



The Evolution of Restorative Justice in the National Criminal Justice System

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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

System justice criminal law in Indonesia historical Still very dominated by approach retributive which emphasizes on punishment perpetrator crime as form reply on the act committed. This approach places the perpetrator at the center of the judicial process, while the needs of the victim and efforts to restore social relations are often neglected. Various studies have shown that the retributive system tends to produce a

false deterrent effect, exacerbates the social stigma against the perpetrator, and does not provide space for victims to obtain real justice. In practice, this punitive orientation also contributes to the problem of overcapacity in correctional institutions, where according to data from the Ministry of Law and Human Rights, the prison occupancy rate in Indonesia has exceeded capacity by more than 200% in recent years.¹ This phenomenon emphasizes the need for an evaluation of the retributive paradigm that has dominated the Indonesian criminal justice system.²

Awareness of the limitations of the retributive approach has led to the need for alternative approaches that are more humane and inclusive, such as restorative justice. This approach focuses on restoring the victim's losses, reconciliation between the perpetrator and the victim, and reintegrating the perpetrator into society. Data from the Attorney General's Office shows that since the enactment of Prosecutor's Regulation No. 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice, the number of cases successfully resolved through this mechanism has increased significantly, reaching 4,443 cases in 2023.³ This indicates a positive response from law enforcement officers and the community to an approach that prioritizes dialogue and recovery, rather than just punishment.⁴

The implementation of restorative justice in Indonesia has shown a number of positive results, both in terms of reducing recidivism rates and increasing victim satisfaction. Bazemore & Schiff's study in various countries shows that restorative justice can reduce recidivism rates by up to 30% and increase victim satisfaction with the judicial process.⁵ In Indonesia, although empirical research is still limited, several cases such as the resolution of cases of children in conflict with the law through penal mediation show similar results, namely the achievement of a peace agreement and restoration of social relations.⁶ In addition, this approach also contributes to reducing the burden of

¹ Indi Nuroini, "Efektivitas Penerapan Restorative Justice Dalam Kasus Pidana Di Indonesia," *Jurnal Cahaya Mandalika* ISSN 2721-4796 (Online) 5, no. 2 (June 22, 2024): 818-28, <https://doi.org/10.36312/jcm.v5i2.3179>.

² Sujono Sujono, Sudarto Sudarto, and Hiskia Ady Putra, "Analisis Penerapan Restorative Justice Oleh Kejaksaan Republik Indonesia Dalam Bingkai Arah Pembaharuan Politik Hukum Pidana Di Indonesia," *Jurnal Rectum: Tinjauan Yuridis Penanganan Tindak Pidana* 6, no. 3 (September 30, 2024): 551-64, <https://doi.org/10.46930/jurnalrectum.v6i3.4753>.

³ Ady Thea DA, "Capaian Kejaksaan 2023, dari Keadilan Restoratif hingga Penyelesaian Keuangan Negara," *hukumonline.com*, January 2, 2024, <https://www.hukumonline.com/berita/a/capaian-kejaksaan-2023--dari-keadilan-restoratif-hingga-penyelesaian-keuangan-negara-lt6593c5a373485/>.

⁴ Nuroini, "Efektivitas Penerapan Restorative Justice Dalam Kasus Pidana Di Indonesia."

⁵ Gordon Bazemore and Mara Schiff, *Restorative Community Justice: Repairing Harm and Transforming Communities* (New York, 2016).

⁶ 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>; Dian Ekawaty Ismail et al., "Model for Legal Settlement on Damage to the Tanjung Panjang Nature Reserve in Pohuwato Regency," *Russian Law Journal* 11, no. 3s (April 5, 2023), <https://doi.org/10.52783/rlj.v11i3s.734>; Dian Ekawaty Ismail et al., "Cyber Harassment of Public Figures: Causes and Importance of Legal Education," *E3S Web of Conferences* 594 (2024): 03005, <https://doi.org/10.1051/e3sconf/202459403005>.

cases in court and prison overcapacity, as reflected in data on the decrease in the number of cases referred to the court after the implementation of restorative justice.⁷

Restorative justice is highly compatible with the values of Pancasila and local wisdom of Indonesia. The values of deliberation, mutual cooperation, and social justice contained in Pancasila are a strong moral foundation for the implementation of restorative justice. An article published by *Pancasila: Jurnal Keindonesiaan* asserts that the integration of restorative justice principles in the juvenile criminal justice system, for example, is in line with the national mission to protect and foster children as national assets.⁸ This approach is also in line with traditional conflict resolution practices in various regions, such as customary deliberation in Aceh, Papua, and Kalimantan, which emphasize the restoration of social harmony and reconciliation.⁹

Although restorative justice offers many advantages, its implementation in Indonesia still faces a number of challenges. One of the main obstacles is the absence of a comprehensive and specific legal umbrella for restorative justice, so its implementation is still partial and dependent on sectoral policies, such as Prosecutor's Regulation No. 15 of 2020. In addition, there is still resistance from law enforcement officers who are accustomed to the retributive paradigm, as well as a lack of public understanding of the concept and benefits of restorative justice.¹⁰ Indi Nuroini's study also highlights the need for ongoing training, evaluation, and paradigm shifts so that restorative justice can be implemented effectively and sustainably throughout Indonesia.¹¹

Given the various challenges and opportunities that exist, legal reform towards a more restorative criminal justice system is an urgent need. One strategic recommendation is the drafting of a special law on restorative justice that can provide legal certainty, strengthen the position of victims, and expand the space for community participation in resolving criminal conflicts. In addition, massive socialization and public education need to be carried out to increase understanding and acceptance of the concept of restorative justice. Recent studies confirm that the long-term success of restorative justice is highly dependent on political commitment, resource support, and synergy between law enforcement officers, the community, and non-governmental

⁷ Nurcahyo Edi, John Pieris, and Nelson Simanjuntak, "Analisa Hukum Penerapan Restorative Justice Dalam Upaya Mereformasi Sistem Peradilan Umum Di Indonesia," *Jurnal Cahaya Mandalika* ISSN 2721-4796 (Online) 4, no. 3 (August 19, 2023): 1092-99, <https://doi.org/10.36312/jcm.v4i3.1764>.

⁸ Budiyono Budiyono, Setya Wahyudi, and Dwi Hapsari Retnaningrum, "Kompatibilitas Restorative Justice Dengan Nilai-Nilai Pancasila Dalam Sistem Peradilan Pidana Anak," *Pancasila: Jurnal Keindonesiaan* 4, no. 1 (April 30, 2024): 38-47, <https://doi.org/10.52738/pjk.v4i1.444>.

⁹ Ismail et al., "Collocation of Restorative Justice with Human Rights in Indonesia."

¹⁰ Sujono, Sudarto, and Putra, "Analisis Penerapan Restorative Justice Oleh Kejaksaan Republik Indonesia Dalam Bingkai Arah Pembaharuan Politik Hukum Pidana Di Indonesia."

¹¹ Nuroini, "Efektivitas Penerapan Restorative Justice Dalam Kasus Pidana Di Indonesia."

organizations. ¹²With these strategic steps, it is hoped that the Indonesian criminal justice system can transform to be more humane, inclusive, and just for all parties.

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.¹³

3. Analysis and Discussion

3.1. Hope on Transformation Enforcement Law

3.1.1. Reformation institution enforcer law (KPK, MA, MK, Polri , 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. ¹⁴KPK, 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

¹² M Khalil Ibrahim Ali, "Efektivitas Dan Tantangan Pelaksanaan Restoratif Justice Dalam Komponen Sistem Peradilan Pidana Indonesia," *Jurnal Hukum Lex Generalis* 5, no. 7 (June 20, 2024), <https://ojs.rewangrencang.com/index.php/JHLG/article/view/456>.

¹³ 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* (Yogyakarta: Pustaka Pelajar, 2010); H. Ishaq, *Metode Penelitian Hukum Dan Penulisan Skripsi, Tesis Serta Disertasi* (Bandung: Alfabeta, 2017).

¹⁴ 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/>.

programs intensive as well as strict internal supervision , as effort For ensure fair verdict And free from pressure external.¹⁵

However, law enforcement reform is not only about increasing internal capacity and integrity, but is also closely related to effective governance and supervision. ¹⁶The 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. ¹⁷The Minister of PANRB emphasized the importance of developing professional and integrated human resources as the main foundation of this reform. ¹⁸In 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.¹⁹

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. ²⁰Judicial mafia and corrupt practices within law enforcement agencies have become chronic diseases that hinder the realization of equal justice. ²¹Therefore, comprehensive legal reform must include strengthening internal and external supervision through independent supervisory institutions such as the Judicial

¹⁵ 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/>.

¹⁶ Ombudsman Republik Indonesia, *Perkuat Kerjasama Perluas Pengawasan Pelayanan Publik*, "Laporan Tahunan 2023" (Jakarta: Ombudsman Republik Indonesia, 2023).

¹⁷ 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>.

¹⁸ 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>.

¹⁹ 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-militer-bukan-dengan-menambah-kewenangan-tetapi-memperkuat-lembaga-pengawas-independen-tolak-ruu-polri-ruu-kejaksaan-dan-ruu-tni/>.

²⁰ 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/>.

²¹ 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/>.

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.²² 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 2025.²³ 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 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.²⁴ Therefore, the government and related institutions need to continue to encourage equal access to

²² 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/>.

²³ 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>.

²⁴ 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>.

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. ²⁵However, 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 alone. ²⁶In 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

²⁵ 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>.

²⁶ 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.

also provides an opportunity for victims to express their needs and obtain fair compensation, while maintaining social harmony in society.²⁷

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. ²⁸In 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 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.²⁹

3.2. Reality on the Ground: A Critique

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

²⁷ Ismail et al., "Collocation of Restorative Justice with Human Rights in Indonesia."

²⁸ 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>.

²⁹ 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>.

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.³⁰ 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.³¹ In addition, Kemenko PMK actively encourages inclusive and friendly public services for vulnerable groups, including people with disabilities, by providing facilities and infrastructure that support physical and digital accessibility and developing websites that are easily accessible to people with disabilities.³² 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.³³ 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

³⁰ 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>.

³¹ 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>.

³² 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>.

³³ 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/>.

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.³⁴

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.³⁵In 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 separation of powers stipulated in the 1945 Constitution.³⁶This 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.³⁷

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

³⁴ Polii and Polii, "Akses Keadilan Bagi Kelompok Rentan."

³⁵ 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/>.

³⁶ Tim Redaksi Kompas -, "Mengapa Pemerintah Tidak Boleh Mengintervensi Kekuasaan Kehakiman?," [Kompas.id](https://www.kompas.id/artikel/mengapa-pemerintah-tidak-boleh-mengintervensi-kekuasaan-kehakiman), February 24, 2025, <https://www.kompas.id/artikel/mengapa-pemerintah-tidak-boleh-mengintervensi-kekuasaan-kehakiman>.

³⁷ 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/>.

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.³⁸ 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 officers³⁹ 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 needs, which ultimately disrupts the professionalism and independence of law enforcement.⁴⁰

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.⁴¹ 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

³⁸ 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/>.

³⁹ 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).

⁴⁰ Gratsia Astarti 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>.

⁴¹ 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>.

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.⁴² 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.⁴³ This legal uncertainty not only hinders coordination between government institutions, but also weakens the effectiveness of supervision and law enforcement in the field, making 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.⁴⁴ 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

⁴² 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>.

⁴³ Helix 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/>.

⁴⁴ 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/>.

there is no overlapping that actually complicates the legal system. ⁴⁵From 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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⁴⁵ 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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