

*Research Article***Problems of Law Enforcement in Realizing The Principle of Equality Before The Law in Indonesia**Rofingi<sup>1\*</sup>, Umi Rozah<sup>2</sup>, Adifyan Rahmat Asga<sup>3</sup><sup>1</sup>Magister of Law Program, Faculty of Law, Universitas Diponegoro, Indonesia<sup>2</sup>Faculty of Law, Universitas Diponegoro, Indonesia<sup>3</sup>Melbourne Law School, University of Melbourne, Australia

\*Rofingifing@gmail.com

**ABSTRACT**

*Indonesia is a state of law. The law stipulates the principle of equality before the law. There are various problems in law enforcement. These problems have led to the failure to observe the principle of equality before the law. Just as the persecution suffered by Sarpan, the police admitted that they were the perpetrators of the murder. This is different from the case of Napoleón Bonaparte and Prasetijo Utomo, the suspect of bribery to remove red notice warrant of Djoko Tjandra. In this case, Djoko Tjandra had lunch with the head of the prosecutor's office. This research is significant considering the widespread practice of law enforcement that underestimates the principle of equality before the law, so it will not discriminate against everyone when applying the law in the future. This study uses the non-doctrinal reaserch because it examines laws and regulations and their implementation to the people. From this research, it is found that due to the problems of laws and regulations that are unsuitable for the people, lacked of ethics, beliefs, resources, and transparency in the screening of order agents, the principle of equality before the law has not been implemented, and there is inconsistency in the application of the law Integration leading to the decline in public trust to the law . Therefore, these issues need to be improved to realize the principle of equality before the law in law enforcement.*

**Keywords:** Problems; Law Enforcement; Equality.**A. INTRODUCTION**

Discussing Law will always be interesting. Law is inherent in human life. Various definitions of law have been put forward by legal scholars. Law , according to E. Utrecht, is a set of instructions in life that contains rules regarding community rules that are mandatory to be obeyed by every member of the community (Subiharta, 2015). Because the law is the embodiment of the collective nature of human, the human role is needed when there is a violation of it (Likadja, 2015). Meanwhile, Sunaryati Hartono defines law as something that does not correlate at all to the life of an individual human being, but rather regulates the correlation between the life of the individual concerned and other human beings, or limits the behavior of human relations in their social life. Judging from the understanding of E. Mayers, law is defined as all rules that contain knowledge about characters which is aimed at

human behavior in social life and as a guide for power holders in carrying out their duties and authorities. So that it can be concluded that the law is a norm or rule that contains punishment or sanctions (Subiharta, 2015).

The rule of law adopted by Indonesia is stated in the 3rd amendment to the country's Constitution, which is stated in Article 1 paragraph (3) "The State of Indonesia is the State of Law" (Ridwan, 2014). Where according to A.V. Dicey, in running a country, a leader must emphasize the existence of supremacy of law or absolute supremacy of law, equality of status before the law (equality before the law), as well as individual rights or human rights guaranteed by the constitution as the basis of all applicable rules (Simamora, 2014).

In general, there are three objectives of the concept rule of law, namely; (1) to protect its people from chaos and disorder; (2) to give the people the freedom to design their will based on reasonable considerations; (3) guarantees are given to the people so that arbitrariness does not appear. So that the rule of law will be implemented if there is; (1) the existence of legal provisions; (2) legal effectiveness; (3) legal stability; (4) the rule of law; and (5) the existence of a court that is not inclined to one of the litigants (Azhari, 2012).

As a state of law, Indonesia in carrying out its laws must be in line with the requirements of a state of law. Article 27 paragraph (1) of the constitution guarantees that every citizen has the same position

before the law without exception. Article 27 paragraph (1) stipulates that the rule of law orders the implementation of the principle of equality before the law (Rofingi, 2019).

Carrying out and implementing the law must also be under legal instruments. The legal instruments are targeted at people who violate the law, which, in its application, is in the form of law enforcement tools, namely state officials as law enforcers. From this legal instrument, it will be guaranteed that the rules are implemented fairly, definitely, not vaguely, and have benefits for the realization of an orderly society. The working device is a manifestation of law enforcement. Meanwhile, law enforcement is something that must be carried out by the state in the context of protecting its citizens. All of these are based on criminal acts which are very important problems to be overcome in order to create a harmonious, orderly, peaceful, and calm life (Ariyanti, 2019).

In enforcing criminal law, a criminal justice system that is suitable and targeted is necessary so that it is in line with the protection of human rights guaranteed in the constitution, namely the realization of the principle of equality before the law.

Judging from the fact, Indonesian law enforcement is not in line with the realization of the principle of equality before the law. For example, the case of persecution experienced by Sarpan (53 years old) was carried out by the police at the

Percut Sei Tuan Police, Medan. He was persecuted into confessing to the murderer (Puspita, 2020).

To compare, there is another the case of two police generals (Inspector General (Pol) Napoleon Bonaparte and Brigadier General (Pol) Prasetijo Utomo who were involved in the alleged bribery case to delete the wanted list of Djoko Tjandra (DT) in the South Jakarta District Attorney. They were served lunch by the head of the prosecutor's office. The banquet was held when Bareskrim Polri investigators transferred authority over the case files and suspects to the South Jakarta District Attorney's Office (Halim, 2020).

Then, there is also another case that is currently being discussed. It is the case of Pinangki, a Prosecutor who has received bribes worth 500,000 dollars (US) from DT, then was committed money laundering with a total of 375,229 US dollars (5.25 billion Rupiah), and has been proven to have bad conspiracies with Anita Kolopaking, Djoko Tjandra, and Andi irfan Jaya by pledging money to the Attorney General's Office and the Supreme Court in the amount of 10,000,000 US dollars. Pinangki received sentence reduction from 10 years to 4 years because Pinangki had admitted her guilt and was a mother of a four-year-old child who should receive attention (Mashabi, 2021).

This condition is in contrast to the case experienced by Isma, a 33-year-old mother from North Aceh. Isma was instead imprisoned along with her six-month-old child due to a 35-second

video that was deemed to have violated the ITE Law, in which the video contained a riot carried out by the Lhok Village Head. Puuk, Seunuddon, North Aceh, and a mother, then because she did not accept the village head reported Isma and processed him so that he received a prison sentence of three months (Persada, 2021).

From these cases, it can be seen that law enforcement does not see the principle of equality before the law as mandated by the constitution.

The scope of discussion in this study is specified into two problem formulations, namely:

1. What are the Problems in Law Enforcement in Indonesia?
2. How to Realize the Principle of Equality Before the Law in Law Enforcement in Indonesia?

This research is significant considering the widespread practice of law enforcement that underestimates the principle of equality before the law.

In this study, we will only focus on law enforcement in the field of criminal law. This is because in Indonesia criminal law enforcement is in the spotlight as in the case examples previously mentioned.

After the authors studied from both national and international journals, the authors saw many studies that discussed law enforcement in Indonesia, but the authors have not found specific research discussing the problems of law enforcement in Indonesia in realizing the principle

of equality before the law. For example, in a research conducted by Yady, Abdul Razak, and Aswanto under the title "Problematics of Law Enforcement in Indonesia Towards Responsive Law Based on Pancasila Values", the researchers found that the implementation of responsive law enforcement based on Pancasila values was due to the lack of public trust in law enforcement in Indonesia. This distrust includes distrust in the integrity of law enforcers who are considered poor and less responsive to regulations and disregarding Pancasila values in carrying out law enforcement and law formation (Yady, Razak, & Aswanto, 2012).

The research entitled "Problematics of Law Enforcement in Indonesia (Study with the Perspective of Sociology of Law)" conducted by Alfian Biroli found that law enforcement in Indonesia is far from what is expected by society, meaning that law enforcement is not fair. This study focuses more on the impact of law implementation specifically the impact which is felt by individuals who are in contact with the law, such as families, organizations or groups, communities, and the mass media which take part in spreading the news (Biroli, 2015).

The research entitled "Problematics of Law Enforcement in Indonesia" conducted by Eman Sulaiman found interesting problems, including the bad character of the nation which is the main actor in the lack of good law enforcement in Indonesia.

Then there are also law enforcers who want to take advantage of the corruption law in Indonesia. To fix this, there must be firmness and comprehensive commitment from both the individual and the parties concerned in law enforcement. Mental strength, shame, and strong faith and piety must be instilled in people who are in contact with law enforcement, and even must be instilled early on (Sulaiman, 2016).

Research conducted by Pristiwijyanto, entitled "Problematics of Law Enforcement and Policy Directions for Legal System Development", found that Legal Structure and Legal Culture play the most role in law enforcement in Indonesia. In the legal structure, it is necessary to commit law enforcers to enforce the law fairly, so that an enforcer with integrity, courage, honesty, and firmness is needed. Then the culture of obeying the law from the community also provides an important role in law enforcement (Pristiwijyanto, 2016).

Research conducted by Derita Pripta Rahayu, Faisal, Yokotani, Rafiqah Sari, and Ndaru Satrio with the title "*Law Enforcement In the Context of Legal Culture in Society*", was aimed at law enforcement in a society that is unique in spiritual and contextual value, namely law enforcement by Matras fishermen (River Liat Regency, Bangka Belitung). In this study, the researchers used the context of a legal culture which is believed to be sacred and has religious

substance in it and used the belief of local wisdom (Rahayu et.al, 2020).

Harbin Marulak Siahaan in his research found various challenges faced in law enforcement against people smuggling. Those challenges include punishing people smugglers, as well as breaking the smuggling chain which, according to Harbin, requires improvements in the legal substance, legal structure, and the need for the role of the community to be able to monitor suspicious activities related to people smuggling (Siahaan, 2020).

A reaserch conducted by Ken Yahagi with the title "Law Enforcement with Motivated Agents" found that law enforcement requires a relationship among citizens, government, and law enforcement officers, and the government must pay attention to citizens satisfaction. Here it is also found that financial incentives are needed to minimize conflicts of interest from law enforcers (Yahagi, 2021).

Another research conducted by Alissa Greer, Naomi Zakimi, Amanda Butler, and Sarah Ferencz with the title "Simple Possession as a 'Tool': Drug Law Enforcement Practices Among Police Officers in the Context of Depenalization in British Columbia, Canada" found that in law enforcement, the problem is the inconsistency within the police, prosecutors, and judges. This study focuses on law enforcement against drug crimes in a socio-legal context and highlights the inconsistencies among law enforcers that can hinder legal reformation,

especially drug control in Canada (Greer et.al, 2022).

## B. RESEARCH METHODS

The research method is the path that must be followed to find data and analyze it. (Rahmawati, 2020). In this study, the socio-legal approach is used to test the effectiveness of the law (Benuf, & Azhar, 2020).

In socio-legal research, secondary materials or library materials are used. The materials include legislation, articles, books, research results, as well as various matters related to this research (Muchtar, 2015). On the other hand, primary materials are also used, such as observation of cases that occur in law enforcement (Benuf, & Azhar, 2020).

The approach to this research problem is statute and the conceptual approach (Djanggih, & Saefudin, 2017).

Qualitative analysis method is the method used when the available data is analyzed using analytical materials, namely laws and regulations or legal principles regarding the problems contained in this study (Surbakti, & Zulyadi, 2019). This research uses descriptive analytical which is a method used to describe or explain the facts found which are then analyzed (Rossandy, 2016). Through this method, problems in law enforcement in realizing equality before the law known as equality before the

law will be identified, and solutions will then be sought.

## C. RESULTS AND DISCUSSION

### 1. Law Enforcement Problems in Indonesia

The existence of Indonesia as a state of the law has been recognized since the existence of the third amendment to the constitution (Hutahaean, & Indarti, 2019). Judging from the notion of law enforcement, it is a process or method or also an act carried out for the sake of upholding the law, namely to protect the interests of the community. In practicing the law, law enforcers must pay attention to the existence of justice, certainty, and also expediency. (Sulaiman, 2016).

Law enforcement according to Soerjono Soekanto is essentially an activity aimed at maintaining the values of harmony between law and harmony in daily life, so law enforcement does not only talk about how law enforcement processes the law but must consider other factors that can affect its implementation, such as the rule of law, law enforcement, as well as facilities and infrastructure that support the community and its culture. Soerjono Soekanto emphasized that the factors that influence law enforcement include; the law itself, law-formers and enforcers, facilities, and infrastructure that support law enforcement, community social factors, where the law is implemented, and cultural factors, which are the creation of thoughts and feelings based on

community feelings (Anwar et.al, 2017). In line with that, Mokhammad Najih stated that law enforcement itself is related to law enforcement institutions, the needs and potential of human resources, aspects of the professionalism of law enforcement officers, the infrastructure that supports it, and aspects that support the legal culture of the community (Najih, 2018).

Law enforcement actions are carried out when there are actions that meet formal requirements, namely following statutory regulations, be it the Criminal Code or other regulations that have a criminal dimension and have material elements that are contrary to the ideals of the community or are also referred to as against the law or a crime (Muryani, 2019).

In its implementation, various aspects influence law enforcement, such as money, education, position, social status, and others. With the influence of these aspects, the purpose of law enforcement will be constrained. Crimes and violence that still occur frequently are also a sign of failure in law enforcement (Jayadi, 2015).

The application of the existing law shows that there are differences that occur in the social strata of Indonesian society. People who have high social strata will get privileges, in contrast to those who have low social strata. Likewise, those who have certain positions will be treated differently from ordinary people. Here it is seen that the principle of

equality before the law is not implemented so that justice will not be realized.

According to Friedman, the downturn in law enforcement cannot be separated from the legal structure, the core of the law, and the legal culture. In Indonesia, three cases become the foundation of problems in law enforcement, including the integrity of law enforcement, legal products, and the non-implementation of the values contained in Pancasila for law enforcement (Yadyn, Razak, & Aswanto, 2012).

The important thing to think about is where to start with the legal downturn in this country. The legal situation in Indonesia is inevitably at its lowest point with the loss of conscience of law enforcement officers in carrying out legal processes (Jayadi, 2015). Law enforcement officials who are expected to be able to carry out the law and apply the law have been infected with a morality virus in which (prosecutors, judges, police, and advocates) are involved in a practice known as judicial corruption which can be said to be ingrained. So that the goal of realizing good governance becomes mere wishful thinking that is difficult to realize (Sulaiman, 2016). It can even be said that the legal process in Indonesian judiciary has not been able to realize the expected justice.

The law should be formed according to the purpose for which the law is applied. If this is not implemented, widespread rejection and violation of the law will occur. This is evident in law

enforcement in Indonesia where the law can be played and misused by certain parties. Justice will be a luxury because it can only be received by certain parties (Jayadi, 2015).

This happens because the enforcement officers have no good spirit of law enforcement, weak faith and economic problems, and they also lack of religious understanding. In addition, the recruitment process for officers are less than optimal. There is the lack of transparency in their recruitment. It can be said that when the law is good but the quality of the personnel who carries it out is bad, it becomes a problem, and on the other hand the opportunity to create problems will also open (Sulaiman, 2016).

The quality of law enforcement is also influenced by the lack of legal education. So far, legal education is prioritized only for enforcers who run the law, not to the creators of the law. In addition, the recruitment process in the legal field is below optimal to produce qualified resources. In addition, the judicial system that seems closed also causes the law to be implemented unfairly. So public trust in the law in Indonesia has decreased (Pristiwiyanto, 2016).

The decline in trust in law enforcement in Indonesia has occurred since the early 70s with the emergence of the term legal mafia or court mafia. At that time, the law was used as a tool to legitimize the interests of the government and to ignore the interests of the people (Jayadi, 2015).

Quoting Satjipto Raharjo's opinion, this condition is called legal chaos that occurs because of overlapping regulations on public (community) fooling, resulting in a loss of conscience in enforcing the law (Jayadi, 2015).

Nowadays people's trust in law enforcement in Indonesia is fading. This is mainly influenced by law enforcement factors. (Utama, 2019). The fading of public trust in law enforcement causes law enforcers to prefer an instant way to prosecute criminals or commonly known as a vigilante (Eigenrichting) (Panjaitan, & Wijaya, 2018).

When law enforcement is unable to implement what the law itself wants, namely justice, the supremacy of law that characterizes every legal state including Indonesia will later become mere wishful thinking (Ansar, 2019). The existence of Law no. 28 of 1999 explains the implementation of a clean and free state of corruption, collusion, and nepotism, which contains the functions and objectives of state administrators so that they can carry out their duties responsibly and seriously (Sulaiman, 2016). Looking at the legal substance (rules) in Indonesia, it can be said that it is good and is said to be feasible to implement the principle of equality before the law where the output of this principle is justice (Jayadi, 2015). However, the problem lies in law enforcement process which is a sub-system in the national legal system (Barama, 2016).

Poor law enforcement by enforcers who are sub-systems affects other systems which then causes people's perspective on Indonesian law to be bad (Sulaiman, 2016).

The legal problems that exist in Indonesia stem from two opposite aspects. The community considers all perpetrators of criminal acts to be punished, but the judge as the case breaker must see the evidence that occurs in the court. However, the fact is that law enforcement that seems formal is detrimental to society and creates injustice (Jayadi, 2015). For example, Cholil and Basar stole a watermelon and were sentenced to half a month in prison with one-month probation. In the case of the kapok thief (Rp. 12.000,00), Masinih and his two children and cousins were sentenced to 24 days in prison (Adawiyah, & Rozah, 2020). In another case, Mbok Minah who stole chocolate fruit worth less than Rp30,000 was sentenced to 15 days with 3 months probation. There are still many other such cases (Sukardi, 2022).

Another problem that arises is the conformity of each stage of law enforcement starting from the stages of the investigation, prosecution, examination in court to the implementation of court decisions. Seen from the aspect of the Criminal Justice System, the Institutions hold their powers. For example, an investigator can stop an investigation when the evidence is incomplete or the case is not regarded as a criminal case by issuing an SP3 (Warrant for Termination of



Investigation), with which the case does not enter the prosecution stage. Then the Public Prosecutor with a Termination of Prosecution Decree (SKP2) can stop the case so that it does not continue to be examined in court (Pujiyono, 2012).

Law enforcement issues include the rule of law, law enforcement, as well as facilities, and infrastructure that support the community and its culture. Whether they are rules, law enforcement, or even community culture, they must be able to optimize their respective roles in the law enforcement process. Law enforcement especially is very important because law enforcement is the "man behind the gun" or the main actor in the law enforcement process.

It is not only the police, but also all aspects of the police, prosecutors, or judges as spearheads in determining punishment. In the realm of the police and the prosecutor's office, equality before the law must be applied during examining, such as not to look at who a person is when digging for information, so that case of Sarpan and case of Inspector General (Pol) Napoleon Bonaparte and Brigadier General (Pol) Prasetijo Utomo can be prevented. In practice, the police and the prosecutor's office, in particular, must be able to sort out which cases should be continued or should be stopped and resolved amicably so that minor cases and the losses incurred are not significant, such as in the cases of Mbok Minah, Chalil and Basar, and other similar cases. Those cases did not

reach the court, so that the punishment is not commensurate with the act committed.

Judges as law enforcers must also implement the principle of equality before the law. This means that they must decide equally in terms of their proportions, in this case, judges must also be able to use conscience in deciding cases so that they can provide justice between cases with significant effects and insignificant ones so that punishment given will provide justice.

## **2. Realizing the Principle of Equality Before the Law in Law Enforcement in Indonesia**

The principle of Equality before the Law is the main hope and goal in legal system in democratic countries. It promises equality and justice for everyone regardless of their gender or sexual orientation, religion, ethnicity, language, or ethnicity (Angermeyer, 2021).

In Islam itself, the definition of equality before the law is found in two main sources of law, namely the Qur'an and Hadith. Among them is QS an-Nisa verse 58 which means that Allah commands humans to enforce the law between humans fairly. From this verse, it can be seen that the call to enforce the law fairly must be done to every human being without discriminating between them (Rofingi, 2019).

Then in the same sura in verse 135, it is mentioned a call to all human beings who believe to uphold justice, and to witness solely for the sake of Allah, be it for oneself, parents, relatives, and even

others. And what also mentioned is the prohibition to follow lust when upholding justice so as not to see the rich and the poor. And when playing about it, it must be remembered that Allah knows everything. So from this verse, it can be seen that when enforcing the law, it is not permissible to discriminate both in terms of degree, rank, social status, and also the status of proximity (Rofingi, 2019).

In addition, the Prophet Muhammad also ordered to carry out equality before the law (Equality Before the Law) through the hadith of the prophet narrated by ad-Daruqutni which mentions the obligation to equalize every human being when in the assembly (trial) and in the presence, where later the weak will not despair of justice being given, and the rich would not cheat (Rofingi, 2019).

The Indonesian constitution also contains the principle of equality before the law, which is contained in Article 27 paragraph (1) which means that all citizens without exception have the same position in law or government. It is further embedded in Article 28 D paragraph (1) with the same intent but with a different editorial stipulates that everyone has the right to be recognized, guaranteed, protected, and has the right to fair legal certainty, and also has right to equality. Then Article 28, I paragraph (2) essentially states that all people should not be treated arbitrarily, discriminated against on any basis, and are entitled to protection from such treatments. Still the same as the previous

articles, Article 28 H paragraph (2) also mentions equality that everyone must be given the right to get convenience and special treatment so that with these two things they can get the same chance and benefits to achieve equality and justice (Constitution of 1945, n.d.).

In addition to the state constitution, Law no. 39 of 1999 concerning Human Rights in Article 3 paragraph (2) essentially mentions the rights concerning recognition, protection, and guarantees, as well as legal treatment that must be fair, including obtaining legal certainty and equality before the law (Act of the Republic of Indonesia Number 39 of 1999 Concerning Human Rights, 1999).

If you examine more deeply, equality before the law is also contained in the general explanation of Law no. 8 of 1981 which regulates the Criminal Procedure Code which explains the obligation of the state to give equal treatment to everyone (equality before the law) without any discrimination. Furthermore, this law is also explained in its preamble. It states that the state of Indonesia is a state of the law with Pancasila and the 1945 Constitution as its basis. Indonesia also recognizes and upholds human rights and guarantees equality before the law and government of all citizens (Law of the Republic of Indonesia Number 8 of 1981 concerning the Criminal Procedure Code (KUHP), 1981).

Human rights are rights inherent in human dignity as creatures created by God. This right cannot be separated from its essence, so it is noble and sacred. Therefore, the state must ensure that it is recognized and respected, as well as the principle of equality before the law or the principle of equality before law which is also part of human rights (Jauhar, 2007).

Judging from the legal basis, it can be concluded that equality before the law (Equality Before the Law) is the main principle of law enforcement that can achieve justice. When looking at the problems of law enforcement in Indonesia, such cases as the case of persecution experienced by Sarpan (53 years old) which was carried out by the police at the Percut Sei Tuan Police, Medan still occur. He was persecuted into confessing to be the murderer (Puspita, 2020). Sarpan's case is in contrast to the case of (Inspector General (Pol) Napoleon Bonaparte and Brigadier General (Pol) Prasetijo Utomo) who were involved in the bribery case to erase Djiko Tjandra's wanted list in South Jakarta District Attorney. They were treated to lunch by the head of the prosecutor's office. The banquet was held when Bareskrim Polri investigators transferred authority over case files and suspects to the South Jakarta District Attorney's Office (Halim, 2020).

These two cases are small examples of the results of the ongoing problems in law enforcement in Indonesia. To be able to realize equality before

the law, several things must be addressed. It can start by growing awareness that laws and regulations must aim at protecting the community, not as a tool to legalize the interests of the rulers (Jayadi, 2015). This must also be supported by the ranks of law enforcers as part of the components of the criminal justice system included in national legal system. They must be able to work together by taking into account the inter-sub-systems. Like the relationship among the police, prosecutors, courts, and prisons. It must be integral and must also pay attention to the law itself and not misuse the law for the interests of certain people. When this does not materialize, the principle of equality before the law with justice as a guarantee will not be realized (Barama, 2016).

Thus, in addition to having to work in an integral or integrated manner in the criminal justice sub-systems, there must also be an integration with the law to enforce the law, not discriminating or looking at position, assets, and so forth. Thus, the principle of equality before the law or known as equality before the law will be realized following the mandate of the constitution and the legislation under it. Therefore, the welfare of society can be realized.

Here, it must be understood that enforcing the law is not only based on mere statutory regulations but it also means to be able to realize justice in which the means used are the principle of equality before the law (Fitri, 2011). This means

that the principle of equality before the law is used as the basis for carrying out the law, so that justice will be realized.

#### D. CONCLUSION

The problems of law enforcement in Indonesia are caused by many issues. From the issues of the laws and regulations that are less pro-people, the lack of morality of law enforcement officers, the lack of competent human resources in law, the lack of transparency in the recruitment of law enforcement officers, and the disintegration in the law enforcement process. These all embody careless law enforcement and do not implement the principle of equality before the law, so that this causes public trust to fade to law enforcement officers.

To realize law enforcement that is in line with the principle of equality before the law stated in various constitutional regulations to the explanation of the law, several things that must be addressed include the formation of laws and regulations that accommodate the principle of equality before the law with the aim to protect the community, strengthen the morality of law enforcement resources, and provide transparency in the recruitment of law enforcement. By doing so, there will be quality law enforcement and this means that law enforcers can implement the principle of equality before the law, so that justice will be realized. In addition, to realize the principle of

equality before the law, integration between sub-systems in law enforcement is also needed. That way, law enforcement will be optimal and can increase public trust in law enforcement officers.

#### REFERENCES

##### JOURNALS

- Adawiyah, Robiatul., & Rozah, Umi. (2020). Indonesia's Criminal Justice System with Pancasila Perspective as an Open Justice System. *Law Reform*, Vol.16,(No.2), pp.149–162. <https://doi.org/10.14710/lr.v16i2.33783>
- Angermeyer, Philipp S. (2021). Beyond translation equivalence: Advocating pragmatic equality before the law. *Journal of Pragmatics*, Vol.174,pp.157–167. <https://doi.org/10.1016/j.pragma.2020.12.022>
- Anshar, S. (2019). Konsep Negara Hukum dalam Perspektif Hukum Islam. *Soumatera Law Review*, Vol.2, (No.2), pp.235–245. <http://dx.doi.org/10.22216/soumlaw.v2i2.4136>
- Anwar, Yesmil., Somawijaya., Suseno, Sigit., Putri, Nella Sumika. (2017). Law Enforcement of the Bandung Regional Regulation on the Orderliness, Cleanliness, and the Beauty. *Sriwijaya Law Review*, Vol.1,(No.1), pp.74-87. <http://dx.doi.org/10.28946/slrev.Vol1.Iss1.11.p093-109>
- Ariyanti, V. (2019). Kebijakan Penegakan Hukum Dalam Sistem Peradilan Pidana Indonesia. *Jurnal Yuridis*, Vol.6, (No.2), pp.33–54.

- <http://dx.doi.org/10.35586/jjur.v6i2.789>
- Azhari, Aidul F. (2012). Negara Hukum Indonesia: Dekolonisasi Dan Rekonstruksi Tradisi. *Jurnal Hukum Ius Quia Iustum*, No. 19,(No.4),pp.489–505. <https://doi.org/10.20885/iustum.vol19.iss4.art1>
- Barama, M. (2016). Model Sistem Peradilan Pidana Dalam Perkembangan. *Jurnal Ilmu Hukum*,Vol.III,(No.8),pp.8–17. [http://repo.unsrat.ac.id/1304/3/MODEL\\_SISTEM\\_PERADILAN\\_PIDANA\\_DALAM\\_PERKEMBANGAN.pdf](http://repo.unsrat.ac.id/1304/3/MODEL_SISTEM_PERADILAN_PIDANA_DALAM_PERKEMBANGAN.pdf)
- Benuf, Kornelius., & Azhar, Muhamad. (2020). Metodologi Penelitian Hukum sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer. *Jurnal Gema Keadilan*, Vol.7,(No.1),pp.20–34. <https://doi.org/10.14710/gk.7.1.20-33>
- Biroli, A. (2015). Problematika Penegakkan Hukum di Indonesia (kajian dengan perspektif sosiologi hukum). *Dimensi; Journal of Sociology*,Vol.8,(No.2),pp.1–9. <https://journal.trunojoyo.ac.id/dimensi/article/view/3728>
- Djanggih, Hardianto., & Saefudin, Yusuf. (2017). Pertimbangan Hakim Pada Putusan Praperadilan: Studi Putusan Nomor: 09/PID.PRA /2016/PN.Lwk Tentang Penghentian Penyidikan Tindak Pidana Politik Uang. *Jurnal Penelitian Hukum De Jure*, Vol.17, (No.3), pp.413–425. <http://dx.doi.org/10.30641/dejure.2017.V17.413-425>
- Fitri, H. (2011). Peran Hakim Peradilan Agama dalam Mewujudkan Keadilan dan Kepastian Hukum Melalui Putusan. *JURIS; Jurnal Ilmu Syari'ah*, Vol.10,(No.1), pp.27-39. <http://dx.doi.org/10.31958/juris.v10i1.919>
- Greer, Alissa., Zakimi, Naomi., Butler, Amanda., & Ferencz, Sarah. (2022). Simple Possession as a 'Tool': Drug Law Enforcement Practices Among Police Officers in the Context of Depenalization in British Columbia, Canada. *International Journal of Drug Policy*, Vol.99,pp.1-9. <https://doi.org/10.1016/j.drugpo.2021.103471>
- Hutahaeen, Armunanto., & Indarti, Erlyn. (2019). Lembaga Penyidik Dalam Sistem Peradilan Pidana Terpadu di Indonesia. *Jurnal Legislasi Indonesia*,Vol.16,(No.1),pp.27–41. <https://doi.org/10.54629/jli.v16i1.453>
- Jauhar, N. (2007). Islam, Demokrasi, dan HAM Sebuah Benturan Filosofis dan Teologis. *Jurnal Ilmu Sosial dan Politik*, Vol.11,(No.2), pp.31-62. <https://doi.org/10.22146/jsp.11002>
- Jayadi, A. (2015). Problematika Penegakan Hukum Dan Solusinya. *Al-Risalah Jurnal Ilmu Syariah dan Hukum*, Vol.15, (No.2), pp.1–11. <https://doi.org/10.24252/al-risalah.v15i2.2451>
- Likadja, Jeffry Alexander Ch. (2015). Memaknai “Hukum Negara (Law Through State)” dalam Bingkai “Negara Hukum (Rechtstaat).” *Hasanuddin Law Review*, Vol.1,(No.1), pp.75–

86. <http://dx.doi.org/10.20956/halrev.v1i1.41>
- Muchtar, H. (2015). Analisis Yuridis Normatif Sinkronisasi Peraturan Daerah Dengan Hak Asasi Manusia. *Humanus*, Vol.XIV,(No.1), pp.80–91. <https://doi.org/10.24036/jh.v14i1.5405>
- Muryani, E. (2019). Sinergitas Penegakan Hukum Pada Kasus Pertambangan Emas Tabpa Izin di Kabupaten Banyumas, Jawa Tengah. *Jurnal Bestuur*, Vol.7, (No.2), pp.84-92. <https://doi.org/10.20961/bestuur.v7i2.40437>
- Najih, M. (2018). Indonesian Penal Policy: Toward Indonesian Criminal Law Reform Based on Pancasila. *JILS (Journal of Indonesian Legal Studies)*, Vol.3,(No.02), pp. 149-174. <https://doi.org/10.15294/jils.v3i02.27510>
- Panjaitan, Chandro., & Wijaya, Firman. (2018). Penyebab Terjadinya Tindakan Main Hakim Sendiri atau *Eigenrichting* Yang Mengakibatkan Kematian (Contoh Kasus Pembakaran Pelaku Pencurian Motor Dengan Kekerasan di Pondok Aren Tangerang). *Jurnal Hukum Adigama*, Vol.1,(No.1),pp.1–25. <http://dx.doi.org/10.24912/adigama.v1i1.2168>
- Pristiwiyanto. (2016). Problematika Penegakkan Hukum dan Arah Kebijakan Pembangunan Sistem Hukum. *Jurnal Fikroh*,Vol.9,(No.1), pp.38–48. <https://doi.org/10.37812/fikroh.v9i1.45>
- Pujiyono. (2012). Rekonstruksi Sistem Peradilan Pidana Indonesia Dalam Perspektif Kemandirian Kekuasaan Kehakiman. *Masalah-Masalah Hukum*, Vol.41,(No.1), pp.118–127. <https://doi.org/10.14710/mmh.41.1.2012.118-127>
- Rahayu, Derita Prapti., Faisal., Yokotani., Sari, Rafika., Satrio, Ndaru. (2020). Law Enforcement in the Context of Legal Culture in Society. *Law Reform*, Vol.16,(No.2), pp.276–289. <https://doi.org/10.14710/lr.v16i2.33780>
- Rahmawati, I. (2020). Analisis yuridis-normatif terhadap peran dan tindakan telemarketing dalam transaksi digital. *Jurnal Cakrawala Hukum*,Vol.11,(No.1),pp.60–70. <https://doi.org/10.26905/idjch.v11i1.4047>
- Ridwan, Z. (2014). Negara Hukum Indonesia Kebalikan Nachtwachterstaat. *FIAT JUSTISIA:Jurnal Ilmu Hukum*, Vol.5,(No.2), pp.141–152. <https://doi.org/10.25041/fiatjustisia.v5no2.56>
- Rossandy, A Novin Budi. (2016). Hakikat Hidup Manusia dengan Sesamanya dalam Tembang Macapat. *EDU-KATA*, Vol.3,(No.2), pp.189–196. <https://doi.org/10.52166/kata.v3i2.1049>
- Siahaan, Herbin Marualak. (2020). Law Enforcement in The Handling of People Smuggling Crime in Indonesia. *Law Reform*, Vol.16,(No.2),pp.163–178. <https://doi.org/10.14710/lr.v16i2.33769>
- Simamora, Janpatar. (2014). Tafsir Makna Negara Hukum Dalam Perspektif Undang-Undang Dasar Negara Republik Indonesia Tahun

1945. *Jurnal Dinamika Hukum*, Vol.14,(No.3), pp.547–561.  
<http://dx.doi.org/10.20884/1.jdh.2014.14.3.318>
- Subiharta. (2015). Moralitas Hukum dalam Hukum Praksis sebagai Suatu Keutamaan (Legal Morality in Practical Law as a Virtue). *Jurnal Hukum dan Peradilan*, Vol.4,(No.3), pp.385–398. <http://dx.doi.org/10.25216/jhp.4.3.2015.385-398>
- Sukardi., Purnama, Hadi Rahmat. (2022). Restorative Justice Principles in Law Enforcement and Democracy in Indonesia. *JILS (Journal of Indonesian Legal Studies)*, Vol.7(No.1),pp.155.190.  
<https://doi.org/10.15294/jils.v7i1.53057>
- Sulaiman, Eman. (2016). Problematika Penegakan Hukum Di Indonesia. *Ash-Shahabah Jurnal Pendidikan dan Studi Islam*, Vol.2,(No.1), pp.64–78.<https://journal-uim-makassar.ac.id/index.php/ASH/article/view/162>
- Surbakti, Friwina Magnesia., & Zulyadi, Rizkan. (2019). Penerapan Hukum Terhadap Anak Sebagai Pelaku Tindak Pidana Pencurian dengan Kekerasan. *Journal of Education, Humaniora and Social Sciences (JEHSS)*, Vol.2,(No.1),pp.143–162.  
<https://doi.org/10.34007/jehss.v2i1.58>
- Utama, Andrew Shandy. (2019). Kepercayaan Masyarakat Terhadap Penegakan Hukum Di Indonesia. *Ensiklopedia Social Review*, Vol.1,(No.3),pp.06–313.  
<https://doi.org/10.33559/esr.v1i3.375>
- Yahagi, Ken. (2021). Law Enforcement with Motivates agents. *International Review of Law and Economics*, Vol.66, pp.1-9.  
<https://doi.org/10.1016/j.irle.2021.105982>

## RESEARCHS

- Rofingi. (2019). *Asas Equality Before the Law dalam Perspektif Hukum Islam dan Konstitusi Indonesia (Studi Tentang Implementasi Hukum Pidana di Indonesia)*. IAIN Purwokerto. Retrieved from <http://repository.iainpurwokerto.ac.id/5700/>
- Yadyn., Razak, Abdul., & Aswanto. (2012). *Problematika Penegakan Hukum di Indonesia Menuju Hukum yang Responsif Berlandaskan Nilai-Nilai Pancasila Law Enforcement Problems for Responsive Law Based on the Values of Pancasila - the Five Principles of the Republic of Indonesia*. Universitas Hasanudin. Retrieved from <http://digilib.unhas.ac.id/opac/detail-opac?id=2803>

## LAWS

- Undang-Undang Republik Indonesia Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia.
- Undang-Undang Republik Indonesia Nomor 8 Tahun 1981 Tentang Kitab Undang Undang Hukum Acara Pidana (KUHAP).
- Undang Undang Dasar 1945.

**ONLINE SOURCES**

- Halim, D. (2020). Jenderal Polisi Tersangka Penghapusan Red Notice Dijamu Makan Siang oleh Kajari Jaksel. Retrieved from <https://nasional.kompas.com/read/2020/10/19/12323811/jenderal-polisi-tersangka-penghapusan-red-notice-dijamu-makan-siang-oleh?page=all>
- Mashabi, S. (2021). Hukuman Jaksa Pinangki Dipangkas 6 Tahun Jadi 4 Tahun, Ini Pertimbangan Hakim. Retrieved from <https://nasional.kompas.com/read/2021/06/15/10295701/hukuman-jaksa-pinangki-dipangkas-6-tahun-jadi-4-tahun-ini-pertimbangan-hakim?page=all>
- Persada, G. (2021). Duh, Ibu di Aceh Utara Dipenjara Bersama Bayinya Gara-Gara Video 35 Detik. Retrieved from <https://www.kompas.tv/article/151040/duh-ibu-di-aceh-utara-dipenjara-bersama-bayinya-gara-gara-video-35-detik>
- Puspita, R. (2020). Penganiayaan Saksi dan Berulangnya Penyiksaan oleh Polisi. Retrieved from <https://www.republika.co.id/berita/qdadcg428/penganiayaan-saksi-dan-berulangnya-penyiksaan-oleh-polisi>