

## EDITORIAL

# LAW ENFORCEMENT AND LEGAL REFORM IN INDONESIA AND GLOBAL CONTEXT: HOW THE LAW RESPONDS TO COMMUNITY DEVELOPMENT?

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## ABSTRACT

Law enforcement in Indonesia has its own complexities, as law reform which has its challenges. The first edition of the *Journal of Law and Legal Reform* presents ten articles relating to law enforcement and law reform in various sectors. In general, this edition tries to look at various facts that occur in the community, where in a number of legal cases considered unable to respond to rapid developments in the community.

**Keywords:** *law, legal reform, law enforcement*

If you're in favour of any policy—reform, revolution, stability, regression, whatever—if you're at least minimally moral, it's because you think it's somehow good for people. And good for people means conforming to their fundamental nature.

**Noam Chomsky**

The development of law in the global sphere gives a lot of influence in many sectors, as well as in Indonesia. The dynamics of legal cases and their resolution gives the impression that society is developing so quickly and unexpectedly, while the law is lagging behind. In some cases, it is very apparent that the law has not been able to

respond quickly and precisely to developments in the community, whereas on the one hand, legal certainty is one thing that is needed by the community.

The absence and inadequate enforcement of the law can have implications for the credibility of the rule-makers, the implementers of the rules and the people affected by the rules themselves, so that all elements will be affected. For this reason, it is important to know what law enforcement really is. Law enforcement is the process of making efforts to be able to erect or function of legal norms that are applicable and have been regulated as guidelines for behavior in traffic or legal relations in the life of people in the community and the state. For this reason, the provisions that have governed them will not stop in the sense of rules that do not move or die, but will still stand tall and go forward as determined by official and recognized state institutions to regulate them. Broadly speaking, the process of law enforcement involves all legal subjects in every legal relationship. Whoever runs the normative rules or does or does not do something by basing themselves on the norms of the rule of law, then that means that they have run or enforced the rule of law (Riyanto, 2018; Jayadi, 2017).

To realize responsible law enforcement can be interpreted as an effort to implement law enforcement that can be accountable to the public, nation, state and at the highest peak is the responsibility to God. Law enforcement is closely related to the existence of legal certainty in understanding, interpreting and enforcing legislation as a state legal system that is in force. Law enforcement is also related to the benefits of law and the realization of justice in the community. The process of law enforcement cannot be separated from the form of law as a legal system that serves the interests of the community, nation and state. Furthermore it is emphasized that law for humans not humans for law (Rahardjo, 2009; Muhtada & Arifin, 2019).

Journal of Law and Legal Reform, this first edition raises a special topic on "*Problems and Challenges on Law Enforcement and Legal Reform in the Global Context*" which is filled by ten legal articles from various experts in Indonesia. In this first edition, it generally does not discuss the development and discourse of legal cases and the development of the law itself, but we in this first edition present the best articles relating to law enforcement and legal reform.

The issues that we presented in our first issue are very relevant to the conditions in Indonesia and also to global developments in general. For example, a paper written by Maria Dita Kristiana from the Pangudi Luhur Foundation criticized and analyzed the policy of implementing five school days as a form of legal reform in education. Kristiana, who is also an activist and education activist in Indonesia, said that the regulation faced several obstacles, especially in terms of implementation. Complex bureaucracy, ineffective communication, until the readiness of human resources becomes an obstacle in implementing these rules (Kristiana, 2019). Another papers, *How Police Overcomes Money Laundering? The Study Analysis of the Role of Central Java Regional Police Department on Money Laundering Case*, written by Djoko Pamungkas, analyzes how the police play a role in handling money laundering cases (Pamungkas, 2019).

In a similar context, Dipo Lukmanul Akbar wrote about "*Criminal Law Policy in Handling Digital Asset-Based Money Laundering in Indonesia*", where he emphasized that the potential for money laundering through digital means and digital-based assets was very high. Akbar looked at how the criminal law policy in these cases (Akbar, 2019). Meanwhile, Alif Kharismadohan, wrote a paper on "*Mens Rea and State Loses on Corruption Cases: An Analysis of Corruption Court Judgment of Semarang*", where the main point of his paper analyzed the aspects of state losses and *mens rea* in criminal acts of corruption (Kharismadohan, 2019).

Other writings in the context of legal reform in various sectors, written by Ridwanto Ardi Kusumo and Anang Wahyu Kurnianto, "*Sak Uwong Sak Uwit' for Environmental Protection Based on Local Wisdom: An Environmental Law Reform in Indonesia*", Akhmad Ghofar Ismail and Ridwanto Ardi Kusumo, "*How Government Strengthens the Street Vendors: Analysis of the Role of Brebes District Government*", Damas Reza Kurniadi "*Law Enforcement of Motorized Vehicles with Muffler Racing by Magelang City Police*", Ichwanul Fauzi Muslim "*Pre-Release Treatment in Class II A Correctional Institution of Pekalongan*", Joko Susanto and Ali Masyhar "*Law Enforcement on Fisheries Crime After the Enactment of Law Number 45 of 2009: A Normative Analysis*", Ichwanul Fauzi Muslim "*Pre-Release Treatment in Class II A Correctional Institution of Pekalongan*", as well as Fellista Ersyta Aji "*The Meaning of the Expansion of Administrative Court that Covers Factual Actions*" (Kusumo & Kurnianto, 2019; Ismail & Kusumo, 2019; Kurniadi, 2019; Susanto & Masyhar, 2019; Aji, 2019; Muslim).

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## REFERENCES

- Aji, F. E. (2019). The Meaning of the Expansion of Administrative Court that Covers Factual Actions. *Journal of Law and Legal Reform*, 1(1), 177-192. <https://doi.org/10.15294/law & legal reform.v1i1.35417>
- Akbar, D. L. (2019). Criminal Law Policy in Handling Digital Asset-Based Money Laundering in Indonesia. *Journal of Law and Legal Reform*, 1(1), 129-176. <https://doi.org/10.15294/law & legal reform.v1i1.35543>

- Ismail, A. G., & Kusumo, R. A. (2019). How Government Strengthens the Street Vendors: Analysis of the Role of Brebes District Government. *Journal of Law and Legal Reform*, 1(1), 49-60. [https://doi.org/10.15294/law & legal reform.v1i1.35408](https://doi.org/10.15294/law%20&%20legal%20reform.v1i1.35408)
- Jayadi, A. (2017). Problematika Penegakan Hukum dan Solusinya. *Al Risalah: Jurnal Ilmu Syariah dan Hukum*, 16(1), 1-11. [http://journal.uin-alauddin.ac.id/index.php/al\\_risalah/article/view/2451](http://journal.uin-alauddin.ac.id/index.php/al_risalah/article/view/2451)
- Kharismadohan, A. (2019). Mens Rea and State Loses on Corruption Cases: An Analysis of Corruption Court Judgment of Semarang. *Journal of Law and Legal Reform*, 1(1), 61-76. [https://doi.org/10.15294/law & legal reform.v1i1.35407](https://doi.org/10.15294/law%20&%20legal%20reform.v1i1.35407)
- Kurniadi, D. R. (2019). Law Enforcement of Motorized Vehicles with Muffler Racing by Magelang City Police. *Journal of Law and Legal Reform*, 1(1), 77-92. [https://doi.org/10.15294/law & legal reform.v1i1.35415](https://doi.org/10.15294/law%20&%20legal%20reform.v1i1.35415)
- Muslim, I. F. (2019). Pre-Release Treatment in Class II A Correctional Institution of Pekalongan. *Journal of Law and Legal Reform*, 1(1), 93-106. [https://doi.org/10.15294/law & legal reform.v1i1.35419](https://doi.org/10.15294/law%20&%20legal%20reform.v1i1.35419)
- Kusumo, R. A., & Kurnianto, A. W. (2019). 'Sak Uwong Sak Uwit' for Environmental Protection Based on Local Wisdom: An Environmental Law Reform in Indonesia. *Journal of Law and Legal Reform*, 1(1), 35-48. [https://doi.org/10.15294/law & legal reform.v1i1.35451](https://doi.org/10.15294/law%20&%20legal%20reform.v1i1.35451)
- Kristiana, M. D. (2019). Politics of Law on School Days Policy: Legal Reform on Indonesian Education Policy. *Journal of Law and Legal Reform*, 1(1), 5-24. [https://doi.org/10.15294/law & legal reform.v1i1.35405](https://doi.org/10.15294/law%20&%20legal%20reform.v1i1.35405)
- Muhtada, D., & Arifin, R. (2019). Penal Policy and the Complexity of Criminal Law Enforcement: Introducing JILS 4(1) May 2019 Edition. *JILS (Journal of Indonesian Legal Studies)*, 4(01), 1-6. <https://doi.org/10.15294/jils.v4i01.30189>
- Pamungkas, D. (2019). How Police Overcomes Money Laundering? Study Analysis of Role of Central Java Regional Police Department on Money Laundering Case. *Journal of Law and Legal Reform*, 1(1), 25-34. [https://doi.org/10.15294/law & legal reform.v1i1.35416](https://doi.org/10.15294/law%20&%20legal%20reform.v1i1.35416)
- Rahardjo, S. (2009). *Hukum Progresif Sebuah Sintesa Hukum Indonesia*. Yogyakarta: Genta Publishing.
- Riyanto, A. (2018). Penegakan Hukum, Apa Masalahnya? *Online Article*, Binus Business Law, retrieved from <https://business-law.binus.ac.id/2018/12/26/penegakan-hukum-masalahnya-apa/>
- Susanto, J., & Masyhar, A. (2019). Law Enforcement on Fisheries Crime After the Enactment of Law Number 45 of 2009: A Normative Analysis. *Journal of Law and Legal Reform*, 1(1), 107-128. [https://doi.org/10.15294/law & legal reform.v1i1.35590](https://doi.org/10.15294/law%20&%20legal%20reform.v1i1.35590)