



Impact Of Political Policy On The Implementation Of Law Enforcement

Muhamad Romdoni¹, Santy Fitnawati WN², Rizki Nurdiansyah³

^{1,2,3}Primagraha University, Indonesia

Corresponding Author : ✉ muhamadromdoni@primagraha.ac.id

ABSTRACT

Enforcement law in Indonesia is still not yet walked with good and so concern. Problem enforcement law (law enforcement) always tends to inequality interaction dynamic Among aspect law in hope or das sollen, with aspect application law in the reality of the signal. In practice maintenance law in the field, there is sometimes a contradiction Between certainty law and justice. Writing this discusses the influence of politics on law enforcement in Indonesia. Politics and law are two things that affect each other. In enforcing the rule of law by institutions politics, the role of strength politics sitting in institutions politics is very decisive. When position law is more determined by politics, then activity political governed by and must be following rule law. The writer uses an approach to Socio-Legal studies, which is a study that sees law by merging Among analysis normative (norms law, juridical) and approach non-legal science. Socio-legal nature is prescriptive in that it gives solutions to problem law with a combined analysis of social normative and non-legal / aspect social approaches. Research results from this showing that politics heavily influence law in its formation. However, even though the law could not be separated from the element of political should when the law applies, all political activity must be subject to the law.

Kata Kunci

Law Enforcement, Policy, Politics

INTRODUCTION

Many good governance concepts are developed in various writings by experts with each argument and justification. In Thing, good governance is understood and applied as framework enforcement law. By theoretical will know the concept of "good law enforcement governance," in definition framework the concept of "enforcement good law" derivation direct of good governance. With Thus, "enforcement good law "more refers to the manner, performance or moral-legal style of implementation. As formulated by Satjipto Rahardjo, enforcement law is a process of realizing wishes law becomes a reality. Joseph Goldstein distinguishes enforcement law criminal into three parts, namely:

1. Total enforcement, namely room scope enforcement law criminal as defined by law criminal substantive (substantive law of crime). Enforcement law criminal in total this no possible conducted because the

enforcers law restricted by strictly by criminal procedural law which, among other things, includes: the rules arrest, detention, search, confiscation and examination introduction. Besides that, possible criminal law alone gives limitations, for example, needed complaint more formerly as condition prosecution for offenses complaint (last delicensing). Limited scope this is called an area of no enforcement.

2. Full enforcement, after room scope enforcement law the total punishment minus the area of no enforcement in enforcement law these are enforcers law expected could uphold law by maximum.
3. Actual enforcement, according to Joseph Goldstein, is full enforcement considered not a realistic expectation because existence limitations in form time, personnel, tools investigations, funds, and so on, all of which result in must-do discretion and the rest this is called with actual enforcement.

Law no only consist of mature law enforcement this not so vigorous sound in daily talks; different from some of the past, where almost every day is buzzed); stiffener the law also covers creator peace (Soekanto & Abdullah, 1987). In practice maintenance law in the field, there is sometimes a contradiction Between certainty law and justice p this is caused by the conception that justice is abstract something formula, while certainty law is something procedures that have been determined by normative. Law, of course, in favor of values justice that alone. Regardless that in working institutions, the law must work independently to give certainty and protection law. If already apply justice within the law, then could achievement something certainty law (Putri & Arifin, 2019).

In the Indonesian context, ideals and related facts with enforcement of justice still not yet could meet(Romdoni, 2022) . Hope will existence fair and just instruments and courts are very contradictory with rampant judicial mafias and practices of deviant law. At one level, certain Indonesian even could say they are in a state of lawlessness. The world of Indonesian law is in the power of "demoralization, disorientation, dehumanization, and decadence. " The law is an order from the ruler, in the sense of command from those who have power highest or the one holding sovereignty. The debate about the connection between law and politics has long roots in knowledge law. For circle adherents of Genre positivism law like John Austin, the law is none other than a product of politics or power.

In Indonesia, nuance politics is very in enforcement law that alone, like insert offense corruption in the RKUHP which provides the impression that there is an element want to disable the authority of the KPK as one of the

enforcement law in the field eradication corruption. Structure formation law is an institution the legislature in which consists of group representatives primary politics fight for aspirations political through the usual processes loaded politics. In actually seen from the process is a whole process aspiration political so that with thereby Constitution product institution this is no again character neutral. This thing is one distinguishing element Genre Conventionalism and Modern Theory Of Law where according to the last stream, that law is politics (Gjerdingen, 1986). From the description, the writer is interested in taking the title study with the theme "Influence Policy Political To Law Enforcement."

RESEARCH METHODS

In writing the study, this writer use approach to Socio-Legal studies, which is a study that sees law by merging Among analysis normative (norms law, juridical) and approach non-legal science. Socio-legal nature is prescriptive in that it gives a solution to problem law with a combined analysis of social normative and non-legal / aspect social approaches.

According to Soerjono Soekanto, in studying law, there are two types of study law reviewed from the research: Normative Law research and Sociological Law Research or Empirical (Soekanto, 1986). However, in answering the problem Author's law lift needs method socio-legal because this socio-legal approach is an effort to explore a time further explore something problem with no sufficient for study norms or doctrine law related, but also see my complete context norms and their application.

In the study, this Writer combines perspective discipline knowledge law with knowledge of other social knowledge politics and science philosophy as support in continuity study. Because many problems in a complex society that does not can be answered by textual and monodisciplinary, so that needed interdisciplinary something research. Research with mono discipline has been done by Hans Kelsen using the Pure Theory of Law. However, the result failed, so the needed approach is interdisciplinary to answer problems in existing law.

Picture 1.
Framework Draft Study



RESULTS AND DISCUSSION

Assumptions Towards Politics And Law

Law is a symptom social located in room social, and with that, no can be released from context social. Law is not the same entity very separate and not part from element another social. Law no will possibly work depending on ability alone even though he is equipped with device principles, norms, and institutions. Critical Legal Studies (CLS) is more appropriately categorized as something movement compared to a theory about philosophical law. CLS movement was born as a reaction to thinking the law that had taken root in America, and one hundred years later, this influenced draft of American law with its conventionalism. Criticism and objection from thinking CLS law are critics of formalism and refusal separation law from politics (separated law and politics). Clear that the CLS movement appears as critics against conventionalism because in theme main conventionalism thought that law is an autonomous and legal is something a political discipline.

According to the theory of Modern Theory of Law exists several assumptions about politics, including Foundational Versus Ordiari Politics, Foundational Politics, and Political Structure, straightforward and complex questions, Role of legal Culture of an element politics, The Psychology of Legal Thought, The Nature of Post War 1937. Modern Theory of Law says the law must be political separation carried out by CLS does not become problems in the era of traditional law liberalism. On the contrary, such thing is Thing major in The New Legal Studies. Though the law is already no again autonomous, one must recognize that law is permanently different from politics.

Struggle Between politics and law Keep going continuously our natural in Indonesia when this nation has experienced the political name law no healthy I say no healthy because interest individual or group more take precedence compared interest people, trust constitution not ignored with careful and healthy. Even not a little violate or trick law so that power and interests congratulations. Moreover, a few laws are made very laden interests (politics) so that harmful people. This wish that politics, of course, have more power strong compared to a law, so product the law not pro-people

Political Effect On Law Enforcement

An exciting issue studied in connection Between law and politics is the influence of political enforcement law. Topics this sometimes have mutual relationship effect. Political power is real power sourced from formal authority granted by law. Law is norm social and has nature fundamental. Its coercive nature sets it apart from other societies' norms (religion, decency, and decency. Because of the nature of having to force take effect, the law needs power (politics) to apply practically.

Mochtar Kusumaatmadja concludes that law needs power for implementation; on the contrary, power alone determines its limits by law. The general slogan says, "Law without power is wishful thinking, power without the law is negligence" (Kusumaatmaja & Sidharta, 2016) According to Purnadi, Ancient enforcement law is an activity harmonizing connection elaborated values in rules or solid views in attitude act as explanation score end for creating (social engineering) and maintaining (social control) peace association live. Enforcement law is concretization norm law in case fundamental.

In the process of enforcement of the law, according to Soerjono Soekanto, there is three critical elements thing to do involved. First, law or rule alone, second, mental apparatus law; third, facility implementation law, awareness and compliance behavior society. Concerning enforcement Law Mahfud MD stated: close opinion same Among influence political to formation law with influence political against enforcement law. Countries with system democratic politics tend to give birth to system enforcement effective law whereas those with system authoritarian politics will give birth to system enforcement stalled law.

Enforcement process Indonesian law concerning politics. A little refer to behind that on the regime order new showing system politics that does not mean democratic, this implication for the enforcement process law terrible. The judicial mafia reflects the law enforcement process during that time. Is there a change in enforcement law after the roll of reform? From side Constitution, of

course, many of the law that was born after reform but do not yet reflect the substance of natural law contain score philosophical that contains justice.

An example is Constitution Oil and Gas 2001 as if showing strong influence interest foreign for dominate Source Power Indonesian Natural Resources, Regulation Government Replacement Law (Perppu) regarding mining in the forest protect too three coins with the Oil and Gas Law loaded with interest foreign on Indonesian natural resources and ignore interest majority society. Almost all agency enforcers law (Police, Prosecutor, Court until Supreme Court, and advocates) contracted the Judicial Mafia virus. Besides the practice of discrimination in Enforcement law is still coloring enforcement law in Indonesia.

Again, the officials who hold positions specifically difficult touched by law coalition to achieve the importance (Romadlon, 2016). Looks visible the existence of discrimination enforcement law. Must admit that the legal process case corruption and other cases, especially those related with office State level and his family thick, feel the discrimination. However, sometimes discrimination must be seen as context justice for the high country and his family. Case corruption in the central KPU is an example of how law's "look feather" law cannot touch state officials who hold positions and are close with circle power. Law enforcement in Indonesia is like a sharp knife to the top and a blunt to the bottom. The law will be upright if the face Public is small and flexible when face holder power. That thing shows that politics will give direction to enforcement law. If the government has good political will in enforcing the law so the law could be established with good? If the ruler has no political will to enforce the law, then the law has small hope for enforcing the law with good.

Political And Legal Position: An Asusmi

Determinant law on political means that activity political is governed by and must be subject to the rules law then when political determinant on law, law results from wishes mutual politics interact and even each other compete. However, the ideal system that positions them in a balanced position determinant could shape regularity. Though the law is a product of decision politics, the law applies, so all political activity must be subject to the law. Those who only look at law from *das sollen* angle (necessity) or the idealists hold on a firm in the view that law must be guidelines in all level connection Among member Public including from *das sein* angle (reality) or the followers of understanding empirical see by realistic, that product Politics strongly influence the law, just in manufacture, but also in the facts empirical. Education political with high literacy has become a must for society, moreover with the

number of media that the community can use as an ingredient for reading politics in Indonesia (Manik & Suharno, 2019)

Activity legislature (law-making) in reality, of course, more many make political decisions compared with operating the fundamental law, moreover if profession law is linked with problem procedure. Look clear that institution legislature (which stipulates product law) is actually more closely with political from the law that alone with answering about connection causality Among law and politics could differ, depending on perspective used for an answer that. Mahfud MD says what law that no miss from influence political in the formulation even appear more dominant political inside it so that difficult find form neutral law from influence politics. With more understanding of reality, law, and power by fundamental, of course, in turn, creation and execution of law in one party and acquisitions, as well as the use of power on the other side, will always be more wise and wise (Rasyididan & Sidharta, 1994)

Problem connection Among law and politics in life nation and state always interesting for discussed because second Thing the is two continually variable effects. Like it is said, Moh. Mahfud MD that if there is a question about connection causality Between law and politics or question about is the law that affects political or influencing politics law, then at least three types of answers could explain it. First, the law determines politics because political activities are governed by and must be subject to law rules. Second, politics is a determinant of law because the law is the results or crystallization of wishes in mutual politics interact and (even) mutually compete. Third, politics and law as subsystems of society are in a position of degree determination balanced between the one with others because though the law is a political product decision, the law, there is so all activity political must subject to the rules law (Islamiyati & Hendrawati, 2019).

CONCLUSIONS AND RECOMENDATIONS

From the description above, it can be seen that what is understood as law and resources strength take effect law is heavily influenced by politics in its formation. Law is a semi- autonomous discipline; although it recognizes that law is no again autonomous however must recognize that law is permanently different from politics. According to the Modern Theory of Law, the conventional opinion states that law is autonomous has changed because legal culture does not again separate from politics. Because entry elements political to enforcement law result in intervention to enforcement law alone. Theory Justice mention one form of justice as fairness, which is neutral to all the offending

party law. Though law could not be separate from the element of political should when the law applies, all political activity must be subject to the law.

Some suggestions can be proposed by the researcher regarding the results of research, namely: Share maker policy should prioritize the interest Public large compared with the interest of personal and party. This thing results from policy made through negotiation politics that do not good will produce products that are not good too. So that already duly product the resulting politics could be following needs Public with supervision from element law.

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