



The Shadow of Downturn in Law Enforcement in Indonesia

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Abstract

This writing aims to determine the extent of the downturn in law enforcement in Indonesia and the indicators of its causes, as well as whether the responsive law and Pancasila values have been implemented by law enforcement officials in law enforcement tasks. The problem of law enforcement in Indonesia leads to responsive law based on the values of Pancasila. This research is a legal research, the type of research is normative research and sociological juridical. Research using random sampling techniques with multistage sampling levels, so that variability and probability are represented to be able to find out the level of legal adversity in Indonesia and its causes indicators and how to implement responsive law and Pancasila values in law enforcement and formation in Indonesia.

Keywords: Law Enforcement, Legal Adversity.

1. Introduction

Basically, the law exists to protect society, in order to create peace and tranquility and happiness. But it turns out that in reality now the law can no longer provide a sense of security for the people. Everywhere there are violations of the law. Law is no longer a means to create order in society but law is used as a means of power. The government, which should act as facilitator and mediator as well as guarantor of the rights of the community, is also complacent with the practice of injustice. There is a double standard whereby the law is sharply enforced on the poor but blunted on those who have money and power. There are social conflicts everywhere without any serious handling. Even the echo of sentiment towards religion and ethnicity is used as a means of dividing unity and unity. Pancasila is no longer rooted in the heart and there is a tendency for other ideological practices to flare up without tolerance so that disputes occur because of the government's lack of alertness and unpreparedness in the face of turmoil. As a result, the law in this country is indeed undergoing a process of decay. The morale of law enforcers is in doubt, even the moral of the political elites is questioned. The essential problem in law enforcement in Indonesia is not only about unresponsive legal products, but also comes from the factor of law enforcement officials. To lay the foundation of law

enforcement, the main pillar is law enforcers who are able to carry out their duties with integrity and good dedication. Because as long as the dirty broom has not been cleaned, any talk of justice will be empty, as long as the dirty broom is not cleaned, any talk of justice will be empty (Ahmad Ali, 2001-74).

Law enforcement must be carried out firmly without discrimination against perpetrators of law violations. For this reason, its implementation is carried out with full dedication and a strong sense of responsibility as well as moral integrity. Because of the existing phenomena, due to a lack of assertiveness or because of uncertainty in dealing with law violations, many lawbreakers have escaped from the snare of the law or in other words have been released from prosecution. So there is a proverb which says that "the law currently applied is like a spider's web", meaning that those who commit crimes in the high-profile category escape legal traps, while those caught are only the petty class.

Assessment and accountability of the implementation of law enforcement in Indonesia shows that the level of trust of the Indonesian people in law enforcement in Indonesia is below 60% (sixty) percent (Indonesian Survey Network, 2011). This means that people do not have enough confidence in the legal system and law enforcement officers in Indonesia. To carry out good law enforcement, it is hoped that law enforcement officers will not just become statute puppets, who carry out statutory provisions in a normative manner, but require a good Common Sense by law enforcement officials. Common Sense puts forward the principle of Sense of Humanity which is needed by law enforcement officials in handling a case so that in the future there are no cases that lead to other injustices.

Legal theory should not be blind to social consequences and not immune to social influences but be a bridge between formal legalistic normative thinking and responsive thinking, integrity has characteristics and a moral foundation that is able to distinguish between right and wrong, good and bad. . "Wouldn't one honest behavior be more noble than a thousand words." Finally we are on a classic question which is where will this country be taken? And what will the country be like in the future? The question that is a shadow of the downturn in law enforcement is too deep. The purpose of this research is to find the main source of the downturn in law enforcement in Indonesia, then to examine the problem of the downturn in law enforcement in Indonesia and then to formulate the right formulation in building a responsive legal system based on the values contained in Pancasila.

2. Approach Method

This research is a legal research, the type of research is normative research (Legal Research) and Sociological Juridical (Socio Legal Research). Because this type of research combines normative and empirical studies, normative / juridical analysis is primarily aimed at examining the concept of the rule of law in Indonesia and the problems of law enforcement that arise in it, while sociological / empirical analysis is used to see the extent of the living and developing legal reality. in society about enforcement problems in Indonesia and the level of public trust in law enforcement officials today.

The population in the study consisted of (1) law enforcement officers (2) private (3) students (4) traders (5) laborers (6) civil servants (7) prisoners and prisoners and (8) society consisting of all layers and levels. Research samples were taken from all levels of society consisting of prisoners / convicts, students, private sector, laborers, civil servants, and traders. Researchers also conducted interviews with law enforcement officials, namely Advocates, Prosecutors and Judges.

Data and information were collected through field research and library research. Field research or Field Research, is a way of obtaining primary data, that is, data is collected through interviews or direct interviews with the source concerned, in the form of questions and answers with related parties, and by providing questionnaires for the respondent's answer as a parameter of the research results. The research technique used purposive sampling method with direct interviews or face to face interviews using the sampling technique using a multistage sampling combination. This technique is used so that variability and probability are represented in order to know the level of legal deterioration in Indonesia along with the indicators of its causes and how to implement responsive law based on the values of Pancasila in law enforcement and formation. As for library research, it is a way of obtaining data which is secondary data in this thesis research, which focuses more on study and analysis or review of books or documents.

Primary data analysis was carried out using the theme analysis model of the research title (theme analysis). The idea of this theme analysis rests on the assumption that the overall result of the research and data analysis is something more than just the number of parts, so that it can be used as a primary data parameter. Meanwhile, secondary data analysis was obtained from an inventory of positive laws in Indonesia along with library materials that were analyzed juridically critical.

3. Result and Discussion

After the Indonesian people established the Indonesian state, the state's founders, Pancasila, was legalized as the basis of the Republic of Indonesia. As a nation and a country, Indonesia has ideals that are considered the most appropriate and true so that all ideals, ideas, ideas are contained in Pancasila. So it is in this sense that Pancasila is positioned as the Ideology of the Indonesian Nation and State and at the same time as the Principle of Unity and the Unity of the Indonesian nation and State. Thus Pancasila as the basis of state philosophy, is objectively raised from the perspective of life which is also the philosophy of life of the Indonesian nation that has existed in the history of the nation itself.

This view of life and philosophy of life itself is a crystallization of values that are believed to be true by the Indonesian people which creates a determination for him to manifest them in his behavior and deeds. View of life and philosophy of life are the driving force for actions and deeds in achieving their goals. Pancasila values have been reflected in the treasures of customs and religious life.

When the founders of the Indonesian State prepared the establishment of an independent Indonesian State, they were fully aware of answering a fundamental question, "on what basis was the Indonesian state founded". With answers that

contain the meaning of life for the Indonesian nation itself, which is the embodiment and embodiment of the values that are owned, believed, lived in truth by society throughout the ages in the history of the development and growth of the nation from birth. These values are the result of thoughts and basic ideas of the Indonesian people about life which is considered good. They create a value system that supports the order of social life and the spiritual life of the nation which gives the character, character and characteristics of the Indonesian people and nation that distinguishes it from other societies or nations.

Starting from the original social and spiritual structures of the Indonesian people, and inspired by the great ideas of the world, our founders, who were members of the Investigative Body for Preparatory Efforts for Indonesian Independence (BPUPKI) and especially in the Preparatory Committee for Indonesian Independence (PPKI), purifying and condensing the values that are owned, believed, and lived in truth by the Indonesian people into Pancasila which is formulated in the 1945 Constitution, as the State ideology, the nation's view of life, the State Foundation, and the source of all sources of law in Indonesia.

As we all know, geographically and demographically, this beloved Unitary State of the Republic of Indonesia has a plurality and diversity of religion, social, culture, politics, economy, etc. We all know that the Indonesian state consists of more than 17,500 large and small islands, a population of more than 220 million, various ethnic groups and regional languages and customs. This diversity and diversity is a form of God's grace for which we are grateful. However, what all components of the nation need to watch out for is the disintegration of the nation due to changes at the global, regional and national levels.

In the current changing era of Indonesia, in facing changes at the global, regional, national and local levels, an attitude and commitment is needed in order to increase the spirit of nationality in the life of the community, nation and state. The influence of globalization with a free market economy and the influence of external cultures can disrupt the cultural customs of our society. The negative excesses of reform have led to injustice, decreased willingness to respect each other / respect for differences, the tendency for primordialism to be colored with ethnic, religious and regional fanaticism. Various negative excesses of the democratic process have created social insecurity and potential inequality. Natural resource management does not pay attention to the welfare of the community, the emergence of disappointments which have a negative impact on the life of the nation. Other than that, The plurality of Indonesia's pluralistic society is so high that it still has the potential for latent conflicts which often concern the wider community. Differences in ethnicity, ethnicity, ethnic origin, and religion are often exploited by irresponsible parties to ignite hostilities. A number of community members have not been able to sincerely tolerate differences of opinion in open public spaces. Violence, threats, intimidation, and acts of terror are still often used to convey messages and aspirations of a group of people to other people who are considered different. Conflict can also be preceded by the inability of the community to accept defeat from a political competition. This is still quite evident as a symptom that appears after the election. Although a large number of pilkada were held very well, in several regions, the pilkada was still followed by a prolonged conflict marked by violence, threats and destruction, both

against political opposing groups and against election management institutions. Violence that is not resolved explicitly under the law has set a precedent for other violence, which in turn creates chaos and anarchist conditions in society at large. Finally, the law no longer has a sweet taste for its connoisseurs, but becomes an addiction to power because money can buy the enjoyment of life even though it is a pain.

The problem of law enforcement in Indonesia is very difficult to trace, like finding the cover or end of a circle, thus making crime more sovereign in the world of law and the world of justice in Indonesia. Law enforcement problems in Indonesia often begin in the world of justice, the judicial mafia is often a major factor in these law enforcement problems, because the judicial mafia is systemic and penetrates the sums of law enforcement.

The Chief Justice of the Constitutional Court, Mahfud MD in Political Law in Indonesia, said that:

... It is surprising to see that the law cannot always be seen as a guarantor of legal certainty, upholding the rights of society, or guarantor of justice. Lots of legal regulations are blunt, fail to cut through arbitrariness, unable to uphold justice and fail to present themselves as guidelines that must be followed in resolving cases that should be answered by law. In fact, many legal products are colored more by the political interests of the dominant power holders. (Mahfud MD, 2001: 1).

The current downturn in law enforcement was preceded by the decline in moral decadence of law enforcement officials, the concept or method of thinking "Money Oriented" was originally able to be transformed into a "Service Oriented without Money" mindset. So that legal reform is needed not only in terms of reforming the Law or its legal substance (legal substance reform), but also reforming the legal structure (legal structure reform) and reforming the legal culture (legal ethic and legal science / education reform), even in the current situation. , renewal of immaterial aspects in law, namely renewal of legal culture, legal ethics / morals, law enforcement officials, and legal knowledge / education can be reformed to realize the idealized law (*ius constituendum*) (Barda Nawawi Arief, 2010-6).

The essence of legal reform / development does not lie in the formal and external aspects (such as the formation of new laws, new institutional structures, additional judicial facilities / facilities, new mechanisms / procedures) but instead lies in the immaterial aspects, namely how to build culture and values. psychology in law so as to give birth to justice enforcers who have good integrity and have a human nature and a sense of justice in themselves, which will encourage the creation of better law enforcement towards responsive law based on the values of Pancasila.

The reform of the legal system, or what the author thinks is a legal system based on Indonesia Jurisprudence, is expected to be able to absorb the aspirations that live and develop in society. The law must be in line with developments in society, not only prioritizing the imposition of punishment as a solution to existing legal problems, but rather trying to solve problems through deliberation, won't solving problems through the judiciary for small cases will make the country more cost recovery swelled and added new jobs for the law enforcement officers themselves.

A responsive legal development strategy begins with building the rule of law as the main door of a nation in producing concessions, that law becomes the vanguard in

creating security and stability of a nation. However, the existing law is only understood as a rigid rule, and emphasizes the aspects of the legal system, regardless of the relationship between law and problems that live in a society. The theory of responsive legal thinking is presented by Philippe Nonet and Philip Selznick who outline three basic classifications of law in society, namely law as a servant of repressive power (repressive law), law as a separate institution capable of taming repressive and protecting one's integrity (autonomous law).), and law as a facilitator of various responses to social needs and aspirations that live and develop in society (responsive law). Of the three classifications of legal types mentioned above, the type of responsive law is the type of law that is most appropriate in building a legal system in Indonesia, whose typical people tend to prioritize deliberation as a way of solving a problem. (Philip Nonet and Philip Selznick, 1978: 54).

Pancasila as the basis of philosophy or ideology of the nation and state of the Republic of Indonesia is a system of thought, because it is the views and basic values of the state that are described in a Pancasila ideological view. The Pancasila ideology is always open because of the dynamic nature of its society, but the Pancasila ideology is absolute, which cannot be changed considering its essence as the foundation of the nation's life. Pancasila always follows the development and aspirations that live in society, each of its silical content is a manifestation of the manifestations desired by the people, because Pancasila is extracted from the roots of the Indonesian nation, so that Pancasila always follows the development and acceleration of society,

Pancasila as a philosophical system is essentially a scientific system. In everyday life, Pancasila is a basic guideline for the Indonesian nation in looking at the reality of the universe, human beings, society, nation and state about the meaning of life and as a human basis in solving problems faced in life and in life. Pancasila is a system of ideals or belief (belief-system) because it is used as the basis for the way of life of humans or a group of people in various fields of life.

As the basis of the state, Pancasila is a principle of harmony which in popular state science is called the basis of state philosophy (*Philosophische Grondslag*). In this position, Pancasila is a source of values and a source of norms in every aspect of state administration, including as a source of orderly law in the Republic of Indonesia. As a consequence, all laws and regulations and their translation are always based on the values contained in the principles of Pancasila. Pancasila in the framework of the source of the value of legal change, is put on the fundamental issue, that in the state there are principles which are the source of positive law which in constitutional law is called "*Staatsfundamentálnorm*", in the Republic of Indonesia "*Staatsfundamentálnorm*" the essence is Pancasila. Then Pancasila is the ideal of law, frame of mind, source of value and source of direction for the formulation and change of positive law in Indonesia In this sense, Pancasila functions as the first legal paradigm in relation to various kinds of legal change efforts (Kaelan 2010: 113).

3.1 Solution to the downturn of the nation

Since the Indonesian nation declared its independence, in the opening of the 1945 Constitution, the Indonesian people had agreed to determine Pancasila as the basis of the state. In the next journey, Pancasila was also agreed upon as the national ideology and the nation's way of life. The Indonesian nation always strives to implement Pancasila in the life of the nation and state. However, in the realization

there are still confusion regarding how to implement the socialization of Pancasila values in everyday life and to deal with various problems. Pancasila is the foundation of the state. This is evident even though the constitution has undergone several changes, that in the Preamble or Preamble of the state constitution, Pancasila is always stated as the basis of the state.

The formulation of Pancasila underwent changes in various constitutions, but its essence remained unchanged. After the reformation movement, Pancasila was neglected by many parties. Pancasila is no longer a reference in political life and is no longer used as a framework for solving national problems. In fact, many parties are cynical and afraid to be laughed at when talking about Pancasila. To overcome this thought, it is time for Pancasila to be raised again amidst the hustle and bustle of the nation's problems, to be further implemented and actualized in everyday life. Pancasila will remain effective as a guide for the nation if *Bhinneka Tunggal Ika* is maintained.

The plurality of the Indonesian nation has become a reality, so a unifying force is needed through the spirit of Unity in Diversity. The unifying force is not positioned as the unification of the nation's cultural diversity, but as a spirit and symbol for the democratic operation of every existing tradition and culture. Pancasila, as the nation's guideline, has actually found its effectiveness in strengthening identity and increasing the nation's productivity. To deal with the phenomenon of being forgotten about Pancasila, efforts are needed to build national unity and integrity based on the same understanding and appreciation of the basic values contained in Pancasila. Pancasila as the basis of the state and the philosophy of life of the nation as well as the source of the spirit and strength of the nation should be used as a reference for solving the problems of the nation and state. Therefore, Pancasila needs to be socialized on an ongoing basis in the implementation of current and future social, national and state life which involves all components of the nation.

The purpose and objective of disseminating Pancasila is to invite all the nation's children so that Pancasila can properly and get a respectable space in the life of the nation and state which has always been a source of enlightenment and inspiration as well as an orientation for solving the nation's problems. Amendments I, II, III and IV of the 1945 Constitution have made the Indonesian constitution a better, democratic, and modern constitution which serves as a basic guide in the administration of the state and national life to lead the Indonesian nation to become a just and prosperous nation within the Unitary State of the Republic of Indonesia. All components of the nation are obliged to understand, appreciate, and implement all the provisions of the amended 1945 Constitution which have meaning and bring real benefits to the nation.

History shows how our struggle has been since Budi Utomo in 1908, in 1928 the Youth Pledge, until now which is evidence of awareness and spirit. With such awareness, there is a commitment expressed in determination which culminated in the proclamation of 17 August 1945, with the birth of the Republic of Indonesia from a historical process regarding the existence of the Indonesian nation. The rapid flow of globalization with current global issues as a necessity that must be responded to, like it or not, like it or not, global influences will enter. The important thing is how to consistently orientate our response to global issues that are impossible to exclude

because of necessity. So that the orientation of the response to global issues remains on mutually agreed values and does not go out of awareness, The spirit of our existence as a nation which then has a state needs to be maintained in order to remain within the framework of the Republic of Indonesia. The targets of the socialization of Pancasila are all the people or components of the nation because Pancasila is our common property as well as the basis of the Republic of Indonesia which must be understood, so that it is implemented consistently in the life of the nation and state by every citizen without exception. In addition, an appropriate method is needed to implement Pancasila values that are more suitable to the current situation through concepts to be studied conceptually in order to solve problems with emerging phenomena that are adjusted to the dynamics of society. The humanist approach needs to be put forward, the freedom to express opinions needs to be added and no longer uses an indoctrinal approach. Pancasila does not belong to a person or group or simply an invention of one person, but actually has its roots in the history and soul of all Indonesian people. Therefore, the Indonesian government firmly states that Pancasila functions as an identity and a manifestation of the personality of the entire nation. Pancasila should not only be owned, but must be understood and lived so that it can be practiced in real terms in everyday life.

4. Conclusion

The deterioration of law enforcement in Indonesia lies in the integrity factor of law enforcement officers, unresponsive legal rules, and the non-application of Pancasila values, especially human values, the value of deliberation for consensus and the value of justice in law enforcement by law enforcement officials, causing public distrust of law enforcement in Indonesia. The results showed that the level of public trust in law enforcement was strongly influenced by the situation or situation of an area, if in an area the law enforcement was good, then the level of public trust was also good in that area, but if law enforcement was not good, then the level of public trust in law enforcement. in the area to be less good.

In the framework of forming a national law, it is necessary to form a conception of the Indonesian legal system, which the authors call Indonesia Juripridence, so the values of Pancasila must be absorbed in the formation of law, so that a legal standard that is united legal frame work and united legal opinion is needed among law enforcement officials so that it is necessary to form an integrated synergy Law in the implementation of law enforcement duties. To restore public trust, law enforcement officials who have good integrity, responsive legal rules that are in line with Pancasila values are needed and then implemented into the implementation of their duties. on a daily basis by law enforcement officers.

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