



Transformation of Law Enforcement in Indonesia: Between Hope and Reality

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Abstract: The transformation of law enforcement in Indonesia is an effort to create a fair and effective legal system, but the journey towards it is faced with major challenges between ideal expectations and existing realities. Although various reforms of law enforcement institutions and the application of technology in the legal process have been carried out, inequality in access to justice, political intervention, and low integrity of officers are still significant problems. This article aims to analyze the dynamics of law enforcement transformation in Indonesia by looking at the gap between public expectations of the supremacy of law and the reality that occurs in the field, as well as identifying inhibiting and driving factors in realizing effective and just law enforcement. Based on a juridical-sociological approach, this study critiques developments and provides recommendations for strengthening legal institutions in order to realize a better legal system in Indonesia.

Keywords: Law Enforcement; Legal Transformation; Justice; Legal Reform.

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1. Introduction

Enforcement the law in Indonesia has to go through journey long since the reform era, which was marked with various effort For strengthen supremacy law And justice through Updates system law as well as strengthening institution enforcer law.¹ Reformation law And state administration after the amendment to the 1945 Constitution brought hope big will creation enforcement fair, transparent and law professional, but reality on the ground show that transformation the Still face Lots challenges, such as weakness enforcement rules , height case corruption, as well as practice law that has not been fully free from intervention political And interest certain.² This is reflected in the 2023 World Justice Project (WJP) data, where Indonesia's Rule of Law Index stagnated at 0.53 from scale 0-1, placing Indonesia at 66th place out of 142 countries, below the global and regional average, with score lowest on indicator absence corruption (0.40), and justice criminal And civil which is also still low.³ Besides that , survey Institution Indonesian Survey (LSI) on October 2023 shows fluctuation trust public to institution enforcer law, where 36.1% of respondents evaluate enforcement law bad or very bad, and only 28.1% rated it Good or very well, though there is A little repair trust to institution like Prosecutor's Office Agung, KPK, and Indonesian National Police on period the.⁴ Condition This show that although there is progress in aspect regulation And institutional, enforcement law in Indonesia is still faced with on challenge Serious in realize justice substantive And build trust public in a way sustainable.

Corruption remains a major challenge in the Indonesian legal system, with the Corruption Eradication Commission (KPK) having handled 2,730 corruption cases and named 691 suspects during the 2020-2024 period, including conducting 36 sting operations in strategic sectors such as public services, licensing, procurement of goods/services, and the health and education sectors.⁵ Although the KPK has shown

¹ Moh Bagus, "Ragam Dan Perkembangan Penegakan Hukum Di Indonesia Pasca Reformasi," *Al-Jinayah: Jurnal Hukum Pidana Islam* 8, no. 2 (December 12, 2022): 141-64, <https://doi.org/10.15642/aj.2022.8.2.141-164>.

² Rofiq Hidayat, "Sekjen Mahupiki: Penegakan Hukum di 2023 Masih Berjalan Lamban," *hukumonline.com*, accessed May 10, 2025, <https://www.hukumonline.com/berita/a/sekjen-mahupiki--penegakan-hukum-di-2023-masih-berjalan-lamban-lt658fb7231972f/>.

³ Kompas Cyber Media, "Peringkat Negara Paling Taat Hukum 2023, Indonesia di Urutan 66," *KOMPAS.com*, November 7, 2023, <https://lestari.kompas.com/read/2023/11/07/100000686/peringkat-negara-paling-taat-hukum-2023-indonesia-di-urutan-66>.

⁴ Liputan6.com, "LSI: Kepercayaan Publik Terhadap Penegakan Hukum Membaik, Kejagung Tertinggi," *liputan6.com*, October 22, 2023, <https://www.liputan6.com/news/read/5430112/lsi-kepercayaan-publik-terhadap-penegakan-hukum-membaik-kejagung-tertinggi>.

⁵ Pasha Yudha Ernowo, "KPK Tangani 2.730 Perkara Korupsi pada 2020-2024, Fokus Lima Sektor Utama," *infopublik.id*, Desember 2024, <https://infopublik.id/kategori/nasional-politik-hukum/895488/kpk-tangani-2-730-perkara-korupsi-pada-2020-2024-fokus-lima-sektor-utama>; Mutia Yuantisya, "KPK Pamerkan Capaian Penanganan Perkara Tindak Pidana Korupsi dalam 4 Tahun Terakhir | tempo.co," *Tempo*, Desember 15.11 WIB 2024, <https://www.tempo.co/hukum/kpk-pamerkan-capaian-penanganan-perkara-tindak-pidana-korupsi-dalam-4-tahun-terakhir-1183150>; Anggi Muliawati, "KPK Gelar 36 Kali OTT Sepanjang 2020-

consistency in taking action, including asset recovery worth trillions of rupiah to return state losses,⁶ corruption cases have ironically also spread to law enforcement officers themselves. One case that tarnished the image of the anti-corruption agency was the determination of KPK Chairman Firli Bahuri as a suspect in alleged extortion and gratification in handling legal cases at the Ministry of Agriculture during 2020-2023, with the threat of severe criminal penalties according to the Corruption Law.⁷ In addition, the extortion scandal at the KPK detention center involving dozens of employees, including the Head of the Detention Center, further strengthens the impression that corruption eradication has not fully touched the root of the problem in law enforcement institutions, because corrupt practices actually occur in institutions that should be at the forefront of fighting corruption. This phenomenon shows that efforts to eradicate corruption in Indonesia still face serious challenges, not only from perpetrators outside the system, but also from individuals within the law enforcement institutions themselves, so that internal reform and stricter supervision are urgent needs to restore public trust in law enforcement in Indonesia.⁸

The restorative justice approach began to be introduced as an alternative to resolving legal cases in Indonesia, especially for minor cases involving material losses below a certain limit and a maximum sentence of five years. Supreme Court Regulation Number 1 of 2024 (Perma 1/2024) is an important milestone in regulating the implementation of restorative justice in court, with a focus on restoring relationships between victims, perpetrators, and the community through a process that involves all relevant parties in an inclusive and respectful manner. However, the implementation of restorative justice is still fragmented because each law enforcement agency has different internal policies and guidelines, leading to disparities in its practice. For example, the Police in 2023 resolved more than 18,000 cases with this approach, while the Prosecutor's Office only resolved around 2,400 cases, and the Supreme Court does not yet have comprehensive data because there are no uniform implementation guidelines at all levels of the judiciary.⁹

The lack of integration in the implementation of restorative justice creates inconsistencies that not only hinder the effectiveness of fair and fast case resolution,

2024, Total 691 Tersangka," detiknews, Desember 2024, <https://news.detik.com/berita/d-7691524/kpk-gelar-36-kali-ott-sepanjang-2020-2024-total-691-tersangka>.

⁶ Komisi Pemberantasan Korupsi, "Kinerja 2020-2024: KPK Kembalikan Kerugian Negara Senilai Rp2,5 Triliun," KPK, Des 2024, <https://kpk.go.id/>.

⁷ Agus Sahbani, "Ditetapkan Tersangka, Ketua KPK Dijerat 3 Pasal Tipikor," hukumonline.com, November 23, 2023, <https://www.hukumonline.com/berita/a/ditetapkan-tersangka--ketua-kpk-dijerat-3-pasal-tipikor-lt655e5166eeb40/>.

⁸ Rosseno Aji Nugroho, "Kronologi Lengkap Penetapan Tersangka Ketua KPK Firli Bahuri," CNBC Indonesia, November 23, 2023, <https://www.cnbcindonesia.com/news/20231123080741-4-491294/kronologi-lengkap-penetapan-tersangka-ketua-kpk-firli-bahuri>.

⁹ Azizah Amalia/Aulia Ali Reza, "Refleksi Terhadap Upaya Pengarusutamaan Restorative Justice di Indonesia," hukumonline.com, January 17, 2025, <https://www.hukumonline.com/berita/a/refleksi-terhadap-upaya-pengarusutamaan-restorative-justice-di-indonesia-lt6789fb6acc6fd/>; Dwiarso Budi Santiarto, "Mengenal Pembaruan Keadilan Restoratif Di Pengadilan," www.mahkamahagung.go.id, Oktober 2024, <https://www.mahkamahagung.go.id/id/artikel/6494/mengenal-pembaruan-keadilan-restoratif-di-pengadilan>.

but also open up opportunities for abuse of the mechanism. The lack of comprehensive national regulations is one of the roots of the problem, so that various definitions, forms, criteria, and procedures for restorative justice are still not well synchronized between law enforcement agencies. This condition causes confusion among law enforcement officers and the public, and has the potential to cause injustice to the parties involved. Therefore, the National Legal Development Agency (BPHN) encourages the submission of the Restorative Justice Bill into the 2025-2029 Medium-Term National Legislation Program as a strategic step to unify regulations and ensure the implementation of fair, consistent, and comprehensive restorative justice at all levels of the judiciary.¹⁰

Despite facing various challenges, the restorative justice approach holds great hope for improving the Indonesian criminal justice system which has tended to be oriented towards punishment and retaliation. By prioritizing the principle of ultimum remedium, namely the use of criminal law as a last resort after restorative mechanisms have been implemented, restorative justice has the potential to reduce the burden on the justice system and restore victims' losses and improve social relations in society. The successful implementation of restorative justice can also increase public trust in legal institutions, as long as it is supported by a strong commitment from all stakeholders to carry out structural and cultural reforms, and strengthen the integrity of law enforcement officers.¹¹ Thus, restorative justice is not only an alternative for resolving minor cases, but also an integral part of the transformation of the Indonesian legal system towards more humane and sustainable justice.

2. Method

The research method used in the study entitled "Transformation of Law Enforcement in Indonesia: Between Hope and Reality" is the normative legal method. This method focuses on the analysis of applicable legal norms, including laws and regulations, court decisions, legal doctrines, and other legal literature. This approach aims to understand and evaluate the normative structure of law, as well as identify the fundamental principles underlying the Indonesian legal system. In this study, researchers will conduct a literature study to collect relevant legal data, then analyze it systematically and logically to reveal the gap between expectations and reality in law enforcement in Indonesia. Thus, this normative legal method allows researchers to make significant theoretical contributions to the development of law and policy in Indonesia.¹²

¹⁰ Institute for Criminal Justice Reform, "Peluang Dan Tantangan Penerapan Restorative Justice Dalam Sistem Peradilan Pidana Di Indonesia," icjr.or.id, January 11, 2022, <https://icjr.or.id/peluang-dan-tantangan-penerapan-restorative-justice-dalam-sistem-peradilan-pidana-di-indonesia/>.

¹¹ [antaranews.com](https://en.antaranews.com/news/250801/indonesia-to-expedite-implementation-of-restorative-justice), "Indonesia to Expedite Implementation of Restorative Justice," Antara News, September 21, 2022, <https://en.antaranews.com/news/250801/indonesia-to-expedite-implementation-of-restorative-justice>.

¹² Irwansyah Irwansyah, *Penelitian Hukum ; Pilihan Metode & Praktik Penulisan Artikel* (Yogyakarta: Mirra Buana Media, 2020); Peter Mahmud Marzuki, *Penelitian Hukum*, Edisi Revisi (Jakarta: Prenadamedia Group, 2014); Mukti Fajar and Yulianto Achmad, *Dualisme Penelitian Hukum : Normatif & Empiris*

3. Analysis and Discussion

3.1. Hope on Transformation Enforcement Law

3.1.1. Reformation Institution Enforcer Law (KPK, MA, MK, Police , Prosecutor's Office)

Reformation institution enforcer law in Indonesia, such as Commission Eradication Corruption (KPK), Court Supreme Court (MA), Court Constitution (MK), the Republic of Indonesia National Police (Polri), and Prosecutor's Office Agung , to be step very strategic important in strengthen system law accountable national And professional. Efforts reform This directed For create institutions that do not only capable to uphold law in a way effective, but also free from practice corruption And intervention politics that have been This become constraint main . ¹³KPK, for example , has active do operation catch hands (OTT) against official public involved corruption , shows commitment in eradication corruption although face challenge Serious in guard independence And professionalism . On the side other , MA and MK continue make an effort increase quality decision And guard judicial integrity through training programs intensive as well as strict internal supervision , as effort For ensure fair verdict And free from pressure external.¹⁴

However, law enforcement reform is not only about increasing internal capacity and integrity, but is also closely related to effective governance and supervision. ¹⁵The Attorney General's Office, for example, is currently carrying out bureaucratic transformation by utilizing digital technology to accelerate the legal process, increase transparency, and facilitate public access to legal services.¹⁶ The Minister of PANRB emphasized the importance of developing professional and integrated human resources as the main foundation of this reform.¹⁷ In addition, collaboration between law enforcement agencies is also key to the success of the reform, with the alignment of regulations and tasks expected to increase the effectiveness of law enforcement as a whole. However, there is still criticism from various groups who believe that the addition of authority to institutions such as the Police and the Attorney General's Office without strengthening independent supervision has the potential to lead to abuse of authority and hinder true reform.¹⁸

(Yogyakarta: Pustaka Pelajar, 2010); H. Ishaq, *Metode Penelitian Hukum Dan Penulisan Skripsi, Tesis Serta Disertasi* (Bandung: Alfabeta, 2017).

¹³ Tim Publikasi Hukumonline, "2025: Momen Memperbaiki Citra Penegakan hukum di Indonesia," hukumonline.com, January 7, 2025, <https://www.hukumonline.com/berita/a/2025--momen-memperbaiki-citra-penegakan-hukum-di-indonesia-lt677ca4c015615/>.

¹⁴ Parleментарia, "Hukum di Indonesia Memerlukan Reformasi Secara Signifikan," November 27, 2023, <https://emedia.dpr.go.id/2023/11/27/hukum-di-indonesia-memerlukan-reformasi-secara-signifikan/>.

¹⁵ Ombudsman Republik Indonesia, *Perkuat Kerjasama Perluas Pengawasan Pelayanan Publik*, "Laporan Tahunan 2023 (Jakarta: Ombudsman Republik Indonesia, 2023).

¹⁶ Izzudin Arsalan et al., "Reposisi Kewenangan Kejaksaan Dalam Melakukan Penegakan Tindak Pidana Korupsi Dan Maladministrasi Pemerintahan," *Jurnal Usm Law Review* 4, no. 2 (November 18, 2021): 651–62, <https://doi.org/10.26623/julr.v4i2.4248>.

¹⁷ Raden Rara Clara Ariski Paramitha, "Pesan Menteri PANRB untuk Insan Adhyaksa dalam Transformasi Tata Kelola Kejaksaan," Kementerian Pendayagunaan Aparatur Negara dan Reformasi Birokrasi, January 14, 2025, <https://menpan.go.id/site/berita-terkini/pesan-menteri-panrb-untuk-insan-adhyaksa-dalam-transformasi-tata-kelola-kejaksaan>.

¹⁸ Koalisi Masyarakat Sipil, "Reformasi Lembaga Hukum Dan Militer Bukan Dengan Menambah Kewenangan, Tetapi Memperkuat Lembaga Pengawas Independen (Tolak RUU Polri, RUU Kejaksaan Dan RUU TNI) - Imparsial," February 8, 2025, <https://imparsial.org/reformasi-lembaga-hukum-dan>

In addition to internal institutional efforts, law enforcement reform in Indonesia must also face the challenges of a legal culture that has been influenced by political intervention and a lack of professionalism. The culture of intervention that often occurs at various levels of law enforcement has often disrupted the independence and impartiality of law enforcement officers, thus creating public distrust of the justice system.¹⁹ Judicial mafia and corrupt practices within law enforcement agencies have become chronic diseases that hinder the realization of equal justice.²⁰ Therefore, comprehensive legal reform must include strengthening internal and external supervision through independent supervisory institutions such as the Judicial Commission, the Prosecutor's Commission, and the National Police Commission, so that accountability and transparency can be maintained properly. This reform must also be supported by a strong political commitment and active community participation to ensure that law enforcement runs in accordance with the ideals of a just and fair state of law.

3.1.2. The Role of Digital Technology in Modernizing the Legal System (e-court, SPPT-TI, E-Tilang, etc.)

The use of digital technology in the Indonesian legal system has brought about significant changes that accelerate and simplify the law enforcement process and increase public access to justice. One of the main innovations is the e-court system that allows case registration, payment of court fees, summons of related parties, and the implementation of trials to be carried out online. The implementation of e-court has been officially regulated through Supreme Court Regulation Number 1 of 2019 and Perma Number 7 of 2022, which regulates electronic administration and trials in various types of cases, including civil, criminal, and religious.²¹ Examples of the success of the implementation of e-court can be seen in the Tondano Religious Court and the Cimahi City Religious Court, which have achieved the target of electronic case registration of almost 50% in 2024 and are targeting 100% in 2025.²² This system not only saves time and costs for the parties and advocates, but also increases the transparency and accountability of the judicial process, thus becoming part of a major transformation towards a modern, responsive and efficient justice system.

In addition to e-court, other technologies such as the Integrated Case Tracking System Based on Information Technology (SPPT-TI) and E-Tilang also support the

militer-bukan-dengan-menambah-kewenangan-tetapi-memperkuat-lembaga-pengawas-independen-tolak-ruu-polri-ruu-kejaksaan-dan-ruu-tni/.

¹⁹ Amelia Angeline Dina Tanius, "Hukum Yang Tumpul Di Atas Kertas: Realita Penegakan Hukum Indonesia," *Character Building* (blog), April 14, 2025, <https://binus.ac.id/character-building/2025/04/hukum-yang-tumpul-di-atas-kertas-realita-penegakan-hukum-indonesia/>.

²⁰ Frans Hendra Winarta/Jeniffer Queenstanti, "Mengawal Reformasi Hukum Menuju Indonesia Emas 2045," *hukumonline.com*, March 25, 2024, <https://www.hukumonline.com/berita/a/mengawal-reformasi-hukum-menuju-indonesia-emas-2045-lt6600e1613aa1b/>.

²¹ Nafiatul Munawaroh M.H S. H., "Pelaksanaan E-Court dalam Pengadilan dan Manfaatnya | Klinik Hukumonline," February 22, 2023, <https://www.hukumonline.com/klinik/a/%20ecourt-pengadilan-agama-lt5e2577a68ea0d/>.

²² Pengadilan Agama Cimahi, "Targetkan E-Court Seratus Persen Tahun 2025, PA Kota Cimahi Siap Laksanakan Transformasi Digital," January 15, 2025, <https://pa-cimahi.go.id/seputar-peradilan/872-targetkan-e-court-seratus-persen-tahun-2025-pa-kota-cimahi-siap-laksanakan-transformasi-digital>.

management of legal cases more efficiently and transparently. SPPT-TI allows real-time monitoring of case status by parties and the public, thereby reducing the potential for abuse and strengthening the accountability of judicial institutions. Meanwhile, E-Tilang simplifies the process of enforcing traffic laws with a faster and more transparent electronic fine system. However, behind this technological advancement, there are still significant challenges that must be overcome. The digital divide between regions and levels of society means that not everyone can easily access electronic justice services. In addition, the capacity of human resources in law enforcement agencies in operating and managing this technology still needs to be improved through continuous training and competency development.²³ Therefore, the government and related institutions need to continue to encourage equal access to technology and strengthen digital infrastructure and human resources so that the benefits of legal technology can be felt evenly by all Indonesian people.

3.1.3. Public and Media Participation in Monitoring Law Enforcement

Active public participation and the role of the mass media play a very important role in monitoring and ensuring transparency in law enforcement in Indonesia, because both function as guardians and controllers of the legal process so that it runs according to the principles of justice and accountability. The mass media, through objective, critical, and investigative reporting, is able to reveal various practices of deviation, corruption, and maladministration that occur in the legal system, thereby opening up space for the public to obtain accurate information and encouraging law enforcement agencies to make improvements. In addition, direct public involvement in legal discussion forums, seminars, and reporting of alleged violations of the law through public complaint mechanisms has made a significant contribution to strengthening external supervision of law enforcement agencies, thereby creating a more effective checks and balances mechanism.²⁴ However, amidst advances in information technology and the openness of social media, major challenges have emerged in the form of the spread of hoaxes and disinformation that often manipulate facts and cause public confusion, even damaging the image of legal institutions unfairly. This phenomenon not only threatens the reputation of legal institutions, but can also mislead public opinion and disrupt social stability and public trust in the justice system.

3.1.4. Integration of Restorative Justice Principles

The restorative justice approach offers an alternative to resolving criminal cases that is more humane and focuses on restoring relationships between perpetrators, victims, and the community, replacing the retributive paradigm that emphasizes punishment

²³ Tengku Muhammad Reza Fikri Dharmawan, Ismaidar Ismaidar, and Tamaulina Br Sembiring, "Transformation of Restorative Justice in the Indonesian Criminal Justice System Towards a Just and Rehabilitative Legal Approach," *International Journal of Synergy in Law, Criminal, and Justice* 2, no. 1 (January 1, 2025): 378–85, <https://doi.org/10.70321/ijslcj.v2i1.74>.

²⁴ Edi Kristianta Tarigan et al., "Peran Media Sosial Dalam Menegakkan Hukum Di Zaman Digital Di Indonesia," *Warta Dharmawangsa* 19, no. 1 (January 6, 2025): 188–201, <https://doi.org/10.46576/wdw.v19i1.5849>.

alone.²⁵In Indonesia, the principle of restorative justice has been regulated in various important regulations, such as the Regulation of the Chief of Police Number 8 of 2021 which provides guidelines for investigators to stop investigating certain cases if there is a peace agreement between the perpetrator and victim, and the Regulation of the Attorney General Number 15 of 2020 which regulates the termination of prosecution based on restorative justice. In addition, the Memorandum of Understanding between the Corruption Eradication Committee, the Supreme Court, the Constitutional Court, the National Police, and the Attorney General's Office is the basis for coordination between law enforcement agencies in implementing this approach. Furthermore, the Supreme Court has also issued Supreme Court Regulation Number 1 of 2024 which regulates guidelines for trying criminal cases based on restorative justice, emphasizing that the case resolution process must involve the relevant parties in a dialogically and be oriented towards restoration, not just revenge. This approach not only provides space for perpetrators to admit mistakes and take responsibility, but also provides an opportunity for victims to express their needs and obtain fair compensation, while maintaining social harmony in society.²⁶

Despite having an increasingly strong legal basis, the implementation of restorative justice in Indonesia still faces several significant obstacles. One of the main challenges is the lack of understanding and socialization of the concept of restorative justice to law enforcement officers and the wider community, so that its implementation is often inconsistent and limited to minor cases only.²⁷In addition, the absence of a master regulation that integrates restorative justice as a whole in the national criminal justice system has resulted in fragmentation of implementation in various institutions, so that this mechanism cannot be implemented optimally and evenly throughout Indonesia. The practice of restorative justice, which has so far been carried out more internally in each institution, has also not fully accommodated the role of victims and the community as very important parties in the case resolution process. This raises the risk of misuse and reduces the effectiveness of restorative justice as an alternative solution that is just. Therefore, synergy between law enforcement agencies, policy makers, and the community is very important to strengthen coordination, supervision, and accountability in the implementation of restorative justice.

In response to these challenges, the government through the National Legal Development Agency (BPHN) has included the Draft Law on Restorative Justice in the Criminal Justice System (RUU RJ) into the 2025-2029 Medium-Term National Legislation Program (Prolegnas) as a strategic effort to overcome weaknesses in existing regulations and strengthen the legal framework for the implementation of

²⁵ Josua Hamonangan, "Penerapan Prinsip Keadilan Restoratif Melalui Mediasi Penal Dalam Penyelesaian Perkara Pidana Di Kepolisian Daerah Istimewa Yogyakarta" (Universitas Gadjah Mada, 2024), https://etd.repository.ugm.ac.id/penelitian/detail/235573?utm_source=chatgpt.com.

²⁶ Dian Ekawaty Ismail et al., "Collocation of Restorative Justice with Human Rights in Indonesia," *Legality: Jurnal Ilmiah Hukum* 32, no. 2 (September 20, 2024): 394-417, <https://doi.org/10.22219/ljih.v32i2.35374>.

²⁷ Humanize Lawyer, "Mengenal Restorative Justice: Konsep, Aturan Hukum, dan Implementasi dalam Sistem Hukum Indonesia," August 12, 2024, <https://www.jurnaladvokat.com/2024/08/restorative-justice.html>.

restorative justice in Indonesia. This bill is expected to provide greater legal certainty and comprehensively regulate the restorative justice mechanism, including recognition of case resolution outside of law enforcement agencies, such as through customary law communities. In addition, the revision of the Criminal Procedure Code (KUHAP) which is currently being prepared also seeks to integrate the principle of restorative justice by requiring the involvement of victims and the community in the case resolution process, so that restorative justice is not only an effort for peace, but also a comprehensive restoration of victims' rights. With clearer and more integrated regulations, it is hoped that the implementation of restorative justice can run fairly, consistently, and effectively, and become an integral part of the reform of the national criminal justice system that is more humane and socially just.²⁸

3.2. Reality on the Ground: A Critique

3.2.1. Inequality in Access to Justice, Especially for Vulnerable Groups

The transformation of law enforcement in Indonesia does prioritize the principle of justice, but in reality, vulnerable groups such as women, children, indigenous peoples, and people with disabilities still face significant obstacles in accessing justice. Recent empirical studies have revealed that inequalities in the justice system are often caused by socio-economic, cultural factors, and a lack of legal understanding among these vulnerable groups. For example, high litigation costs, complex legal procedures, and limited legal aid services are major barriers for them to obtain adequate legal protection. Data shows that more than half of vulnerable groups do not know their right to free legal aid, while almost half of victims of domestic violence have difficulty accessing legal protection due to administrative and procedural obstacles.²⁹ These conditions cause vulnerable groups to often become victims of discrimination and violence without substantive justice, thereby reinforcing social inequality and weakening public trust in the legal system.

To address these issues, the Indonesian government has undertaken various reform efforts that are more inclusive and sensitive to the needs of vulnerable groups in the justice system. The Ministry of Law and Human Rights (Kemenkumham), for example, has increased the budget for the legal aid program from IDR 56.3 billion to IDR 59 billion in 2025, targeting legal assistance for thousands of poor people and vulnerable groups, both in litigation and non-litigation such as legal counseling and mediation.³⁰ In addition, Kemenko PMK actively encourages inclusive and friendly public services for vulnerable groups, including people with disabilities, by providing

²⁸ Yusna Arsyad, Fence M. Wantu, and Dian Ekawaty Ismail, "Menata Kembali Prinsip Restorative Justice Dalam Sistem Peradilan Pidana Indonesia: Sebuah Gagasan Mencapai Idealitas," *Ilmu Hukum Prima (IHP)* 6, no. 2 (October 31, 2023): 253–65, <https://doi.org/10.34012/jihp.v6i2.4438>.

²⁹ Valentino Polii and Dian Julius Polii, "Akses Keadilan Bagi Kelompok Rentan: Studi Empiris Mengenai Hambatan Struktural Dalam Sistem Peradilan," *Perkara : Jurnal Ilmu Hukum Dan Politik* 3, no. 1 (March 14, 2025): 655–74, <https://doi.org/10.51903/perkara.v3i1.2330>.

³⁰ Badan Pembinaan Hukum Nasional, "Perluas Akses Keadilan, Kemenkumham Tingkatkan Anggaran Program Bantuan Hukum Tahun 2025," June 13, 2024, <https://bphn.go.id/berita-utama/perluas-akses-keadilan-kemenkumham-tingkatkan-anggaran-program-bantuan-hukum-tahun-2025>.

facilities and infrastructure that support physical and digital accessibility and developing websites that are easily accessible to people with disabilities.³¹ Various technical guidance activities and legal awareness campaigns are also held to improve legal understanding and encourage active participation of vulnerable groups in the legal process.³² However, challenges remain, especially in terms of equalizing access to services and strengthening the capacity of law enforcement agencies to be truly responsive to the needs of vulnerable groups.

In this context, inclusive justice system reform must be supported by synergy between the government, legal aid institutions, civil society, and the private sector to create a friendly and fair legal ecosystem for all. The development of policies based on empirical data and the real needs of vulnerable groups is essential so that legal aid programs and public services can be more targeted and effective. The use of digital technology is also a strategic solution to bridge the access gap, for example through online legal consultation services and transparent information systems. In addition, strengthening regulations related to the rights of vulnerable groups and increasing supervision of the implementation of legal aid must continue to be carried out so that discrimination does not occur in judicial practices.³³

3.2.2. Political Intervention and Oligarchy in the Legal Process

Political intervention and oligarchic dominance in the legal process in Indonesia are serious challenges that hinder the realization of fair and independent law enforcement. Recent studies and observations show that oligarchic practices characterized by the concentration of power in the hands of a handful of political and economic elites often influence the course of the legal process, from the appointment of public officials to strategic decisions in law enforcement agencies. This phenomenon is reflected in a number of cases where high-ranking officials were appointed without adequate transparency, raising doubts about the objectivity and professionalism of legal institutions.³⁴ In addition, strong political influence in the judicial process also weakens the check and balance mechanism between state institutions, making the independence of the judiciary vulnerable to pressure from the executive and legislative branches. For example, the President's invitation to judges to "provide back-up" in law enforcement carried out by the government, although conveyed with good intentions, has drawn sharp criticism because it has the potential to intervene in the independence of the judiciary and weaken the principle of

³¹ Kemenko PMK, "Kemenko PMK Mendukung Penuh Pelayanan Publik Inklusif Dan Ramah Kelompok Rentan | Kementerian Koordinator Bidang Pembangunan Manusia Dan Kebudayaan," December 15, 2024, <https://www.kemenkopmk.go.id/kemenko-pmk-mendukung-penuh-pelayanan-publik-inklusif-dan-ramah-kelompok-rentan>.

³² PA Lubuk Basung, "Bimbingan Teknis Kaum Rentan Berhadapan Dengan Hukum (Vulnerable Groups in Law)," Mei 2025, <https://pa-lubukbasung.go.id/bimbingan-teknis-kaum-rentan-berhadapan-dengan-hukum-vulnerable-groups-in-law/>.

³³ Polii and Polii, "Akses Keadilan Bagi Kelompok Rentan."

³⁴ Mochamad Januar Rizki, "Pengawasan dan Tata Kelola Danantara Harus Lepas dari Intervensi Politik," [hukumonline.com](https://www.hukumonline.com/berita/a/pengawasan-dan-tata-kelola-danantara-harus-lepas-dari-intervensi-politik-lt67bc420639885/), February 24, 2025, <https://www.hukumonline.com/berita/a/pengawasan-dan-tata-kelola-danantara-harus-lepas-dari-intervensi-politik-lt67bc420639885/>.

separation of powers stipulated in the 1945 Constitution.³⁵ This condition gives rise to the perception that the legal process in Indonesia is still influenced by political interests and oligarchy, thus eroding public trust in the legal system and making law enforcement ineffective and unfair.³⁶

The impact of political intervention and oligarchic dominance is very broad and has implications for various aspects of the national legal system. Public trust in law enforcement agencies has decreased drastically because many cases involving political elites or big businessmen end with light sentences or even acquittals, while ordinary people often face harsh and disproportionate legal processes. This reinforces the notion that the law is sharp downwards and blunt upwards, which in turn causes social instability and weakens the legitimacy of the rule of law. In addition, overlapping regulations and legal disharmony that occur due to weak coordination between institutions also exacerbate this problem, because they open up loopholes for abuse of authority and political intervention in the legislative process and law enforcement. The legal reforms currently being planned by the government, including the ratification of the new Criminal Code and the digitalization of the judicial process, have the potential to improve the legal system, but their success depends heavily on the commitment to eliminating political and oligarchic dominance in the legal system.³⁷ Therefore, strengthening independent oversight mechanisms, transparency in the appointment of officials, and enforcing the principle of separation of powers are crucial steps that must be taken to build a legal system that is truly fair, free from political intervention, and trusted by all levels of Indonesian society.

3.2.3. Integrity issues: Corruption of Apparatus, Manipulation of Evidence, Weak Execution of Decisions

The integrity of law enforcement officers³⁸ in Indonesia is often questioned due to various deviant practices that damage public trust in the justice system. Corruption among officers, manipulation of evidence, and weak execution of decisions are interrelated problems and worsen the image of legal institutions. Research shows that factors such as weak internal supervision, low remuneration, and a culture of patronage in law enforcement institutions are the main drivers of ethical and legal violations by officers. The deep-rooted culture of patronage results in protection for individuals who commit deviations, making it difficult to take firm action. In addition, low salaries for officers also trigger corrupt practices as a way to cover economic

³⁵ Tim Redaksi Kompas -, "Mengapa Pemerintah Tidak Boleh Mengintervensi Kekuasaan Kehakiman?," Kompas.id, February 24, 2025, <https://www.kompas.id/artikel/mengapa-pemerintah-tidak-boleh-mengintervensi-kekuasaan-kehakiman>.

³⁶ Faizah Sururi, "[LeIP] 'Back-up' Untuk Pemerintah? Hakim Bukan Alat Eksekutif!," LEIP (blog), February 21, 2025, <https://leip.or.id/rilis-media-back-up-untuk-pemerintah-hakim-bukan-alat-eksekutif/>.

³⁷ Nawaitu Redaksi, "Refleksi Penegakan Hukum 2024 dan Prediksi Kondisi di Tahun 2025," January 5, 2025, <https://www.law-justice.co/artikel/179881/refleksi-penegakan-hukum-2024-dan-prediksi-kondisi-di-tahun-2025/>.

³⁸ Rocky Marbun, Deni Setya Bagus Yuherawan, and Mahmud Mulyadi, *Kapita Selekta Penegakan Hukum (Acara) Pidana: Membongkar Tindak Tuturan dan Komunikasi Instrumental Aparat Penegak Hukum dalam Praktik Peradilan Pidana* (Jakarta: Publica Indonesia Utama, 2021).

needs, which ultimately disrupts the professionalism and independence of law enforcement.³⁹

The problem of manipulation of evidence, especially electronic evidence, is also a serious challenge in the judicial process in Indonesia. Manipulation of electronic documents can take the form of changes, deletions, or insertions of data that are intentionally carried out without authorization, so that the document appears to be authentic and valid in the eyes of the law. The Electronic Information and Transactions Law (UU ITE) has regulated the crime of manipulating electronic documents and recognizes electronic evidence as valid evidence in court, but its implementation still faces technical and legal obstacles.⁴⁰ For example, the validity of electronic evidence is highly dependent on valid collection and presentation procedures, which are often inconsistently applied by law enforcement officers. The low level of technical understanding among officers and the absence of standard operating procedures in managing electronic evidence make it difficult to detect and effectively address potential manipulation and forgery.⁴¹ This is exacerbated by the slow and inconsistent execution of court decisions, which further undermines public trust in the legal system. Therefore, strengthening internal supervision, increasing human resource capacity, and updating regulations and technical procedures related to electronic evidence are crucial steps to improve the integrity and effectiveness of law enforcement in Indonesia.

3.2.4. Overlapping Regulations and Legal Disharmony

Overlapping regulations and legal disharmony are one of the major challenges in law enforcement in Indonesia that hinder the effectiveness of the legal system and reduce public trust. Recent studies and reports reveal that the many laws and regulations that conflict with each other or regulate the same thing in different ways cause confusion among law enforcement officers and the public. A classic example is the conflict between Law Number 32 of 2014 concerning Maritime Affairs and Law Number 23 of 2014 concerning Regional Government which creates unclear authority for marine management between the central and regional governments.⁴² This legal uncertainty not only hinders coordination between government institutions, but also weakens the effectiveness of supervision and law enforcement in the field, making

³⁹ Gratsia Astari Sinta Sumual, "Pembuktian Tindak Pidana Pemalsuan Data Dalam Informasi Dan Transaksi Elektronik," *Lex Crimen* 4, no. 3 (May 6, 2015), <https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/7962>.

⁴⁰ Rifky Pulubolo, Mutia Cherawaty Thalib, and Ahmad Ahmad, "Legal Process for Banking Negligence in Violations of Customers' Privacy Rights and Personal Data," *Estudiante Law Journal* 1, no. 1 (January 25, 2024): 1-13, <https://doi.org/10.33756/eslaj.v1i1.24195>.

⁴¹ Jane Christabel Anastasias Lies Haryanto and Rehnalemken Ginting, "Tinjauan Yuridis Terhadap Tindak Pidana Pemanipulasian Dokumen Elektronik Sehingga Dianggap Sebagai Data Yang Otentik (Studi Putusan Nomor 155/Pid.Sus/2018/Pn Cbn)," *Recidive: Jurnal Hukum Pidana Dan Penanggulangan Kejahatan* 11, no. 3 (November 18, 2022): 296-311, <https://doi.org/10.20961/recidive.v11i3.67462>.

⁴² Helex Wirawan, "Ketidakpastian Hukum Akibat Tumpang Tindih Peraturan Kelautan Di Indonesia - PIMA," August 25, 2024, <https://pima.or.id/2024/08/25/ketidakpastian-hukum-akibat-tumpang-tindih-peraturan-kelautan-di-indonesia/>.

violations such as illegal fishing and exploitation of marine resources difficult to be consistently prosecuted. This condition also has a negative impact on the investment climate, because investors face the risk of licensing uncertainty and the potential for prolonged legal disputes due to overlapping and disharmonious regulations.

Furthermore, this overlapping regulation reflects a structural problem in the process of forming laws and regulations in Indonesia which is poorly coordinated and often influenced by sectoral egos between ministries and institutions.⁴³ The government itself has acknowledged this problem and is trying to eliminate half of the approximately 42 thousand regulations that are considered overlapping as part of regulatory reform towards better governance by 2025. However, this harmonization process still faces obstacles due to various political and bureaucratic interests that maintain the status quo. In addition, overlapping also occurs in new draft laws, such as the Asset Confiscation Bill which contains clauses similar to the Money Laundering Law and the Corruption Law, so that it requires in-depth study so that there is no overlapping that actually complicates the legal system.⁴⁴ From the perspective of the theory of legal certainty, this overlapping regulation violates the basic principle that the law must be clear, consistent, and predictable by the public and business actors. Therefore, comprehensive legal reform with regulatory harmonization and strengthening coordination between institutions is a crucial step to realizing a legal system that is effective, fair, and trusted by the public.

5. Conclusion

Law enforcement in Indonesia faces various fundamental challenges including inequality in access to justice for vulnerable groups, political intervention and oligarchic dominance that erode the independence of legal institutions, and the integrity of the apparatus which is often tainted by corrupt practices and manipulation of evidence. In addition, overlapping regulations and legal disharmony further complicate the effective and fair implementation of the law, thereby reducing public trust in the justice system. To overcome these problems, comprehensive reform is needed which includes strengthening internal and external oversight mechanisms, harmonization of regulations, increasing human resource capacity, and implementing the principles of inclusive and transparent justice. Synergy between law enforcement agencies, the government, the media, and the community is the main key in building a legal system that is professional, accountable, and able to provide equal legal protection for all levels of Indonesian society.

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⁴³ Fitri N. Heriani, "Menata Regulasi: Antara Ego Sektoral dan Tumpang Tindih Peraturan," *hukumonline.com*, 2018, <https://www.hukumonline.com/berita/a/menata-regulasi--antara-ego-sektoral-dan-tumpang-tindih-peraturan-lt5b98b66ff10a7/>.

⁴⁴ Ahmad Alif Hidayat and Ikhsan Fatah Yasin, "Mengurai Persoalan Hyper Regulation Dalam Pembentukan Peraturan Perundang-Undangan," *JUSTITIABLE - Jurnal Hukum* 7, no. 2 (February 5, 2025): 106–20, <https://doi.org/10.56071/justitable.v7i2.1053>.

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