights and freedom, every person shall abide by the limitations to be stipulated by the laws with the purpose of solely guaranteeing the recognition as well as respect

human being possesses the fundamental right to freedom, encompassing the freedom to express thoughts. The core principle of social justice is the equality of all individuals before the law. Unprofessional conduct by law enforcement based on one's position or social status can breed a sense of injustice within the community. Similar considerations apply to economic principles; an individual's financial condition might influence their perception of justice in law enforcement. If someone facing financial difficulties receives a heavier punishment compared to someone with better financial status, it erodes trust in law enforcement within the community.

In the practice of law enforcement, justice must be upheld strongly and firmly. This seeks to bring out community peace and order as well as increase people's faith in the functioning of law enforcement. An effective judicial system depends heavily on law enforcement (Ariyanti, 2019). Lawrence M. Friedman (1975, p. 14) described the legal system as follows:

The structure of a system is its skeletal framework; it is the permanent shape, the institutional body of the system, the tough, rigid bones that keep the process flowing within bounds. We describe the structure of a judicial system when we talk about the number of judges, the jurisdiction of courts, how higher courts are stacked on top of lower courts, what persons are attached to various courts, and what their roles consist of. The substance is composed of substantive rules and rules how institution should behave.

Friedman underscores the interdependence of each facet within the judicial system. The legal system will be crucial to law enforcement's ability to exercise its authority. The legal system will operate in accordance with what the legal substance mandates. Thus, it is expected that the creation of effective laws will ultimately serve the community. The social life will likewise be affected by legal culture, contributing to a secure and peaceful communal existence. These three components combine to shape the overall legal framework of a nation. In reality, Friedman overlooks the fact that society is more than just a tool for change that must abide by the law. Another crucial dimension of law enforcement involves the community. The fourth component is the participatory society, founded

for the rights and freedoms of the others and in order to comply with just demands in accordance with considerations for morality, religious values, security, and public order in a democratic society.”

on the community's awareness and strong willingness to oversee and actively engage in law enforcement actions (Akmal et al., 2021). Law enforcement cases that draw attention from the public, such as those involving corruption or those that are thought to obstruct a sense of justice in the community, are the most common direct examples of participatory society.

A case that profoundly impacted the community's sense of justice occurred in the middle of 2022. The investigation centered around the murder of Brigadier Nofriansyah Yosua Hutabarat (Brigadier Yosua), perpetrated by Police Inspector General Ferdy Sambo (Inspector General Sambo), one of his own superiors who headed the National Police's Professional Division and Security (*Kadiv Propam Polri*) (CNN Indonesia, 2022a). The case gained public attention due to the manipulation of actual events to obstruct the law enforcement process. Details about Inspector General Sambo's orchestration of the murder surfaced during the trial, revealing that Brigadier Yosua had been killed under orders from Inspector General Sambo, transmitted to Bharada Richard Eliezer Pudihan Lumiu (Bharada Eliezer). Inspector General Sambo's scheme was somewhat ingenious, as it eliminated evidence and portrayed the incident as a mutual shooting between Brigadier Yosua and Bharada Eliezer. Moreover, Inspector General Sambo claimed that Brigadier Yosua had sexually assaulted his wife, although this allegation could not be substantiated during the trial. Bharada Eliezer eventually agreed to cooperate with the court system and revealed the true sequence of events. Following that, Inspector General Sambo was put on trial for murder with the intent to kill and sentenced to death (Saputra, 2023). In the meantime, the judge designated Bharada Eliezer as a Justice Collaborator¹⁰ and merely ordered a 1 year and 6 months in prison term (Wiryono, 2023).

The investigation into this case has garnered significant community involvement. Since Brigadier Yosua's murder case initially appeared in multiple media outlets, the public perceived inconsistencies between the police's

10 A Justice Collaborator is a witness to a perpetrator who committed a crime and realized what he had done but is not the main actor who testifies in court. Through their witness statements, the justice collaborator provides information or evidence that significantly contributes to the disclosure of the case and may unveil other actors who played a bigger role in the actual events. The objective is to offer legal protection and preferential treatment to anyone who knows, reports, or discovers information that can assist law enforcement officers in identifying and effectively handling criminal crimes (Supreme Court Circular of the Republic of Indonesia Number 04 of 2011 on the Treatment of the Reporter of a Criminal Offense [Whistleblower] and Witnesses of the Perpetrators who Work Together [Justice Collaborators] in a Particular Crime Case).

explanations and the likelihood of the actual incident. The community then demanded for a more thorough investigation into the current event. As Bharada Eliezer agreed to participate as a justice collaborator in court, the scenario originally created by Inspector General Sambo finally saw some progress. The public has closely followed the developments of this case, culminating in the judge sentencing Inspector General Sambo to death. For law enforcement to function effectively, the community feels compelled to actively supervise this case. The murderers, notably ranking as Inspector Generals, raise public concerns about potential obstruction of justice or arbitrary behavior by law enforcement officers, possibly punishing an innocent person (Jeremiah & Manurung, 2022). The phrase “the law must be applied equally to everyone, not just sternly to the community but also to someone in a seat of power” carries a metaphorical significance. Law enforcement must pursue those who have violated the law, and the community demands justice. Law enforcement must be exercised not just against common citizens but also against those in power or unscrupulous law enforcement officers. If law enforcement is only based on legal certainty, it is quite likely that officials will abuse their position for their own benefit. Considering the assassination of Brigadier Yoshua, law enforcement must genuinely embrace the participatory society.

A participatory society is not based on a specific legal system, as evidenced by the United States, where the Anglo-Saxon judicial system is applied, and where an injustice occurred in the death of George Floyd (Taylor, 2021). The public’s response to this specific case, demanding justice, was overwhelming. Legal officials are consistently under public scrutiny; therefore, law enforcement must adhere to moral standards of justice and embody fair law enforcement. It is necessary to do away with subjective performance implementation and prioritize objective implementation (Tyler, 2003). In turn, the community can become law enforcement partners, particularly in enhancing law enforcement implementation in the field, which can be linked to increased public trust and confidence in law enforcement.

Law enforcement plays a crucial role in translating legal principles into action. Unlike humans who can think and act with conscience, the law itself cannot act independently. Hence, the legal system assumes a vital role in the execution and enforcement of laws. The efficacy of the law is closely tied to the benefits it imparts. If the implementation and enforcement of the law fail to align with the principles of justice, laws that emphasize the value of benefits

for the community may lose their significance. It is necessary for the community to be able to supervise the implementation and enforcement of the law. Legal officers are also humans with the potential to make mistakes or act selfishly without considering the interests of the larger community.

Conclusion

The development of a nation's legal system is intricately linked to the evolving understanding of the law by lawmakers, law enforcement officials, and society. This interwoven relationship carries a philosophical correlation as each element contributes to the overall framework. However, the law's ability to delve into concepts like legal certainty, justice, and benefit remains insufficient. The major issue is that the state still struggles to comprehend the true nature of the value of benefits. The benefits of law are currently thought to be limited to law as a means of social control rather than recognizing its broader role in societal development. Achieving an ideal legal system necessitates thoughtful consideration for society, with legal grounds in societal needs. In practice, the major subject is not the state but society. Lawmaking law enforcement, and legal application have a direct impact on society. As a result, legal development must make society the catalyst of change rather than the other way around, turning society into a tool under the control of the state. In the current dynamics of social and political life, this is a legal ideal that is long awaited.

Legal ideals are not only a wish, but something that must be realized by the state. The state's fundamental objective as the largest entity within community must be to prioritize the protection of individual rights. This requires vigilant attention from the state and its institutions. Lawmaking, implementation, and enforcement must all bring value to people's lives. A well-defined formula prescribes the correct execution of these processes. Firstly, in crafting laws, it is essential to recognize that standardization also includes benefits to society beyond conferring legal certainty. These envisioned benefits should manifest as objectives for societal welfare and the protection of every right that the state ought to grant in the form of human rights and constitutional rights. Secondly, the application of the law must align with the dynamic realities of society. To prevent societal breakdown, egoism of personal interests must be eradicated and, to the greatest extent possible, prevented, akin to addressing incidents of corruption. This must be a concerted effort to bring clarity to

the creation of the laws that will be enacted. Thirdly, law enforcement ought to be able to bring justice to the larger community, particularly in situations where the sense of justice is disrupted. Law enforcement officers need to comprehend that justice extends beyond mere adherence to regulations; it also involves honoring one's conscience. Lastly, the state must assist participatory society, recognizing that this movement is driven by the pressing needs of societal development. The state can contribute by reformulating policies to enable public participation in the legal system. Of course, this policy reformulation fosters a deeper understanding of democracy by upholding individual freedom of speech while simultaneously emphasizing the interests of the broader community.

Legal ideals are not limited to certain legal systems because society is a vital subject of state entities. Essentially, every country tries to create prosperity for its citizens, the formulation of laws aims to meet the needs of society, and law enforcement will always place society at its centre. These principles are not confined to any particular legal system, because they are state obligations that are sought to be achieved. Likewise, the involvement of participatory societies in the formulation, implementation and enforcement of laws reflects a commitment to democratic ideals by granting people the right to play an active role in the applied legal system. This also implies that the law belongs to social entities rather than just individuals or specific groups. Society as a whole transcends distinctions of race, religion, gender, skin colour, or any other form of discrimination. Citizens share equal rights and obligations within the social fabric of society and the state. Thus, legal ideals are an essential formulation ensuring benefits for society.

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