

## Community Perspective and Implications for Law Enforcement in Indonesia: A Sociological Study of Law

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**Abstrak** This article examines the public's perspective on law enforcement in Indonesia and its implications for the effectiveness of the legal system. With a sociological approach to law, this study aims to identify how public views regarding weaknesses in law enforcement affect trust and compliance with the law. Using sociolegal legal research, which is a type of approach in legal research that integrates the analysis of laws and regulations and legal doctrine with the study of social phenomena that interact with and are influenced by law. The results show that there is significant dissatisfaction among the community related to the implementation of the law, which is often considered inconsistent and unfair. Public perceptions of corruption, slow legal processes, and law enforcement's inability to handle cases effectively contribute to a decline in trust in the legal system. Implications of these findings include the urgent need for more transparent and accountable legal reforms, as well as increasing the capacity of law enforcement agencies to meet public expectations. This study concludes that improving law enforcement requires an approach that involves active participation from the community as well as increasing integrity and professionalism in legal institutions. Key recommendations include strengthening social control mechanisms, increasing training for law enforcement, and implementing a transparency system to improve the relationship between law and society.

**Keywords:** Sociology of Law, Application of Law, Law Enforcement

### 1. INTRODUCTION

Indonesia as a country of law. This statement indicates that all actions must be based on the law (Amanda, 2023). Law is a regulation found in a country made in written or unwritten form that aims to bind the community to comply with existing laws, if there is a violation, of course there will also be sanctions or punishments for violators. Every country has the right to have and make its own laws. In Indonesia, there are many laws that apply, ranging from written laws such as laws, and so on. And also unwritten laws such as customary law, natural law, and so on. About how to realize justice and legal certainty is of course inseparable from the law enforcers who carry it out, in essence the law is just a text, the law will become a reality if it is driven by humans (Riswan, 2022). Law enforcement is an effort or process to achieve justice based on legal concepts (Putri, 2023).

The law applies to the community, so something done by the community will certainly also be related to the law. Therefore, the community should be more careful and continue to implement the existing law or we can call it regulations. In the life of society, the law is not only a writing or binding but also many benefits that will be obtained if we obey the law. There are several benefits that will be received if we obey the regulations that have been set, including (1) the community will be more orderly and safe (2) the community will also know what to do and what is prohibited (3) and also as a means to realize social justice in people's lives.

And now what if this law in its implementation has weaknesses. This is a problem in the application of the law in Indonesia which is still weak in law enforcement (HR, 2021). The legal system in Indonesia is already fairly strong, but the people who are related to and involved in the implementation of this law make the law weak. There are so many things that often happen, whether they are informed on social media or we see them with our own eyes. So if we relate it again to the community. So, what exactly is their view on the application of the law in Indonesia.

## **2. THEORETICAL STUDIES**

### **Legal Perspectives**

In the Great Dictionary of the Indonesian Language, perspective is a way of viewing, viewing, or a way of describing an object in three dimensions (length, width, and height) on a flat plane. It can be concluded that perspective is a way of looking at an object, and perception is the act of interpreting information to describe and understand the environment (Fitriyah, 2021).

Therefore every view we have of an object and that from our perspective will be called perspective. As well as our view of the law in Indonesia, which is called the perspective of "Covering Laws" (Littlejohn & Foss, 2009). This perspective of "Covering Laws" basically has some limitations. The limitations in question, especially in the context of social sciences, are: (1) The application of the principle of universality is relative; (2) The statistical formula of covering laws is difficult to apply in observing human behavior because basically human behavior is fickle and difficult to predict; (3) Man in his life is also bound by specific cultural bonds; (4) human life is full of diversity and complexity; (5) The nature of human life can change; (6) The analysis of covering laws is too based on statistical calculations that are not necessarily in accordance with reality.

## 1) Community

Meanwhile, if we talk about society, then there is also a lot of understanding from the community. Society is also a complement of living things that are numerous and interrelated with each other (Haryono, 2012). The term community comes from the Arabic language, namely *syaraka* which means to participate or participate. Meanwhile, in English, society is a society whose meaning includes social interaction, social change, and a sense of togetherness. In other literature, society is also called a social system. Society also means that human life interacts according to a certain system of customs that is continuous, and which is bound by a sense of shared identity.

## 2) Indonesian Law

Law and society are things that cannot be separated from each other (Anggraeni & Novi Damayanti, 2022). Indonesia merupakan negara yang menjunjung tinggi hukum sebagai kekuasaan tertinggi berdasarkan Pancasila dan Undang-Undang Dasar 1945 (Anisa Jan Anggraini, Choirun Nisa, 2024). The State of Indonesia asserts itself as a state of law as stated in Article 1 paragraph (3) of the Constitution of the Republic of Indonesia in 1945. The state of law referred to here means that a state that upholds the rule of law to uphold truth and justice (Fadhlin Ade Candra, 2021). Interestingly, Indonesia adheres to three legal systems at once that live and develop in the life of the community and the constitution, namely the civil law system, the customary law system, and the Islamic legal system. The civil law system that has the character of "written law" developed in Indonesia during the Dutch colonial period and still survives until now affecting today's legal products.

Although the colonial period ended 72 years ago, the seeds can still be felt today considering the existence and enactment of several products of Dutch colonial civil law. In the field of criminal law, *Wetboek van Strafrechts (WvS)* is still valid through Law Number 1 of 1947 as a guidebook in the criminal field (Criminal Code). In the civil field, *Burgerlijke Wetboek (BW)* or the Civil Code and *Wetboek Van Kopenhandel (WvK)* or the Commercial Code are still valid. Meanwhile, in the field of civil events, the *Herzien Inlandsch Reglement (HIR)*, the *Rechtsreglement voor de Buitengewesten (RBg)* and the *Reglement op de Burgerlijke Rechtsvordering (RR)* are also still in force and there has been no change. In addition, customary law as an original law that grows and develops from the customs of the community which greatly affects the process of enacting law in Indonesia, and this customary law is

very diverse in Indonesia. So, in general implementation, it will face obstacles but it is quite efficient for the local community to enforce it. In fact, when calculated, more people are obedient and subject to customary law than state law (Aditya & Yulistyaputri, 2019).

Previous research aimed to obtain comparative and reference materials. In addition, to avoid the assumption of similarity with this study. So in this literature review, the author lists previous studies, including:

a) Research results from Zaka Firma Aditya, dkk. (2019)

Research by Zaka Firma Aditya (2019) entitled "*Romantisme Sistem Hukum Di Indonesia: Kajian Atas Kontribusi Hukum Adat Dan Hukum Islam Terhadap Pembangunan Hukum Di Indonesia*". This research is a legal research with a normative legal method that is prescriptive, using a statute approach, a comparative approach and a historical approach.

Based on this research, it can be concluded that the civil law adopted by Indonesia, whose main principle is to positively affirm the law in the form of written rules or stated in the form of law, theoretically does not recognize unwritten laws. Meanwhile, customary law as Indonesia's original law is experiencing a period of fuktization with the increasingly disappearance of the existence of customary law as one of the sources of law in Indonesia. The main reason for this is the assumption that customary law is very primitive, outdated, and ancient.

b) Research results from Suwandi Arham Dan Ahmad Saleh (2019)

Research by Suwandi Arham and Ahmad Saleh (2019) entitled "*Omnibus Law Dalam Perspektif Hukum Indonesia*". This research is a research in the form of normative legal research. The typology of the research is descriptive analytical with the aim of describing and analyzing legal language in the preparation of legal norms. The type of data used is secondary data derived from primary legal materials and secondary legal materials. Meanwhile, primary legal materials are laws related to the issues that are the topic of study.

Berdasarkan penelitian ini dapat disimpulkan bahwa teori hukum berperan sebagai ajaran metode bagi praktek hukum yakni praktek pembentukan hukum. Dengan memahami dan melaksanakan ajaran metode tersebut, maka diharapkan dapat terbentuk aturan hukum yang ideal. Aturan hukum yang ideal berarti aturan hukum yang memperhatikan momen idiil, politik, normatif dan teknikal,

serta memenuhi syarat keberlakuan moral, faktual dan yuridikal aturan hukum tersebut dapat dipertanggung jawabkan secara ilmiah, karena konsisten dan taat terhadap asas-asas pembentukan peraturan perundang-undangan.

c) Research results from Muhammad Akbar Kun (2023)

Research by Muhammad Akbar Kun (2023) entitled “Hukum Indonesia Makin Lemah Terhadap Koruptor”. This research is a normative legal research where this research focuses on positive legal norms in the form of laws and regulations. The source of legal materials used is primary legal materials (legislation, official records, or minutes in making legislation and judges' decisions) and secondary legal materials, namely legal materials in the form of legal opinions that provide explanations of primary legal materials.

Based on this research, it can be concluded that the crime of corruption is one part of the special criminal law in addition to having certain specifications that are different from the general criminal law. Corruption crimes, which are extra ordinary crimes, have a more complicated complexity compared to convertible crimes or even other special crimes. The elimination of Government Regulation No. 99 of 2012 has made the public uneasy due to the simultaneous release of corruptors due to the new rules in Law Number 22 of 2022 concerning Correctional Services which states that corruptors can be released on parole with aspects that have been fully.

Problems and Gap Analysis, The problem contained in this article is why the legal implementation system in Indonesia is still relatively weak. There are many public views on this, people wonder what really happened. In fact, in this country, the law has been clearly regulated. Whether it is the person who makes or enforces the problematic law. The public is not just an opinion, but they have seen for themselves the laws that are applied in this country, such as there are no strict punishments for corruptors, traffic violations that often break through, and so on. This is the basis of this article, another important problem is that of course the weak law in Indonesia will also cause social disparities, and the injustice carried out by the rulers.

While the purpose of this article is as follows:

- (1) Providing an explanation of Indonesian law.
- (2) Know and understand the legal rules that apply in Indonesia.
- (3) Providing information about the weak application of the law.

- (4) Knowing the impact of the consequences of the legal system implemented is still weak.

### **3. RESEARCH METHODS**

This study uses the sociolegal law research method, which is a type of approach in legal research that integrates the analysis of laws and regulations and legal doctrine with the study of social phenomena that interact with and are influenced by law. This approach aims to understand how law operates in society, how law affects social behavior, and how social, economic, political, and cultural factors affect the development and application of law. This approach can be used to study people's lives as well as certain social traditions and customs (Nasution, 2009). The approach used is an interdisciplinary approach, namely combining methodologies and perspectives from social sciences, namely legal anthropology with legal analysis on law enforcement in Indonesia.

The analysis of legal materials in the socio-legal approach is carried out by integrating juridical and social methods. Studying the legal literature and the views of legal experts to gain an in-depth understanding of applicable legal principles and theories. As well as using social and legal theories to interpret empirical findings and explain the dynamics between law and social phenomena. Build an analytical framework that combines legal and social perspectives to understand how law is influenced by and influences its social context.

### **4. RESULTS AND DISCUSSION**

#### **a. Law in Indonesia in the Study of Legal Sociology**

Indonesia itself has subdued itself to adhere to the civil legal system, so the main principle is to put the law in the form of written rules or written in the form of laws. Law is a set of regulations that contains a kind of unity that we understand through a system (Hadi, 2022). Laws that are not written are not recognized as laws, as well as regulations made other than by the state are also not called laws but as morals of society. However, this civil law system in practice has many weaknesses because of its written nature so that it is not flexible in following the development of society, tends to be rigid and static (Aditya & Yulistiyaputri, 2019).

In the life of the nation and state, society will be bound by a law both written and unwritten. Written laws are usually written in the form of laws made by the House of Representatives and approved by the president. The law itself is made for

the common good, meaning that this law is binding. In addition, this law is also a regulator of people's behavior, which is good to do and what is not good to do.

Within the scope of the state, if the law is not obeyed, it will cause him to be exposed to witnesses, in accordance with the legal agreement that has been approved. In addition, another law is the unwritten law. These unwritten laws, for example, are customary law, natural law, and so on. In traditional community groups, usually this law is still carried out even with the times. Why is that, because they still believe in what happens if they do not follow the customary law in their area. For example, the customary law of calculating the calendar of the Javanese people.

Therefore, we as a society that obey the law in Indonesia, both written and unwritten. We must enforce the laws that have been in force, so that our justice and order in running the wheel of life are maintained.

The study of legal sociology examines the interaction between law and society and the impact of law on social structures and individual behavior. In the Indonesian context, the sociology of law helps to understand how law functions in diverse societies, as well as how social, cultural, economic, and political factors influence and are influenced by law. Law in Indonesia plays a role in shaping social structures and regulating relationships between individuals as well as between individuals and the state. However, complex social structures, including cultural, ethnic, and religious plurality, affect how law is accepted and applied. In the study of the sociology of law, it is important to consider how the law adapts to this social diversity and, conversely, how social and cultural norms affect law enforcement.

Law enforcement in Indonesia often faces challenges in achieving social justice. Issues such as corruption, unequal access to justice, and legal uncertainty often hamper the effectiveness of the law. The study of legal sociology analyzes how injustice in law enforcement affects people's trust in the legal system and how this affects social behavior and compliance with the law. Law in Indonesia is also influenced by the dynamics of social change. Changes in social values, technological developments, and globalization can affect the way laws are applied and accepted. For example, rapid social changes such as urbanization and digitalization affect the way the law regulates new issues such as the right to privacy and cybercrime. The study of the sociology of law explores how the law adapts to these social changes and the challenges faced in the process.

The study of the sociology of law provides in-depth insight into how law in Indonesia operates in a complex social context. Understanding the relationship between law and society, as well as the social factors that affect law enforcement, is an important step towards improving effectiveness and justice in the legal system. By taking into account social, cultural, political, and economic dynamics, as well as the integration of local wisdom, the legal system in Indonesia can be improved to be more responsive to the needs of the community.

**b. Community Perspective on Weak Law Enforcement in Law Enforcement**

Society is an important component in a country. This is because the wheels of government in a country will be like from, by, and for the people. Therefore, the public also has the right to voice the gap that occurs as a result of the weak application of the law in Indonesia.

There are a lot of weak laws in Indonesia, such as criminal acts for corruptors, where this act of corruption is included in an extraordinary crime (Kum, 2023), lack of indecisiveness in traffic rules, injustice due to crime, and so on. As an extraordinary crime that can consequently harm the country's finances and disrupt economic and social development, especially for developing countries (Riskiyanti Juniver Siburian, 2022), So when we see corrupt criminals on various social media, they are only sentenced to a short prison time and also in addition to the time, in prison they are also treated better than other inmates. Also regarding the frequent escape of corruption perpetrators is not mainly caused by the mere existence of criminal elements, but is very dependent on the goodwill of legal actors and the political will of the government (Sutrisno, 2020).

Not only is the crime rate increasing, which is troubling, but it is also getting worse in terms of quality, intensity, and gender (Fadlail, 2023). The factors in this case are certainly power and money. Therefore, the state must form laws through its power apparatus, namely laws that can be accepted in society (Harahap, 2019). Because in an effort to realize a peaceful, safe and peaceful life, it is necessary to have rules to regulate the social life of the community so that fellow humans can behave well and harmoniously (Moho, 2019).

In addition, we also often see weaknesses in traffic rules, which are often motorcyclists or cars and the like. Frequent traffic violations, such as not wearing a helmet, and breaking through traffic. The police who are law enforcers in their fields



are still relatively indecisive because they work only to fulfill their duties, not work because they want public order.

We can see that the Indonesian people have given their views several times regarding the issue of weak laws in Indonesia. They argue that the weak law in Indonesia is not because of the system, they say that the legal system in Indonesia is good.

But what is the problem today is that the person who makes the law look weak. The ruler should understand the existence of this community complaint. This legal injustice causes the public to become uneasy because the government only cares about those who have money rather than the integrity of the government itself. The tendency to be hampered by various efforts to handle the law by political interests is beginning to be seen and felt by most of the public (Adnani, 2022).

Therefore, it is appropriate that the public's view of Indonesian law, which is still relatively lacking in value, should the government continue to follow up on the application of the law in Indonesia, especially related to the deterrent effect that is not optimal for perpetrators (Harefa, 2019). There are many things that will arise as a result of the weak implementation of the existing legal system in Indonesia, as is the case.

- 1) Injustice in society will arise.
- 2) Unrest that occurs in the community.
- 3) There will be chaos in the wheel of life of the nation and state.
- 4) Certain communities or rulers will behave arbitrarily so that it will harm other communities.
- 5) And so on.

Effective law enforcement is the key to creating justice and order in society. However, the application of the law often encounters obstacles that cause dissatisfaction among the community. This article discusses the public's perspective on the weaknesses of law enforcement and how these perceptions affect trust and compliance with the legal system. The public often has a critical view of the application of the law, especially when the law is considered not to be applied fairly or consistently. Some of the key aspects of the public's view of the weaknesses of law enforcement include:

- 1) Corruption and Nepotism: Many societies feel that law enforcement is affected by corrupt practices and nepotism. This creates the impression that the law is not applied evenly and fairly.
- 2) Legal Uncertainty: Ambiguity in the application of the law and differences in the interpretation of the law can lead to confusion and uncertainty among the public.
- 3) Delays in Legal Process: Slow legal processes and complicated bureaucracy are often considered to hinder the achievement of justice, thereby harming the parties involved in the legal process.

The public's perspective on the weaknesses of law enforcement reflects the various challenges faced in the Indonesian legal system. Understanding this view is an important step in identifying areas that need improvement in law enforcement. Reform efforts and capacity building for law enforcement, as well as strengthening community participation, are key to improving law enforcement and rebuilding public trust in the legal system.

## **CONCLUSIONS AND SUGGESTIONS**

Weaknesses in law enforcement show that people are significantly dissatisfied with the application of the law in Indonesia, which is often considered inconsistent and unfair. Factors such as corruption, legal uncertainty, and slow legal processes contribute to this negative outlook. Public perceptions of weak law enforcement have a negative impact on their trust in the legal system. This leads to a decrease in compliance with the law and can increase dissatisfaction and social conflict. Some of the main factors that cause weakness in law enforcement in Indonesia include the capacity and professionalism of law enforcement, the limitations of the judicial system, and unstable social and political conditions.

The advice given is, It is necessary to carry out reforms to improve transparency and accountability in the legal system. This includes regulatory updates, improvements to oversight mechanisms, and strengthening the judiciary to ensure a more consistent and fair application of the law. And Encourage active participation of the community in legal processes and oversight to increase the accountability of the legal system. Involving the community in legal policy-making and reporting of cases of irregularities can help improve the application of the law.

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