



Commentary

Legal Protection and Law Enforcement: The Unfinished Works

Ridwan Arifin

Faculty of Law, Universitas Negeri Semarang

Corresponding author's email: ridwan.arifin@mail.unnes.ac.id

Abstract: Indonesia's legal system continues to grapple with challenges in ensuring effective legal protection and law enforcement. Despite significant reforms, inconsistencies in legal interpretation, weak institutional frameworks, and issues of corruption persist. This paper examines the ongoing gaps in legal protection, focusing on access to justice, human rights enforcement, and the effectiveness of law enforcement agencies. It highlights the role of legal institutions, including the judiciary, law enforcement bodies, and regulatory agencies, in upholding the rule of law. The study also explores key legal reforms undertaken to enhance legal certainty and the challenges faced in their implementation. Furthermore, the paper critically assesses the impact of international legal standards on Indonesia's domestic legal framework, particularly in addressing transnational crimes, corporate accountability, and public governance. Drawing on case studies and recent legal developments, this research argues that Indonesia's legal system requires more robust institutional reforms, increased judicial independence, and stronger mechanisms for accountability.

Keywords: Legal Protection, Law Enforcement, Indonesia

INDONESIA'S legal system has undergone significant reforms over the past two decades, particularly following the democratic transition in 1998.¹ However, challenges in ensuring effective legal protection and law

¹ Lev, Daniel S. "The state and law reform in Indonesia." *Law reform in developing and transitional states*. Routledge, 2006. 236-267; Crouch, Harold A. *Political reform in Indonesia after Soeharto*. Institute of Southeast Asian Studies, 2010; Horowitz, Donald L. *Constitutional change and democracy in Indonesia*. Cambridge University Press, 2013.

enforcement remain prevalent. The complexity of Indonesia's legal landscape, influenced by pluralistic legal traditions—customary (*adat*) law, Islamic law, and civil law—creates inconsistencies in legal interpretation and enforcement.² As a result, achieving legal certainty and uniformity in law enforcement remains an ongoing struggle.

One of the primary concerns in Indonesia's legal protection framework is access to justice. Many marginalized groups, including women, indigenous communities, and low-income citizens, face barriers in seeking legal remedies due to procedural complexities, high legal costs, and a lack of legal awareness.³ Legal aid services have been established to bridge this gap, yet their effectiveness is hindered by inadequate funding, limited outreach, and bureaucratic inefficiencies.⁴ Without significant improvements, the justice system risks further alienating vulnerable populations from their legal rights.

The role of law enforcement agencies, including the police, prosecutors, and judiciary, is critical in upholding legal protection. However, these institutions are often criticized for inefficiency, selective enforcement, and susceptibility to corruption. Reports of case manipulation, bribery, and political interference continue to undermine public trust in law enforcement. The lack of transparency in legal proceedings further exacerbates these issues, making it difficult for the legal system to function as a true guardian of justice.⁵

Corruption remains a major impediment to legal enforcement in Indonesia. Despite the establishment of the Corruption Eradication Commission (KPK) and various anti-corruption measures, corruption

² Isra, Saldi, Ferdi Ferdi, and Hilaire Tegnán. "Rule of Law and Human Rights Challenges in South East Asia: A Case Study of Legal Pluralism in Indonesia." *Hasanuddin Law Review* 3.2 (2017): 117-140; Arifin, Ridwan. "Democracy on Indonesian Legal Reform: How Can People Participate on Laws and Regulations Establishment Process." *Journal of Indonesian Legal Studies* 2.2 (2017): 155-158; Wahhab, Abdul. "Adat Land (Bengkong) Transition Process in Indonesian Land Law." *Unnes Law Journal* 5.2 (2019): 239-254.

³ Wulandari, Cahya, Sonny Saptoajie Wicaksono, and Umi Faridatul Khikmah. "Paralegal Existence in Providing Access to Justice for the Poor in Central Java." *IJCLS (Indonesian Journal of Criminal Law Studies)* 4.2 (2019): 199-206; Mulyani, Leni Widi. "Role of Law Students in Providing Legal Literacy through Street Law." *The Indonesian Journal of International Clinical Legal Education* 1.4 (2019).

⁴ Arief, Sofyan. "Law Construction in Modern Society." *The Indonesian Journal of International Clinical Legal Education* 1.1 (2019): 71-82; Arifin, Saru. "Commitment of local government in providing legal aid for the poor society." *Jurnal Dinamika Hukum* 16.1 (2016): 8-16.

⁵ Ash-shidiqqi, Ellectrananda Anugerah, and Hindrawan Wibisono. "Corruption and Village: Accountability of Village Fund Management on Preventing Corruption (Problems and Challenges)." *Journal of Indonesian Legal Studies* 3.2 (2018): 195-212; Aninda, Catleya Azka. "Pancasila Values in the Study of Corruption Cases in Indonesia." *Jurnal Scientia Indonesia* 3.1 (2017): 35-46.

remains deeply entrenched in both public and private sectors. The weakening of anti-corruption institutions and policies in recent years has raised concerns about Indonesia's commitment to eradicating corruption. A stronger political will and more independent oversight mechanisms are needed to ensure effective legal enforcement against corruption-related offenses.

International legal standards and conventions play a crucial role in shaping Indonesia's domestic legal framework, particularly in areas such as human rights, transnational crimes, and corporate accountability. While Indonesia has ratified numerous international treaties, enforcement and compliance remain inconsistent. For example, in cases of environmental law violations or human rights abuses by corporations, legal accountability is often weak due to regulatory loopholes and enforcement challenges. Strengthening legal harmonization with international obligations is essential to enhance Indonesia's global legal credibility.

Legal reforms aimed at enhancing legal certainty and law enforcement have been introduced, but implementation challenges persist. Reforms in criminal justice, economic regulations, and human rights protection require not only legislative amendments but also institutional restructuring. The judiciary's independence must be safeguarded to prevent undue influence from political and economic interests. Additionally, capacity-building efforts for law enforcement personnel and judicial officers are necessary to improve legal efficiency and professionalism.

A significant aspect of Indonesia's unfinished legal reform is the need for stronger accountability mechanisms. Ensuring independent oversight institutions, protecting whistleblowers, and fostering greater public participation in legal decision-making can contribute to a more transparent and responsive legal system.⁶ Civil society organizations and media play a crucial role in monitoring legal developments and advocating for legal reforms. Enhancing legal education and awareness among citizens can also empower individuals to demand better legal protection and enforcement.

In conclusion, Indonesia's journey toward effective legal protection and law enforcement remains a work in progress. Addressing systemic issues such as corruption, judicial independence, access to justice, and institutional inefficiencies requires comprehensive and sustained efforts. Strengthening legal institutions, reinforcing adherence to international legal standards, and fostering greater transparency are essential steps toward achieving a more

⁶ Dick, Howard. "Why law reform fails: Indonesia's anti-corruption reforms." *Law Reform in Developing and Transitional States*. Routledge, 2006. 42-64; Lindsey, Tim, and Simon Butt. "Unfinished business: Law reform, governance, and the courts in post-Suharto Indonesia." *Democracy and Islam in Indonesia*. Columbia University Press, 2013. 168-186.

just and equitable legal system. Without these improvements, Indonesia risks prolonging its legal inconsistencies, ultimately undermining the rule of law and public trust in legal institutions.

References

- Aninda, Catleya Azka. "Pancasila Values in the Study of Corruption Cases in Indonesia." *Jurnal Scientia Indonesia* 3.1 (2017): 35-46.
- Arief, Sofyan. "Law Construction in Modern Society." *The Indonesian Journal of International Clinical Legal Education* 1.1 (2019): 71-82.
- Arifin, Ridwan. "Democracy on Indonesian Legal Reform: How Can People Participate on Laws and Regulations Establishment Process." *Journal of Indonesian Legal Studies* 2.2 (2017): 155-158.
- Arifin, Saru. "Commitment of local government in providing legal aid for the poor society." *Jurnal Dinamika Hukum* 16.1 (2016): 8-16.
- Ash-shidiqqi, Ellectrananda Anugerah, and Hindrawan Wibisono. "Corruption and Village: Accountability of Village Fund Management on Preventing Corruption (Problems and Challenges)." *Journal of Indonesian Legal Studies* 3.2 (2018): 195-212.
- Crouch, Harold A. *Political reform in Indonesia after Soeharto*. Institute of Southeast Asian Studies, 2010.
- Dick, Howard. "Why law reform fails: Indonesia's anti-corruption reforms." *Law Reform in Developing and Transitional States*. Routledge, 2006. 42-64.
- Horowitz, Donald L. *Constitutional change and democracy in Indonesia*. Cambridge University Press, 2013.
- Isra, Saldi, Ferdi Ferdi, and Hilaire Tegnan. "Rule of Law and Human Rights Challenges in South East Asia: A Case Study of Legal Pluralism in Indonesia." *Hasanuddin Law Review* 3.2 (2017): 117-140.
- Lev, Daniel S. "The state and law reform in Indonesia." *Law reform in developing and transitional states*. Routledge, 2006. 236-267.
- Lindsey, Tim, and Simon Butt. "Unfinished business: Law reform, governance, and the courts in post-Suharto Indonesia." *Democracy and Islam in Indonesia*. Columbia University Press, 2013. 168-186.
- Mulyani, Leni Widi. "Role of Law Students in Providing Legal Literacy through Street Law." *The Indonesian Journal of International Clinical Legal Education* 1.4 (2019).
- Wahhab, Abdul. "Adat Land (Bengkong) Transition Process in Indonesian Land Law." *Unnes Law Journal* 5.2 (2019): 239-254.
- Wulandari, Cahya, Sonny Saptoajie Wicaksono, and Umi Faridatul Khikmah. "Paralegal Existence in Providing Access to Justice for the Poor in Central Java." *IJCLS (Indonesian Journal of Criminal Law Studies)* 4.2 (2019): 199-206.