



An Independent and Dignified Criminal Justice System: The Path Toward Substantive Justice

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Abstract: The enforcement of criminal law in Indonesia plays a vital role in realizing a state based on law, as mandated by the 1945 Constitution. However, the criminal justice system, which should operate independently and with authority, still faces various serious challenges ranging from political power intervention, unequal access to justice, to the weak integrity of law enforcement officials. This study aims to analyze the structure and dynamics of Indonesia's criminal justice system within the framework of national legal politics, using a socio-legal approach that combines normative analysis and empirical field data. The main focus is directed at the integration of three aspects of the legal system: substance (legislation), structure (law enforcement institutions), and legal culture (awareness and behavior of both society and legal officials). The findings reveal that synchronization among the sub-systems of the criminal justice system namely the police, prosecution, courts, and correctional institutions is still suboptimal. This is exacerbated by low public trust in law enforcement, the criminalization of vulnerable groups, and the dominance of a formalistic approach that neglects substantive justice. In this context, progressive legal theory becomes highly relevant as a foundation for reforming the criminal justice system toward one that is more humane, just, and people-centered. Improving the quality of human resources in law enforcement is needed through legal education that is not only oriented toward legal certainty but also instills the values of justice and social utility. Therefore, an independent and dignified criminal justice system can only be realized if all legal elements work in an integrated manner and place substantive justice as the main orientation in every law enforcement process.

Keyword: Criminal Justice System; Substantive Justice; Legal Integration

INTRODUCTION

Indonesia is a country that places law as the foundation for national and state life, as mandated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that Indonesia is a state based on law. According to Prof. Mochtar Kusumaatmadja,

as cited in Umar Said Sugiarto's book, law consists of all principles and norms intended to regulate relations among individuals in a society (Sugiarto, 2015).

The logical consequence of being a state based on law is that every aspect of national and state life must be governed by law. Miriam Budiardjo, quoting A.V. Dicey in her book *Introduction to the Law of the Constitution*, outlines three characteristics of a rule-of-law state: (1) the supremacy of law there is no arbitrary power, and individuals can only be punished if they violate the law, making the law the highest guideline; (2) equality before the law laws apply equally to everyone, including both ordinary citizens and officials; and (3) protection of human rights as enshrined in the law (Budiardjo, 2016). In implementing the law, a legal system must be in place to deal with those who break the law or commit unlawful acts. The law enforcement apparatus serves as a tool of the state, ensuring that rules can be implemented fairly, decisively, certainly, and beneficially in order to establish social order.

Law enforcement is a necessity that must be carried out by the state to protect its citizens. As stated in the Preamble to the 1945 Constitution, the objectives of national development include protecting all Indonesians, promoting general welfare, educating the nation, and participating in world peace based on freedom, lasting peace, and social justice. Criminal law enforcement is one way of combating crime. The use of criminal law as a tool to counter crime is part of criminal policy. According to Marc Ancel, criminal policy is a rational effort by society to overcome crime (Sudarto, 1981). Crime prevention policies are essentially an integral part of efforts to protect society (social defense) and to achieve societal welfare (social welfare) (Arief, 2008).

Law enforcement is thus a necessity that must be implemented by the state in accordance with its aim to provide protection and justice for its citizens, as outlined in the fifth principle of Pancasila: "social justice for all the people of Indonesia." As we know, crime prevention efforts do not rely solely on penal (punitive) measures; there are also non-penal approaches. Penal efforts are closely related to the criminal justice system.

Prof. Muladi stated that the criminal justice system is a judicial network that uses criminal law as its primary tool, including substantive criminal law, procedural criminal law, and penal execution law (Muladi, 1995).

Another opinion, according to Prof. Romli Atmasasmita, views the criminal justice system as a form of law enforcement, which therefore contains a legal aspect that emphasizes the operationalization of legislation in efforts to combat crime and aims to achieve legal certainty. On the other hand, when the criminal justice system is seen as part of the implementation of social defense aimed at achieving social welfare, it contains a social aspect that emphasizes utility (Atmasasmita, 2010).

The ultimate goal of the criminal justice system in the long term is to realize societal welfare as a goal of social policy, and in the short term, to reduce crime and recidivism. If these goals are not achieved, it indicates that the system is not functioning properly (Zaidan, 2015). Ideally, the criminal justice system should operate independently, without interference from power, and with dignity, upholding integrity and accountability.

According to Barda Nawawi Arief, the criminal justice system is essentially "a system of power for enforcing criminal law and is synonymous with the judicial power system," which is realized in four subsystems (Arief, 2008):

1. Investigative power by investigative agencies;
2. Prosecutorial power by the prosecution agency;
3. Adjudicative power by the judiciary to deliver verdicts;
4. Penal execution power by the enforcement officers.

To strengthen understanding of this system, it is important to trace the connection between the principles of a state based on law and the effectiveness of the integrated implementation of the criminal justice system. These four subsystems do not stand alone but form a unified whole

that determines the overall success of law enforcement. However, in practice, the criminal justice system in Indonesia still faces fundamental problems—from institutional independence, the integrity of law enforcement officers, to the low public trust in the impartiality of the law itself. In social reality, the criminal justice system in Indonesia has yet to demonstrate its independence and authority. Weaknesses in preventing, investigating, and prosecuting criminal cases indicate that the legal framework in use is no longer relevant to the challenges of the times.

One increasingly frequent phenomenon in Indonesia's legal dynamics is *viral justice*, a condition in which a legal case receives serious attention and is acted upon only after public pressure through social media. This reveals a systemic failure of the relevant institutions to detect and respond to legal violations independently unless they become the focus of public scrutiny. For example, the case of Ferdy Sambo (a two-star police general) who was involved in the murder of his aide, Brigadier J, and attempted to cover up the case, is a clear illustration of how legal processes only moved after public outcry on social media.

This case shocked Indonesia as it involved collusion among police officers, destruction of evidence, and manipulation of facts. Initially, the case was covered up because the perpetrator was a powerful figure within the National Police. It was only after public pressure on social media that the legal process began. The case demonstrates the presence of internal conflict and the weak accountability of legal institutions. It clearly shows the unequal treatment of law when the perpetrator is part of the elite. It is often said that the law is sharp downward—especially against the weak or those unfamiliar with legal procedures. In 2015, a grandmother named Asyani, 63 years old, a resident of Situbondo, was arrested for allegedly stealing 1 cubic meter of teak wood belonging to Perhutani. However, she claimed that the wood belonged to her late husband. Despite this, she was sentenced to one year in prison. This illustrates the criminalization of the poor and the inequality in access to justice. These two cases highlight that access to justice is often elitist and merely procedural.

This perspective underscores that law should not be understood merely as a collection of regulations, but as a tool to serve humanitarian values and deliver social justice. Living law (*hukum yang hidup*) must be sensitive to societal realities and able to address inequality while siding with vulnerable and marginalized groups. The condition of Indonesia's criminal justice system—still lacking independence and authority—is reflected in the disparity of legal treatment between ordinary citizens and the elite or those with access to power. This situation causes the public to view the law as an instrument of power, rather than as a protector of rights and justice. Furthermore, it is essential to identify the factors that have hindered the realization of an independent and dignified criminal justice system, including aspects of legal structure, legal substance, and the legal culture of both the community and law enforcement officers.

As part of national legal reform, efforts to reform the criminal justice system must not only focus on procedural changes, but also address the substance of justice. In line with the progressive legal theory developed by Prof. Satjipto Rahardjo, law exists for human beings—not the other way around—and law is not for itself but for something broader: for human dignity, happiness, welfare, and honor (Rahardjo, 2007).

Thus, the urgency of building an independent and dignified criminal justice system is not merely about improving regulations, but more about reforming the legal paradigm and the professional ethics of law enforcement officers. Law must be upheld not only due to public pressure, but because of moral awareness, institutional responsibility, and integrity. Therefore, it requires a study that is not only based on normative theory but also considers the sociological and empirical aspects occurring in the field.

In the effort to realize an independent and dignified criminal justice system, a legal strategy is needed—one that does not solely rely on legal certainty but also emphasizes the values of justice and social utility. This strategy must include internal reform of legal

institutions, strengthening the integrity of law enforcement personnel, and encouraging active public participation in overseeing the pursuit of justice.

The socio-legal approach used in this study is considered relevant to understanding the complexity and dynamics of the criminal justice system in the context of contemporary Indonesia. This approach allows for a more comprehensive analysis by combining theoretical understanding and empirical study, and highlighting the gap between ‘law in the books’ and ‘law in action’. It is here that progressive law becomes a bridge uniting legal norms with the evolving social dynamics.

METHOD

This research is a legal study using a socio-legal research approach, which combines normative analysis with empirical facts from the field. The research is descriptive qualitative in nature, aiming to provide a comprehensive overview of an independent and dignified criminal justice system.

Data collection techniques were conducted through literature review and in-depth interviews with three key informants, including: Dr. Nurcholis Alhadi, S.H., M.H.Li. (Lawyer and Academic), Dr. Agus Setiawan, S.H., M.H. (Judge at the Samarinda District Court), Imelda Hasibuan, S.H., M.H. (Secretary General of Cakra Law Office), as well as members of the general public.

RESULTS AND DISCUSSION

An Independent and Authoritative Criminal Justice System

The criminal justice system, when viewed from the perspective of the legal system, consists of three aspects: legal substance, legal structure, and legal culture.

According to Prof. Barda Nawawi:

1. From the aspect of legal substance, the justice system is essentially a system for enforcing legal substance (in the field of criminal law, this includes substantive criminal law, procedural criminal law, and the law on criminal execution);
2. From the aspect of legal structure, the justice system is essentially the operational functioning of legal institutions/agencies/law enforcement officers in carrying out their respective functions and authorities in law enforcement;
3. From the aspect of legal culture, the criminal justice system is the embodiment of a system of "legal cultural values" (which can include legal philosophy, legal principles, legal theory, legal science, and legal awareness/behavioral attitudes toward the law).

Thus, when viewed from legal substance, the criminal justice system is essentially an “integrated legal system” or “integrated legal substance.” When viewed from legal structure, it becomes an “administrative/operational system” or a “functional system” involving various law enforcement structures/professions. From this structural viewpoint, the term “integrated criminal justice system” or “the administration of criminal justice” emerges. Lastly, from the legal culture perspective, the criminal justice system can be seen as an “integrated legal culture” or “integrated cultural system,” although it is noted that defining the boundaries of legal culture is not always easy.

This description indicates that there is a relationship between the criminal justice system and the legal system. When we discuss the criminal justice system from a legal system perspective, there are three key aspects—legal substance, legal structure, and legal culture—which must be synchronized, implying unity and harmony among these elements in implementing the criminal justice system.

According to Marjono Reksodiputro, the criminal justice system is a crime control system that consists of four main components: the police, the prosecution, the courts, and correctional institutions. Meanwhile, an independent and authoritative criminal justice system refers to the

ideal condition in which all law enforcement institutions carry out their duties without pressure or interference from any party. These institutions are expected to possess high moral and legal authority in order to earn respect and public trust.

Independence in the Criminal Justice System is interpreted as the autonomy of each law enforcement institution in carrying out its functions based on applicable laws, without pressure or intervention from any particular group. This independence is particularly emphasized for the judiciary (judicative body), as stated in Article 24 paragraph (1) of the 1945 Constitution, which declares that “judicial power shall be independent to administer justice.” This means that judges and other law enforcement officers must be free from the influence of the executive branch or external parties when ruling on a criminal case.

This independence also includes the autonomy of investigators and public prosecutors in handling a case, ensuring that the legal process is not used as a tool of power to unfairly target or protect certain individuals. Authority in the criminal justice system, on the other hand, is reflected in the level of public trust and respect toward law enforcement institutions. Authority does not merely stem from formal status, such as rank or institutional attributes, but is built through high integrity, the application of justice, and the professionalism of its officers. When these tasks are carried out objectively, transparently, and accountably, the social legitimacy of the legal system is strengthened, which in turn reinforces its overall authority.

Authority is also closely related to the rule of law, in which every individual and institution, including the government, must be subject to the same law. The criminal justice system must not be subordinate to economic or political power, but rather must provide equal access to justice for all citizens. Other experts have also conveyed their understanding of the criminal justice system, as outlined below: (Jaya, 2006)

1. According to Remington and Ohlin, as cited by Romli Atmasasmita, the Criminal Justice System can be defined as a systemic approach to the administration mechanism of criminal justice, which is the result of the interaction between legislation, administrative practices, and social attitudes or behaviors.
2. Hagan distinguishes between the terms "Criminal Justice System" and "Criminal Justice Process." The *Criminal Justice System* refers to the interconnection between decisions made by each institution involved in the criminal justice process, while the *Criminal Justice Process* refers to each stage of a decision that brings the suspect through a process leading to the determination of punishment.
3. According to Marjono Reksodiputro, the criminal justice system is a crime control system consisting of the police, prosecution, courts, and correctional institutions.
4. According to Prof. Muladi, the criminal justice system should be viewed as “the network of courts and tribunals which deal with criminal law and its enforcement.” Within it lies the systemic movement of its supporting subsystems, namely the police, prosecution, courts, and correctional institutions, which as a whole constitute a single entity working to transform inputs into outputs, representing the goals of the criminal justice system. These include:
 1. Short-term goal: resocialization of criminal offenders,
 2. Medium-term goal: crime prevention,
 3. Long-term goal: social welfare.

The term criminal justice system is very familiar to legal scholars, as the criminal justice system refers to a mechanism by which the judiciary operates, aimed at addressing crime through a systematically and orderly structured approach. This system approach involves various interconnected elements that work in a continuous and integrated manner. These elements include the police, the prosecution, the courts, and correctional institutions.

The criminal justice system itself is considered an open system. This means it is a method for achieving certain goals that are divided into three categories:

1. Short-term goal: resocialization,

2. Medium-term goal: crime prevention,
3. Long-term goal: social welfare.

If implemented consistently, consequently, and in an integrated manner among its subsystems, the criminal justice system not only fulfills its intended goals, but also offers additional benefits in various aspects. (Abdussalam & Sitompul, 2007)

1. To produce centralized criminal statistics data through a single channel, namely the police. These criminal statistics can be utilized as a tool to formulate integrated criminal policy for crime prevention;
2. To identify the successes and failures of each subsystem in an integrated manner in combating crime;
3. Both point 1 and point 2 can serve as input for the government in formulating social policies, which are reflected in short-, medium-, and long-term development plans to achieve national goals;
4. To provide a guarantee of legal certainty for both individuals and society.

The criminal justice system represents a concrete form of justice enforcement. Within the criminal justice system, there are mechanisms that can deprive individuals of freedom, stigmatize, seize property, and even take human life.

The criminal justice system is essentially an effort to enforce criminal law itself. It is closely related to the criminal law code, namely the Penal Code (KUHP). The enforcement of criminal law *in abstracto* is realized through its enforcement *in concreto*. The Penal Code plays a crucial role in the criminal justice system, not only serving as its foundation but also granting the authority to make decisions or impose punishments on individuals deemed to have committed a criminal offense.

The criminal justice system can be considered successful if every public report and complaint can be resolved, with the perpetrator brought to justice and receiving criminal sanctions. However, in reality, success is not so easily achieved. There are supporting components essential for the success of a criminal justice system that is independent and integrated with criminal policy.

Barda Nawawi Arief, citing Prof. Sudarto, outlines three meanings of criminal policy, namely:

1. In a narrow sense, it refers to all principles and methods that form the basis of reactions to legal violations in the form of criminal sanctions;
2. In a broader sense, it refers to the entire function of law enforcement agencies, including the working methods of courts and police;
3. In the broadest sense, it encompasses all policies enacted through legislation and official bodies, aiming to uphold the central norms of society (Arief, 2008).

Criminal policy is part of law enforcement policy, which includes policies in criminal law, civil law, and administrative law. These are integrally part of social policy, which reflects a society's effort to improve its social resilience, including the welfare and security of its citizens (Muladi & Sulistiyan, 2020).

Understanding a criminal justice system that is independent and integrated with legal policy involves synchronization, which includes substantive, structural, and cultural synchronization. These three aspects must work in tandem to ensure the criminal justice system functions independently and in harmony with legal policy.

The concept of synchronization underpins the idea of an integrated criminal justice system, which is expected to function cohesively in the enforcement of law in Indonesia. In practice, this system often encounters interference and influence from extra-judicial powers and differences in perception among the subsystems in resolving cases (Waskito, 2018). The three concepts of synchronization are explained as follows:

The criminal justice system as outlined in the Criminal Procedure Code (KUHP) is expected to guide the enforcement of material criminal law. Substantive synchronization operates through legislation. A government that truly serves the people will not arbitrarily enact laws or regulations that the public does not need or that do not have a significant impact.

The Penal Code (KUHP) applies to all individuals in Indonesia. Once the National Penal Code (KUHP Nasional) comes into force as the expression of Indonesia's criminal legal values, all Indonesian citizens must comply with it, as laws are binding for all citizens. Regarding synchronization, the National Penal Code must align with current societal needs, which are not yet fully realized.

Structural synchronization involves the subsystems within the criminal justice system. These include institutions or agencies responsible for enforcing and executing the law.

The relevant agencies are:

1. The Police, under the Ministry of Defense and Security
2. The Prosecutor's Office, headed by the Attorney General, under the executive branch
3. The Courts, functionally independent but within the judicial power under the Supreme Court
4. Correctional Institutions, under the Ministry of Law and Human Rights

These four agencies are administratively independent. Structural synchronization must be aligned with substantive synchronization—meaning that the laws established must align with the practices and procedures implemented by law enforcement agencies.

Although implementation is often far from ideal, synchronization among these four institutions is essential to realize an independent and integrated criminal justice system.

If synchronization is not achieved, significant negative consequences can arise, such as:

1. Difficulty in assessing each institution's success or failure in fulfilling their duties;
2. Challenges in independently resolving key issues within each agency;
3. Ambiguity in the division of responsibilities, leading to a lack of attention to the overall effectiveness of the criminal justice system (Reksodiputro, 2020).

The final sub-theme, which complements the previous subsystems, is cultural synchronization. This subsystem examines whether justice has been achieved, and it is rooted in society, as it relates to the culture and values that live within the people.

Based on processed questionnaire data from respondents, a general picture emerges regarding public perceptions of the criminal justice system in Indonesia. Most people express a **lack of** trust in the system, perceiving that the primary beneficiaries are elites and law enforcement officials themselves. Public trust in the integrity of law enforcement is low, and there is fear of reporting crimes due to concerns over potential harm or criminalization.

The main reason why society tends to be passive in the face of injustice is due to fear and a lack of trust in the effectiveness of their voices, with the concept of justice they expect being equal treatment before the law, without discrimination. If granted authority, the majority would want to eliminate unequal legal treatment, eradicate bribery, and simplify legal procedures. They also believe that change should ideally come from within judicial institutions themselves, supported by regulatory reform. Academics and independent legal researchers are seen as the most trustworthy parties to promote such change.

As is widely known, Indonesia is a highly diverse country. It comprises various ethnicities, religions, races, languages, cultures, and so on. In addition, customary laws remain alive and practiced in many local communities. This diversity necessitates that all laws and regulations created must be synchronized with the prevailing culture and customs in society, so that the laws do not become irrelevant in practice.

The synchronization of the three aforementioned areas—substance, structure, and culture—is the ultimate goal of a criminal justice system that is independent and integrated with criminal policy. At the same time, criminal law policy serves as a guide for the professionalization of personnel within the criminal justice system so that they may work in a

coordinated and integrated manner. As long as these three areas share a common goal and do not compartmentalize their individual objectives, that single goal can be achieved collectively, paving the way for a criminal justice system that is both independent and integrated with criminal policy.

Although, in reality, achieving such a system is difficult, various approaches—such as normative, institutional and administrative, as well as social approaches—can ensure that law enforcement institutions remain an inseparable part of the criminal justice system. Furthermore, society also holds a shared responsibility for the success or failure of the four law enforcement institutions in carrying out their legal duties.

Factors Hindering the Realization of Independence and Authority of the Criminal Justice System in Indonesia

Ideally, the criminal justice system should function as a tool for enforcing justice that is independent, fair, and authoritative. Although the concept of an independent and authoritative criminal justice system has become a goal of national law, its realization in Indonesia still faces numerous obstacles. The independence of law enforcement institutions and the authority of the judiciary are often undermined by political dynamics, power pressures, and the weak integrity of law enforcement officers.

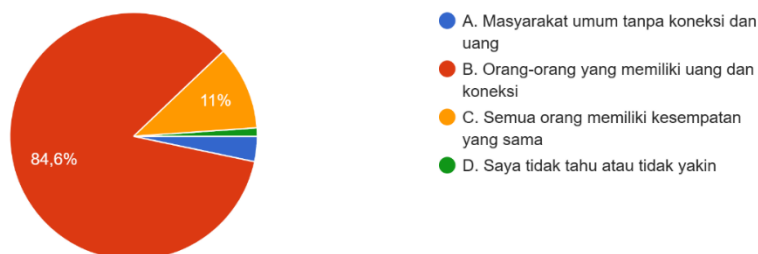
Therefore, it is crucial to identify and understand the various factors that have hindered the realization of independence and authority within Indonesia's criminal justice system.

There are several key factors that obstruct the achievement of an independent and authoritative criminal justice system in Indonesia, including:

1. Orang-orang yang memiliki uang dan koneksi

Menurut Anda, siapa yang paling mudah mendapatkan akses keadilan di Indonesia saat ini?

91 jawaban



Based on the results of the above questionnaire, 84.6% of respondents believe that people with money and connections are the ones who most easily gain access to justice in Indonesia. Meanwhile, only 2.2% believe that ordinary people without money or connections can easily obtain justice. Furthermore, 11% stated that everyone has equal opportunity, and about 2.2% said they didn't know or were unsure.

This majority view among respondents deserves serious attention as it reflects the public's lack of trust in the justice system. It also confirms that access to justice in Indonesia is still heavily influenced by economic and social factors. In fact, public trust is the foundation of the judiciary's authority, and when people believe that justice can be bought or influenced by power, the legitimacy of the law itself comes into question.

This finding also aligns with the well-known phenomenon of “the law is sharp downward, but blunt upward,” where the marginalized in society often fall victim to injustice.

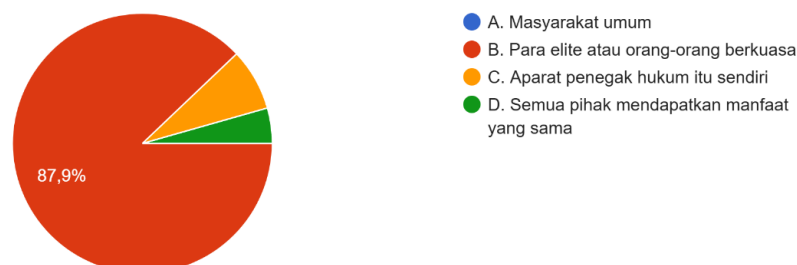
Therefore, the results of this questionnaire serve as a stark reflection that justice in Indonesia is not yet inclusive and remains selective. A comprehensive reform of both the

criminal and civil justice systems is needed so that the independence and authority of the law truly exist—not just for a privileged few, but for all citizens.

2. Para elite atau orang-orang berkuasa

Menurut pendapat Anda, siapa yang paling banyak diuntungkan oleh sistem peradilan saat ini?

91 jawaban



Based on the results of the above questionnaire, 87.9% of respondents stated that the group most benefited by the current criminal justice system are the elites or those in power. Meanwhile, 6.6% of respondents believed that law enforcement officials are the ones who benefit, and 5.5% stated that all parties receive equal benefits.

These results reflect a strong public perception that the current justice system has not yet succeeded in ensuring equitable justice. When the public sees the system as favoring certain groups—especially the elite and powerful—it indicates an imbalance in the distribution of justice, suggesting that justice is more accessible to those with status and influence. The perception that the system benefits the elite can also be interpreted as a sign of a social legitimacy crisis within the judiciary.

When the public loses faith that the law will uphold substantive justice, participation in and compliance with the legal system tends to weaken. As a result, people may turn to alternative means of dispute resolution outside the formal system, ultimately creating legal uncertainty. The results of this questionnaire show that many Indonesians still view the justice system as an instrument of power, rather than a protector of justice. Therefore, systemic reform is urgently needed so that the law can function properly—to serve all citizens, not just a privileged few with power and connections.

Legal Strategies to Realize a Dignified Criminal Justice System for Building a Substantive Justice System

According to Sudikno Mertokusumo, the provisions of the law cannot be directly applied to an event as-is. To apply legal provisions—which are general and abstract in nature—to concrete and specific events, these provisions must be interpreted, clarified, or explained and directed to align with the specific case. Only then can they be applied. Thus, the legal aspect of a concrete event must first be identified, and only afterward can the relevant legal norms be interpreted and applied within society (Mertokusumo, 1999). Society expects judicial institutions to play an optimal role in upholding the authority of law and justice for the implementation of legal order. For the law to be upheld with dignity and the judicial process to remain independent, law enforcement officers must not hesitate to carry out their justice mission by rejecting interference from outside parties.

In a country governed by law—not by sheer power—the law must stand tall with all its dignity and authority. Society increasingly longs for the establishment of a dignified legal order that satisfies the sense of justice and brings peace of mind. Justice is the foundational principle of all legal systems, and the ultimate goal of a rule-of-law state is to uphold and restore justice while correcting and punishing injustice. Efforts to ensure equitable access to justice and legal

protection for all members of society must be a top priority. This can be achieved if law enforcement officers are not rigid in seeking or discovering legal solutions beyond existing rules. They must be bold in making legal breakthroughs to preserve the authority of the law itself.

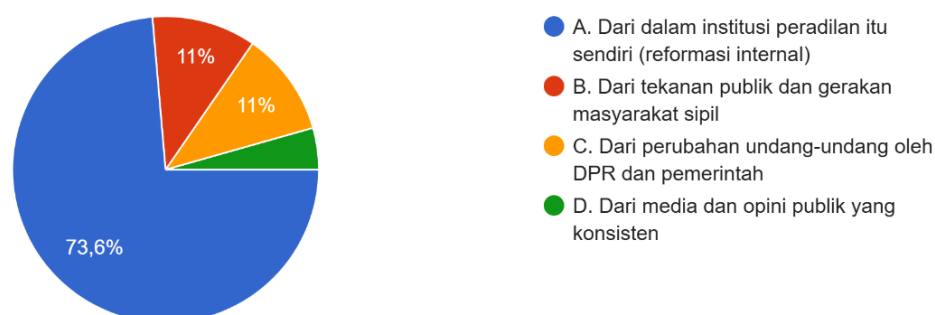
When law enforcement fails to implement the very purpose of law—namely, justice—then the supremacy of law, which is a hallmark of any rule-of-law state including Indonesia, becomes nothing more than an illusion. Barda Nawawi Arief argues that improving the quality of human resources in law enforcement will result in officers who are clean and dignified, honest and moral, uncorrupted and trustworthy in upholding the values of truth and justice. Enhancing the quality of legal education will produce trustworthy law enforcers (*al-amin*), who are not only legally literate (*homo juridicus*) but also possess strong ethics and morality (*homo ethicus*) (Arief, 2008). Therefore, upholding the authority of the law is essentially about establishing trust within society.

The previous section described the interconnection between the four sub-systems of the criminal justice system (police, prosecution, courts, and corrections). A problem in one sub-system will inevitably impact the others. The reactions caused by such impacts will, in turn, affect the initial sub-system again, creating a cyclical effect that makes it difficult to distinguish cause from consequence. Ultimately, this erodes public trust in law enforcement (Reksodiputro, 2020).

To build a strong and dignified criminal justice system, it is essential to have law enforcement personnel who are competent, resilient, and possess a comprehensive understanding of the law. This requires enhancing education and knowledge for law enforcement professionals—knowledge that encompasses not only legal science but also spiritual and moral foundations. With such integrated knowledge, law enforcement officers will understand that the law is not merely a collection of written statutes, but also a set of principles that encompass legal certainty, justice, and societal benefit. The results of the questionnaire above show that 73.6% of respondents believe that changes in the justice system should come from within the judicial institutions themselves, namely through internal reform. This finding indicates that the public places high hopes on law enforcement officers and judicial institutions to engage in self-reflection, improve performance, and enhance governance independently—without always having to wait for external pressure.

Menurut Anda, dari mana seharusnya perubahan dalam sistem peradilan berasal?

91 jawaban



Meanwhile, 11% of respondents stated that change should be driven by public pressure and civil society movements. This reflects an awareness that active public participation—such as advocacy, campaigns, and public oversight—also plays an important role in creating a more just and transparent judicial system. Only 4% of respondents chose that change can begin with the media and consistent public opinion. Although the number is small, the media is still seen as having a strategic role in shaping public awareness and exerting moral pressure on judicial

institutions through objective and continuous reporting. Overall, the results of this questionnaire indicate that sustainable judicial reform will be more effective if it begins from within the institutions themselves. However, pressure from external elements such as civil society, the legislature, and the media remains necessary as watchdogs and drivers to ensure that reform addresses the root of systemic issues within Indonesia's judicial system.

CONCLUSION

The ideal implementation of criminal law enforcement in Indonesia should be carried out through an independent and authoritative criminal justice system, as mandated by the principles of the rule of law in the 1945 Constitution. However, the reality on the ground shows that this system is still far from expectations. The lack of synchronization between law enforcement institutions namely the police, the prosecutor's office, the judiciary, and correctional institutions remains a major obstacle in creating a legal system that is solid, effective, and upholds substantive justice. This lack of integration among law enforcement agencies is caused by various factors, including the continued influence of the executive branch over the judiciary, weak judicial independence, and the low integrity and accountability of law enforcement personnel. As a result, legal treatment becomes imbalanced between the general public and the elite or those with access to power and resources. This reinforces public perception that the law in Indonesia is discriminatory, reflected in the common view that justice is only accessible to those with power, money, or connections.

The weak legal culture in society, as well as the low public awareness and participation in overseeing the justice process, further undermine the position of the criminal justice system. Consequently, public trust in judicial institutions continues to decline. Justice is perceived as something distant and disconnected from the everyday lives of citizens, especially vulnerable groups. In this context, a socio-legal approach becomes crucial to understanding how law operates within social realities. This approach encourages us not only to see law as formal texts or norms but also as social practices that live within society. Therefore, integration is needed between the elements of legal substance, legal structure, and legal culture so that the criminal justice system can function in a coherent and harmonious manner.

The theory of progressive law developed by Satjipto Rahardjo offers a relevant framework for encouraging reform of Indonesia's criminal justice system. Law should not be rigidly understood as a set of strict rules, but rather as a tool to realize justice, humanity, and social welfare. Law must take the side of the people and must not submit to the interests of power. To achieve this, a comprehensive reform strategy is needed, involving institutional and regulatory restructuring, as well as improving the quality of human resources among law enforcement personnel. Legal education must go beyond cognitive and technical aspects and also instill values of ethics, spirituality, and social concern. Law enforcers who possess moral integrity, professional competence, and sensitivity to the social conditions of the community are the key to building a dignified justice system.

Internal reform of judicial institutions must start from within, driven by a spirit of change and the courage to engage in self-reflection. However, external pressures from civil society, media, and academia remain necessary as social oversight and drivers of change. Thus, an independent and authoritative criminal justice system can only be realized if all legal components work in an integrated manner, prioritize substantive justice, ensure equality before the law, and provide fair and equal access to justice for all levels of society. The success of this system depends not only on the quality of regulations but also on a collective awareness that the law belongs to everyone and must be used to create a just, humane, and dignified society.

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