
ENFORCEMENT OF THE LAW IN THE SOCIOLOGICAL DOMAIN

Kharis Kayla, Sukarno, Dimas Yogapangestu, Diky Dikrurahman, Deni Yusup Permana

Universitas Swadaya Gunung Jati, Indonesia

Email: khariskayla@gmail.com sukarnooscars01@gmail.com yogapangestu080@gmail.com

diky.dikrurahman@ugj.ac.id deni.yusup@ugj.ac.id

Abstract

The purpose of this study is to examine how law enforcement is applied in Indonesia's sociological context. The results of the investigation indicate that community involvement is necessary for the application of law enforcement in the sociological sphere. It is believed that the community's participation and involvement in law enforcement can be used as a controlling factor when making decisions about the appropriateness of punishment for lawbreakers. The community can play a major role in reducing the number of legal infractions and deviations from unlawful acts that have become sociological phenomena by actively participating in the monitoring, supervision, and evaluation of the law enforcement practices in this nation.

Keywords: law; sociology; public

INTRODUCTION

Community order is an essential component of defense and law enforcement operations. Society is a group of individuals who live together in a certain environment who are interconnected by special systems, customs, rites and laws (Mastur, 2012). It is vital to put laws into place in order to create a prosperous, secure, and orderly society. The goal of law is to produce a peaceful life for individuals, which includes strict internal and outward order (Iriani, 2016). Law is necessary for society because it contains moral guidelines that link individual behavior to the demands of the community and serve as a roadmap for state officials to carry out their responsibilities (Pozsgai-Alvarez, 2020; Zhanbayev et al., 2023).

If the most important component—the community—does not actively and significantly participate, the enforcement of the law will not function effectively in society. It is intended that once legal awareness is genuinely derived from the heart, it will become embedded and part of the culture of that society (Edytya & Prawira, 2019). Even in the absence of legal agents to enforce the law, a society with noble legal institutions is one that values order and is unlikely to break the law (Wulandari, 2019). In order to establish a legal culture and a nation with awareness, society must be involved in the creation of laws and regulations that will serve as the foundation for future regulations (Yusuf et al., 2023). Involving the community in the creation of rules and regulations will increase the likelihood that common goals for sound governance will be met. A number of broad guidelines need to be followed in order to realize and carry out good governance. These values consist of balance, legal clarity, purity and purpose, honesty, and correctness (Sari, 2022).

Law enforcement is the focal point of all community activities, beginning with the creation, modification, application, and assessment of laws. In essence, different individual behaviors representing different interests within a set of laws that have been agreed upon result in law enforcement. Therefore, it is not possible to think of law enforcement solely as a means of carrying out the law. Community knowledge and culture give rise to law, which is a process that starts at the bottom up from beliefs, spiritual beliefs, and social norms that are part of the community before becoming relevant legislation. The implementation of law enforcement will not be forced if the regulations are in keeping with the goals of the

community. As a result, the community must be actively involved in the law's conception, development, implementation, and assessment.

As the foregoing explanation makes clear, the goal of this study is to examine how law enforcement is applied in a sociological context. The research's implication is to give an account of how law enforcement is applied in Indonesia's sociological context.

RESEARCH METHOD

This study involves a review of the literature to gather data. In order to gather data sources for a literature study, statutes, court rulings, and scholarly works on law enforcement in sociology were examined. To create more accurate data, the collected data is next evaluated and structured in the form of descriptions. Normative legal research is the kind of research that was employed in this study. Legal norms found in laws and court rulings are the foundation of normative legal study. Gathering information from libraries, reading, making notes, evaluating, and gathering concepts or manuscripts are all steps in the research process. Following that, the text or data that was gathered is analyzed and interpreted in light of the research topic, which is law enforcement in that particular area. Legislative approaches are used in normative legal research because the main emphasis and theme of the study will be different legal rules.

RESULT AND DISCUSSION

Legal reform is required in order to achieve the execution of just and prudent law enforcement. Legal reform encompasses not only changing the content of the law but also updating it, changing the legal system's structure and culture, and changing the content of the law—including legal ethics and legal education (Purwaningsih, 2012). Reforming the legislation is only one aspect of legal reform; other reforms include updating the content of the law, changing the legal system's structure and culture, and changing the legal system's content, which includes legal ethics and legal education. Raising legal awareness is one way to revitalize the legal culture. Raising public knowledge of the law can be achieved in a number of ways, one of which is by having law enforcement officials—police, judges, prosecutors, and so on—set an example for the community (Wiharma, 2017). Legal restrictions will be enforced if all of these components are successfully put into practice, as a result of the formation of public legal awareness, which helps to reduce the likelihood of behavioral deviations from the law.

Thus, community involvement, sensitivity, and awareness are required to uphold social commitments, advance ethics and morals with self-consciousness, and respect each person's rights in order to promote the application of just law enforcement in Indonesia. If the community actively participates in defending situations that need legal existence, legal awareness might reduce the likelihood that legal cases will be disregarded by legal authorities. Because the community actively participates in law enforcement, law enforcement officials are under the community's supervision and protection, which requires them to work more and utilize more intelligence in every legal case.

The proactive attitude shown by the community in implementing law enforcement in Indonesia can be seen in the Ferdy Sambo case. Since law enforcement agents themselves are the ones breaking the law and committing crimes, this encourages citizen participation. Law enforcement officials who ought to be leading the charge in upholding the law instead willfully and violently flout it. Individuals from diverse backgrounds gathered to hear trial after trial. It is impossible to separate conversations on this case from those on social media, including in coffee shops. It is fascinating because it subtly fosters the idea that if the laws passed do not function as intended, the public would be dissatisfied and law enforcement in this country will come to be seen with more mistrust.

Legal issues arise when there is a lack of legal clarity, which is caused by public mistrust in law enforcement. The absence of law enforcement in judicial institutions is a reflection of legal uncertainty. Furthermore, this issue is frequently covered by the media, which starts with the judicial mafia, payments to judges, dishonest attorneys, and legislation that favor particular social groups. Ultimately, the level of public interest in legal institutions has decreased. As a result, the public's regard for the legal system is declining. This is a result of judges' and courts' rulings that are solely based on the law, as well as the unprofessional conduct of legal agencies. As time passes, society's perception of the nature of law, which seeks to achieve social empowerment, legal certainty, justice, and profitability, becomes less and less apparent.

In addition, the maltreatment of Mario Dandy, the son of a senior tax official, was the issue that garnered media attention. The public became interested in this case because it began as an abuse case, developed into an asset investigation case, and culminated in an alleged abuse of power and authority case. The realization of community engagement in safeguarding and upholding the law in Indonesia is also illustrated in a number of ways, in addition to community involvement in managing legal disputes (Saleh et al., 2020). Another place law enforcement might begin is by keeping an eye on official policy. Law No. 28 of 1999, Chapter VI, Articles 8 and 9, on State Administration Free from Corruption, Collusion, and Nepotism, make this clear. The concept and structure of community roles are regulated by these articles. Article 8's opening paragraph asserts that community participation in state management is both right and necessary. According to the second paragraph, article 3's general principles of state administration serve as the foundation for the interaction that state administrators have with society (Laksana et al., 2017).

In addition, article 9 paragraph (1) outlines the ways in which community participation is realized as intended by article 8, including the following: (1) the freedom to request and receive information about government policies; (2) the right to equitable and fair treatment; (3) the right to responsibly voice opinions and suggestions regarding policy; and (4) the right to legal protection. Law enforcement is then influenced by a number of interconnected elements. The legislation itself is the primary factor, requiring consistency between currently enacted laws. The availability of proper means of enforcing the law is a crucial element, as in many cases, weak or nonexistent law enforcement facilities make it difficult or impossible to enforce the law. Together with community conduct, awareness and legal clarity make up the third component. The mental health of law enforcement personnel is the next factor. Since law enforcement essentially rests on the mindset of law enforcement personnel.

To foster a positive legal culture in society, one strategy is to promote citizen involvement in law enforcement. This is consistent with Soekamto's statement that law enforcement is a process of fusing strong principles into regulations and firm convictions, then putting them into practice through behavior (Utami, 2020). This serves as the last phase in translating values to bring about harmony in social interactions. The legislation will be effective if it is in compliance with the law and in keeping with societal norms and expectations since the existence of the law establishes social order (Hadi, 2022). However, occasionally, the wishes of the community do not align with what the law specifies. There is no denying that society will demand new legislation in the event that something similar occurs. It is natural for laws to be changed or revised because laws need to adapt to the times. Legal culture is one factor that affects how successful law enforcement is. These elements of legal culture include: 1) Shifts in values alter how individuals behave and interact with one another in society; 2) The division of old and new values leads to value dualism in society.; and 3) The conflicting moral standards lead to ambiguity and misunderstanding, which prompts law enforcement to act abnormally (Usiono, 2022).

From a sociological perspective, community involvement in law enforcement is becoming more and more important. It is believed that the community's participation and involvement in law enforcement can be used as a controlling factor when making decisions about the appropriateness of punishment for lawbreakers. Jalil & Kunci (2021) stated differently, greater attempts will be made to enforce the law if its regulations are pertinent and consistent with societal norms. If individuals understand the importance of abiding by the law and submitting to it, a high legal culture will emerge. The general public's faith in the intent and framework of the law serves this purpose.

CONCLUSION

The results of the investigation indicate that community involvement is necessary for the application of law enforcement in the sociological sphere. The community can play a major role in reducing the number of legal infractions and deviations from unlawful acts that have become sociological phenomena by actively participating in the monitoring, supervision, and evaluation of law enforcement practices in this nation. Because the observance of the nation's laws serves as the primary basis for preserving national order, a high level of legal awareness will contribute to a comfortable, orderly, and peaceful environment throughout the country.

REFERENCES

- Edytya, N. P., & Prawira, R. S. (2019). Kenyataan Penegakan Hukum di Indonesia dalam Perspektif Hukum dan Pembangunan: Hukum Harus Ditaati atau Ditakuti? *Lex Scientia Law Review*, 3(2). <https://doi.org/10.15294/lesrev.v3i2.35399>
- Hadi, N. A. K. (2022). PENEGAKAN HUKUM DI INDONESIA DILIHAT DARI PERSPEKTIF SOSIOLOGI HUKUM. *Jurnal Hukum Dan Pembangunan Ekonomi*, 10(2). <https://doi.org/10.20961/hpe.v10i2.62834>
- Iriani, D. (2016). HUKUM SEBAGAI ALAT KONTROL SOSIAL DAN SISTEM SUPREMASI PENEGAKAN HUKUM. *Justicia Islamica*, 8(1). <https://doi.org/10.21154/justicia.v8i1.527>
- Jalil, A., & Kunci, K. (2021). Penegakan Hukum Di Pengadilan Dan Dimensi Spiritualitasnya (Aspek Yang Sering Terlupakan). In *Online Administrative Law & Governance Journal* (Vol. 4).
- Laksana, I. G. N. D., Jayantiari, I. G. A. M. R., Parwata, A. A. G. O., Sukerti, N. N., Dewi, A. A. I. A. A., & Wita, I. N. (2017). *Buku Ajar Sosiologi Hukum*. Pustaka Ekpresi.
- Mastur. (2012). Peranan Dan Manfaat Sosiologi Hukum Bagi Aparat Penegak Hukum. *QISTI: Jurnal Ilmiah Ilmu Hukum*, Fakultas Hukum, Universitas Wahid Hasyim Semarang, 04(01).
- Pozsgai-Alvarez, J. (2020). The abuse of entrusted power for private gain: meaning, nature and theoretical evolution. *Crime, Law and Social Change*, 74(4). <https://doi.org/10.1007/s10611-020-09903-4>
- Purwaningsih, E. (2012). Partisipasi Masyarakat Dalam Perlindungan Hukum Terhadap Kekayaan Intelektual Warisan Bangsa. *Masalah-Masalah Hukum*, 41(1), 42–49.
- Saleh, K., Agusta, M., & Weni, W. (2020). HUKUM DAN MASYARAKAT DALAM PERSPEKTIF SOSIOLOGI HUKUM. *DATIN LAW JURNAL*, 1(2). <https://doi.org/10.36355/dlj.v1i2.454>
- Sari, H. D. (2022). *Asas dan Fungsi Pemerintahan: Implementasi Asas-Asas Umum Pemerintahan yang Baik (AAUPB) serta Fungsi Pemerintahan dalam Pelayanan Publik*.
- Usiono, U. (2022). Hakikat Masyarakat Dalam Perspektif Filsafat Pendidikan Islam. *Edukasi Islami: Jurnal Pendidikan Islam*, 10(02).

- Utami, W. (2020). HUKUM SEBAGAI AGEN PENGENDALI SOSIAL DALAM MASYARAKAT DITINJAU DARI SEGI SOSIOLOGI HUKUM. *MAKSIGAMA*, 13(2). <https://doi.org/10.37303/maksigama.v13i2.64>
- Wiharma, C. (2017). PENEGAKAN HUKUM LEGALISTIK DALAM PERSPEKTIF SOSIOLOGIS. *Jurnal Hukum Mimbar Justitia*, 3(2). <https://doi.org/10.35194/jhmj.v3i2.258>
- Wulandari, F. (2019). *Menurunnya Tingkat Kesadaran Hukum Masyarakat di Indonesia*.
- Yusuf, D. M., Sihotang, T., Silaen, G. F., Anissa, N., & Saragih, G. M. (2023). Tinjauan Perspektif Sosiologi Terhadap Aspek Penting Yang Memiliki Hubungan Terhadap Efektivitas Penegakan Hukum Di Masyarakat. *Jurnal Pendidikan Dan Konseling (JPDK)*, 5(2), 1118–1122.
- Zhanbayev, R. A., Irfan, M., Shutaleva, A. V., Maksimov, D. G., Abdykadyrkyzy, R., & Filiz, Ş. (2023). Demoethical Model of Sustainable Development of Society: A Roadmap towards Digital Transformation. *Sustainability (Switzerland)*, 15(16). <https://doi.org/10.3390/su151612478>

Copyright holders:

Kharis Kayla, Sukarno, Dimas Yogapangestu, Diky Dikrurahman, Deni Yusup Permana (2024)

First publication right:

INJURITY: Journal of Interdisciplinary Studies



This article is licensed under a Creative Commons Attribution-ShareAlike 4.0 International