

# Judicial System As A Legal Sub System In Indonesia

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## Abstract

As a constitutional state that uses law as a means to regulate order in the life of the nation and state, a sub-system of justice is needed that is truly in accordance with the soul of the Indonesian nation, namely Pancasila, as stated in the Preamble of the 1945 Constitution, Pancasila has been stipulated as *rechtsidee* and *grundnorm*, so that in his position both as *rechtsidee* and as *grundnorm*; But in reality, until now there is still a thick nuance of Legal Positivism in law enforcement which views law as a mere written rule, so of course it still leaves behind the values and norms that must provide a sense of justice and benefit for law enforcement itself; So, of course, a format for the justice system in the future must be sought that is in accordance with the soul and spirit of the Indonesian people, namely Pancasila.

**Keywords:** Justice System, Law Enforcement, Legal Positivism, Progressive Law

## Introduction

The history of the Indonesian nation, which has been full of colonization by other nations, has had such a long history that it has had a huge impact on all aspects of national and state life, including the field of law. Influence in the field of law is marked by various positive legal rules that are still enforced in Indonesia which are a legacy of the colonial nation, such as the Criminal Code (KUHP) which is known to be Dutch heritage, where the Netherlands itself is a derivative of the French Criminal Code. <sup>1</sup>Until now there are still many laws in the form of laws from the Dutch colonial heritage, such as WVS, RBG, HIR, BW and WVK which are enforced on the principle of concordance. The principle of this concordance is to make several regulations implemented by the Dutch Colonial Government also implemented by Indonesia after independence, this can be proven by the

codification of several laws including: the Criminal Code, the Criminal Code, and the Criminal Code. <sup>2</sup>What's more, the impact of the existence of the concordance principle is that Indonesian national law is more in style with continental law which prioritizes the form of a written legal system (*geschrevenrecht* -written law). <sup>3</sup>The application of Colonial legal rules is in fact no longer in line with the philosophy of the Indonesian nation which is based on the nation's noble values, namely Pancasila.

As we know since the proclamation of independence, it has become a noble agreement of the Indonesian people (*modus videndi*), the basis of this country is Pancasila which is listed in the Preamble to the 1945 Constitution, Pancasila has been designated as *rechtsidee* and *grundnorm*, so that in its position both as *rechtsidee* and as *grundnorm*, Pancasila values must color, animate legal

<sup>1</sup> Satjipto Rahardjo, *Law Studies*, ed. by Awaludin Marwan, VIII (Bandung: Citra Aditya Bakti, 2014). p. 13

<sup>2</sup> A. Siti Soetami, *Introduction to Indonesian Law* (Bandung: Refika Aditama, 2005). p. 41.

<sup>3</sup> Zainal Arifin Hoesein, 'Legal Formation in the Perspective of Legal Reform', *RechtsVinding*, 1.3 (2012), 307–327. p. 315.

reform in Indonesia, both at the substantive (legal material), structural (legal apparatus) and cultural (legal culture) levels. Pancasila must be mentioned as a guiding star ( *leitztern* ) , the law reform policy in Indonesia. The renewal policy which does not touch on what is the basis for determining the direction of law development policies, namely Pancasila can be said to be still partial because it does not see the development side of national law as an integral part which should involve discussion of Pancasila as a guiding star ( *leitztern* ).<sup>4</sup>Pancasila for the Indonesian nation is also the source of all sources of state law, meaning that all applicable laws in Indonesia must be based on Pancasila values.<sup>5</sup>

As a country that has chosen the principles of democracy and integrated them with the principles of a rule of law, Indonesia will organize life and life in society, as a nation and as a state using democratic rule of law. The Indonesian nation will build an order for living together within the framework of an Indonesian state that is democratic and based on the rule of law. This means that the Indonesian nation will put democratic principles and legal principles as a mutually symbiotic-mutualistic synergy in realizing the existence of a democratic national legal order in the country.<sup>6</sup>

After we understand that Indonesia is a constitutional state, where the goal is to make law a tool to regulate order in the life of the nation and state, in order to create a just, prosperous and happy Indonesian society,<sup>7</sup>then one of the sub-systems that must work in the framework of law enforcement is the Justice System. . While the meaning of justice is a process that is carried out in court related to the task of examining, adjudicating and deciding cases. While the court is an official body or agency that implements the justice

system in the form of examining, adjudicating and deciding cases.<sup>8</sup>

Where there is a good justice system, of course it is hoped that it can provide legal certainty and a sense of justice for all components bound within it, such as the legal system itself, law enforcers and also the community as the address of justice seekers; So in this paper we can discuss whether the justice system in Indonesia has been effective in enforcing the law or not, and how the reformation of the justice system in Indonesia should be, so that in the future it can better guarantee law enforcement and justice in this country. Therefore the author gives the title of this paper Judicial System as a Subsystem of Law in Indonesia , using a normative juridical approach and analytical descriptive research specifications.

### Research Problems

1. What is the current justice system in Indonesia and its weaknesses?
2. How is the justice system in Indonesia good in the future?

### Discussion

#### The Judicial System in Indonesia and Its Weaknesses

Judiciary in English terms is called judiciary and *rechtspraak* in Dutch the meaning is everything related to the duty of the State in upholding law and justice. According to R. Subekti and R. Tjitrosoedibio , the notion of justice is everything related to the State's duty to uphold law and justice. The use of the term Judiciary ( *rechtspraak* /judiciary) refers to the process of providing justice in the context of enforcing the law ( *het rechtspreken* ) , while the court is addressed to the agency or

<sup>4</sup> Siti Malikhatun Badriyah, *Legal Findings in the Context of Seeking Justice* , 1st edn (Semarang: Diponegoro University Press, 2010). p. 45.

<sup>5</sup> FX. Adji Samekto, *Pancasila Dialectics and the Future of the Nation* (Jakarta: Pancasila Ideology Development Agency, 2019). p. 71.

<sup>6</sup> Hans Kelsen, *General Theory of Law and State* (New York: Russel&Russel A Division of Atheneum Publishers, 1961). p. 181.

<sup>7</sup> Satjipto Rahardjo, *Progressive Law A Synthesis of Indonesian Law* (Yogyakarta: Genta Publishing, 2009). p. 21.

<sup>8</sup> Tolib Effendi, *The Criminal Justice System: A Comparison of Components and Processes of the Criminal Justice System in Several Countries* (Yogyakarta: Digital Medpress Publisher, 2018). p. 13.

institution that provides justice.<sup>9</sup> So the court is not the only place that administers justice.

The definition of justice according to Sjachran Basah, is everything related to the task of deciding cases by applying the law, finding the law in concreto in defending and guaranteeing compliance with material law, by using the procedural method stipulated by formal law.<sup>10</sup> Broadly speaking, in Indonesia a judicial system has been arranged which is a sub-system of law enforcement, one of which is to ensure that justice and legal certainty are achieved in Indonesia.<sup>11</sup> Where this is confirmed in Article 1 paragraph (3) of the 4th Amendment of the 1945 Constitution states that: "Indonesia is a state of law" The provisions of this article are a constitutional basis that Indonesia is a state based on law, law is placed as the only rule of the game in the life of society, nation and state (supremacy of law). When talking about law enforcement, there will be legal institutions, rule of law and law enforcers.<sup>12</sup> The justice system in Indonesia is the entire court case in a country that is different from one another but related or interrelated so that a mechanism is formed and can be applied consistently. In the justice system in Indonesia. Several elements of the parties involved include: investigators, public prosecutors, (prosecutors), judges, legal advisers, and of course justice seekers

The administration of justice in Indonesia is regulated, among other things, in Law Number 4 of 2004 concerning Judicial Power. Judicial power is an independent power to administer justice in order to uphold law and justice based on Pancasila for the sake of the establishment of the rule of law of the Republic of Indonesia. The meaning of the word "independence" in this Article is that a judge in carrying out his professional duties must be free from the influence of any power, whether executive or presidential power or

legislative power and other powers in Indonesia.<sup>13</sup> The implementation of judicial power is carried out by a Supreme Court and judicial bodies under it, namely: the general court environment, the religious court environment, the military court environment, the state administrative court environment.

Where the four judicial environments have their respective authorities based on Article 24 paragraph (2) of the 1945 Constitution, including:

- 1) The General Court environment, includes civil disputes (sales agreements, defaults, etc.) and criminal (murder, theft, etc.).
- 2) The Religious Courts environment, includes family law such as marriage, divorce, and others. The law governing the Religious Courts, namely Law Number 7 of 1989 concerning the Religious Courts, which has the duty and authority to examine, decide and settle cases at the first level between people who are Muslim in the fields of marriage, inheritance, wills, grants, waqf and shadaqoh, where the entire field is carried out based on Islamic law.
- 3) The State Administrative Court Environment, includes disputes between citizens and State administrative officials. The law governing the State Administrative Court (PTUN) is Law Number 5 of 1986 which has been amended by Law Number 9 of 2004 concerning State Administrative Court. This court has the authority to resolve disputes between citizens and State Administrative Officers. The disputed object in the State Administrative Court is a State administrative decision issued by a State administrative officer. And in this State Administrative Court there are 2 (two) kinds of legal remedies<sup>4</sup>, namely

<sup>9</sup> R. Subekti and R. Tjitrosoedibio, *Legal Dictionary* (Jakarta: Pradnya Paramita, 1980). p. 46.

<sup>10</sup> Sjachran Basah, *Knowing Justice in Indonesia* (Jakarta: Raja Grafindo Persada, 1995). p. 9.

<sup>11</sup> HP Panggabean, *Application of Business Law Ethics in the Indonesian Judicial System* (Jakarta: Jala Permata Aksara, 2019). p. 51.

<sup>12</sup> Barda Nawawi Arief, *Several Aspects of Criminal Law Enforcement and Development Policy* (Bandung: PT.Citra Aditya Bakti, 2001). p. 25.

<sup>13</sup> Bagir Manan, *Indonesian Judicial Power in Law no. 4 of 2004* (Jakarta: FH UII Press, 2007). p. 15.

Administrative Efforts, which consist of administrative appeals and objections, as well as Lawsuits.

- 4) The Military Court environment, only includes crimes or violations committed by the military. The law governing military courts is Law Number 31 of 1997 concerning military courts. This court has the authority to try crimes or offenses committed by the military.

As for the Special Courts in Indonesia, there have been 6 (six) Special Courts, each of which has its own authority as explained below, among others:

- 1) The Commercial Court was formed and established based on Presidential Decree No. 97 of 1999. The authority of the Commercial Court, among others, is to hear bankruptcy cases, intellectual property rights, and other commercial disputes determined by law.
- 2) The Human Rights Court was formed and established based on Law Number 26 of 2000. The authority of the Human Rights Court is to try gross human rights violations, as happened in cases of gross human rights violations in East Timor and Tanjung Priok in 1984. These human rights violations is currently issuing Presidential Decree Number 53 of 2001 on the establishment of an Ad Hoc Human Rights Court at the Central Jakarta District Court, which is currently amended by Presidential Decree Number 96 of 2001.
- 3) The Juvenile Court was formed and established based on Law Number 3 of 1997, which is the implementation of the Convention on the Rights of the Child which has been ratified, that every child has the right to protection, both against exploitation, cruel treatment and arbitrary treatment in the criminal justice process. And the Jurisdiction of Juvenile Justice in terms of criminal cases are those who are 8 years old but have not yet reached 18 years of age.

- 4) The Tax Court, established and founded based on Law Number 14 of 2002, has jurisdiction to settle disputes in the tax sector. Tax disputes themselves are disputes that arise in the field of taxation between taxpayers or tax bearers and authorized officials as a result of the issuance of decisions that can be appealed or sued to the Tax Court based on tax laws and regulations, including lawsuits over the implementation of billing under the Law Invite tax collection by force letter.
- 5) The Fisheries Court was formed and established based on Law 31 of 2004. This court has the authority to examine, try and decide crimes in the field of fisheries, and is within the General Court environment and has jurisdiction in accordance with the jurisdiction of the district court concerned.
- 6) The Special Court for Corruption Crimes, was formed and established based on the mandate of Article 53 of Law Number 30 of 2002 concerning the Corruption Eradication Commission. This court has jurisdiction to hear corruption cases and is domiciled in Jakarta.

### **Weaknesses of the Justice System in Indonesia**

Legal politics is essentially a legal policy regarding laws that will be applied and not enforced to achieve state goals, as stated by Prof. Dr. Moh Mahfud, MD, namely the rationale for various definitions like this that our country has goals that must be achieved and efforts to achieve these goals are carried out by using law as a tool through the enactment and enactment of laws in accordance with the stages of development faced by society and our country .<sup>14</sup>

In fact, law in Indonesia is a mixture of the European legal system, religious law and customary law. Most of the systems adopted, both civil and criminal, are based on

<sup>14</sup> Moh Mahfud MD, *Legal Politics in Indonesia* , Print to (Jakarta: Pers, Rajawali, 2014). p. 3

continental European law, especially from the Netherlands because of aspects of Indonesia's past history which was a colony with the title of the Dutch East Indies. Religious Law, because the majority of Indonesian people adhere to Islam, the domination of Islamic law or Shari'at is more, especially in the areas of marriage, kinship and inheritance. Apart from that, Indonesia also applies the customary law system which is absorbed in legislation or jurisprudence, the cultures that exist in the archipelago. Customary law is an absorption of the values that live in Indonesian society.<sup>15</sup>In reality, the moral and ethical values as well as the interests of society which are implicitly contained in customary law which are generally unwritten, and are religious, real and concrete (visual) in nature, as the original law of Indonesia are increasingly being replaced by positivist understanding, where One factor that is very influential in the justice system which is the motor of law enforcement in Indonesia at this time is the strong flow of legal positivism, which is pervasive in all spheres of justice and law enforcers within it, who are always oriented towards written legal ideas.

positivism thinking pattern above results in enforcing the law only limited to enforcing the sound of the law and not wanting to uphold justice with the substance of the law itself. In fact, in law enforcement, three values must be obtained as stated by Gustav Radbruch, namely Justice (Gerechtigkeit), Usefulness (Zweckmassigkeit), and Legal Certainty (Rechtssicherheit), in line with this Satjipto Rahardjo in his book entitled progressive law enforcement states that law enforcement must produce happiness for the community, and must have freedom not to be bound by rigid written rules, but this freedom must be guided by community values,<sup>16</sup>this is what he calls progressive law enforcement.

So that if the law is applied by wearing "horse glasses" then concretely it cannot cover the three basic values above, so law enforcers

here are transformed into mere law enforcers, because they don't want to be bothered or don't want to risk making a breakthrough that can further embody law enforcement. Law becomes something more meaningful to the values of justice and expediency.

### **A good justice system in Indonesia in the future**

Adhering to the discussion above, it is evident that legal positivism also has a significant influence on obstacles and weaknesses in law enforcement, especially the justice system in Indonesia, especially if it has penetrated the mindset of law enforcement officials as the vanguard. Of course, at this time there must be an effort to explain and remind that such black and white legalistic methods of law enforcement are incorrect and it is time to abandon them by using new breakthroughs that prioritize substantive elements of objectivity and justice in law enforcement in Indonesia. Progressive law can be an alternative, in other words, law enforcement is carried out with full determination, empathy, dedication, commitment to injustice in law enforcement accompanied by the courage to find a way to make a breakthrough than what law enforcers have usually done so far. One of the legal concepts offered as a solution or way out of this problem is of course the idea of Progressive Law by Prof. Satjipto Rahardjo, who put forward a concept of law enforcement, must place the side of justice and truth above the rules or laws.

This paradigm emerged in 2002 when Prof. Dr. Satjipto Rahardjo conveyed the idea of thinking about Progressive Law which is actually a concern for the deterioration of law and feelings of public dissatisfaction and public distrust of law and judicial institutions, where in essence this idea Progressive wants to encourage the community of practitioners and law enforcers to have the courage to make breakthroughs in implementing law in

<sup>15</sup> Sudikno Mertokusumo, *Knowing the Law of an Introduction* (Yogyakarta: Liberty Yogyakarta Publisher, 2003). p. 6.

<sup>16</sup> Satjipto Rahardjo, *Progressive Law Enforcement* (Jakarta: Kompas Media Nusantara, 2010). p. 32.

Indonesia and not only shackled by positivistic and legal analytical thoughts .

The progressive legal paradigm initiated by this can be said to be a very phenomenal idea aimed at law enforcement officials, especially for those who have the authority to take legal action on the settlement of a case, and also leads to the Judge so that he is not shackled by legal positivism which has been this gives a lot of injustice to yustisiaben (justice seekers) in upholding the law because law enforcement is a series of processes to describe values, ideas, ideals which are quite abstract which are the goals of law. Legal goals or legal ideals initiate moral values, such as justice and truth. These values must be able to be realized in real reality.

The existence of law is recognized if the moral values contained in the law are able to be implemented or not. According to Soerjono Soekanto , conceptually the essence of the meaning of law enforcement lies in the activity of harmonizing the relationship of values that are spelled out in solid principles and manifest in attitudes, actions as a series of final stage value translations, to create, maintain and maintain social peace. <sup>17</sup>In essence, law enforcement is also a means of achieving legal goals, so as to be able to put a moral touch in law, where the absence of morality in law results in the law being far from society, even though the success of law enforcement is a barometer of legal legitimacy in the midst of the social reality of society. The main meaning of the legal progressive paradigm is to see the world and law with a flowing view, like " panta rei " (everything flows) from the philosopher Heraklitos , namely:

First, the paradigm in progressive law is that "**law is for humans**" , where this basic belief does not see law as something central in law, but **humans are at the center of the law cycle** .

Second , progressive law **refuses to maintain the status quo in law** . Maintaining

the status quo has the same effect as when people argue that the law is the benchmark for everything, and humans are for the law, such a way of judging is in line with positivistic , normative and legalistic. Once the law says or formulates it like that we cannot do much unless the law is changed first, while the nature of progressive law is flexible, flexible and more dynamic.

Third, progressive law pays great attention to the role of human behavior in law. This contradicts diametral with the understanding that law is only a matter of regulations. The role of humans here is a consequence of the recognition that **we should not adhere absolutely to the formal text of a rule** .

Progressive law is actually simple, namely to make liberation both in the way of thinking and acting in law, so that it is able to let the law just flow to complete its duty to serve humans and humanity. Finally, it can be argued that the meaning of **progressive law is law that is always developing in a flexible, dynamic manner and is able to follow the justice that lives in society, so that it is qualified to serve and bring people to prosperity and happiness** .

So how does Progressive Law work ideally in the justice system as a sub-system of law enforcement in Indonesia ? There is an interesting thing that I found in Prof. Satjipto 's book Rahardjo who stated an idea, namely:

We think that by making national laws since independence, everything will be in order and with a firm foresight can say that since today Indonesia has had laws that it made itself; it turns out that this is only the first step, because we are dealing with a large number of problems related to our national law.<sup>18</sup>

From his train of thought, it turns out that there are still so many burdens and homework that must be completed even though we already have laws that are purely

<sup>17</sup> Satjipto Rahardjo, *Law Enforcement, Sociological Review* (Yogyakarta: Genta Publishing, 2009). p. 27.

<sup>18</sup> Rahardjo. *Op Cit.* p. 110.

made by our own nation, because we also need to remember that since the time of our ancestors, Indonesia as a nation has actually been "civilized". already have laws that grow in our own cultural repertoire, where this local wisdom sometimes feels foreign when confronted with state symbols embodied in the judicial system process represented by the law enforcers themselves.

With these conditions, we then think, what kind of law is actually compatible and congruent with the spirit of this nation, which consists of various ethnic groups, customs, and very diverse ways of life, giving rise to different levels of life strata. Where is the phenomenon that is happening at the moment, the way of law is based on a positivistic - legalistic paradigm, truth and justice which are solely assessed from what is written in the text, often become a criminogenic factor (the cause of new crimes). As an example, a child who steals and is declared proven by the judge that the child's actions fulfill all the elements of the act in Article 362 of the Criminal Code, then he is imprisoned, it is not impossible that the child will further develop his crime talents in prison, a place where he is used to hanging out with "bad" people.<sup>19</sup>

The essence of progressive law is not merely how to make and apply the text of laws and regulations (rulemaking ), after it is finished. However, in certain circumstances the method of law requires a rule breaking (legal breakthrough). <sup>20</sup>When the legal text is deemed no longer capable of producing justice for the community, law enforcers must have the courage to make legal breakthroughs outside of the legal text, for example for the police, who have the right to exercise discretion (an attempt not to apply the law that should be done), or the Attorney General's Office which has the authority to override ongoing legal proceedings. All of these powers are exercised solely on the basis of considerations in order to save the greater public interest.

If this is applied to other law enforcers, especially those with authority, of course they can take a legal breakthrough (breaking rule) , by prioritizing the values of justice and the principle of the usefulness of the law itself, for example the Police which has the principle of discretion. which can use alternative dispute resolution efforts , in handling a case, although this is limited, it can only be applied to minor crimes where the perpetrators are weak or lower class (lower class ) who have disturbed the sense of justice in society, as well as cases that result in material losses and classified as a minor crime. Likewise, the Judge, as the final bastion of justice, should also be the battering ram in this progressive law enforcement, so that in the future there will be no more cases of Minah 's grandmother who has to be found guilty and punished just because she took rotten cacao.

Suparman Marzuki stated that in the context of law enforcement, the most important thing is progressive law enforcement, namely law enforcement that is submissive to the existing system, but more affirmative ( affirmative law enforcement). Affirmative means **the courage to liberate from conventional practice** and emphasize the use of one other way, which breaks through the longstanding legal practice standards. Progressive law enforcement requires human rights law enforcement officials to be realistic, not living in **ivory towers** . They have to hone their intuition by going down and absorbing the aspirations that are developing in society. Judges should be agents of change and not staff of the legal system. They must have the courage to break down the barriers built by oppressive ideologies of social justice. They have to get out of monolithic interpretation because the text of the law only gives limited interpretation space. Progressive law enforcement prioritizes context rather than mere texts of rules .<sup>21</sup>

<sup>19</sup> Hwian Christianto, 'Progressive Legal Interpretation in Criminal Cases', *Pulpit Hukum* , 23.3 (2011), 479–500. p. 481.

<sup>20</sup> Rahardjo. *Op Cit.* p.140.

<sup>21</sup> Suparman Marzuki, *The Collapse of Justice: The Politics of Human Rights Law in the Reform Era* (Yogyakarta: Pusham UII, 2011). p. 269-270.

However, in our personal opinion, the opinion of Suparman Marzuki is an opinion that will certainly clash with culture or legal culture that has occurred so far, imagine me when a law enforcer commits an act that is considered his belief as progressive law enforcement, he may be considered strange and the worst possibility can be far away and ostracized in the world of work, even an advocate who should not be bound by an agency, because Advocates are independent law enforcers <sup>22</sup>, in the end most of them are dissolved in the law enforcement culture that exists and has been embedded so far, because it could be that they will be shunned by the justice system, and in the end they will definitely lose in court or at least get a verdict who dissatisfied his client .

So the great thought of Professor Satjipto It is feared that this Rahardjo will only become a beautiful legal document, and maybe even only understood by a small number of legal people in Indonesia, because in reality we ourselves as professional carriers already feel comfortable with such conditions if we are to be honest; So that work is still needed that starts from the law-making sub-system, law enforcement sub-system, education sub-system to work together with a massive step to support this idea, because in essence, as he always said, the ultimate goal of being a state is law, is to make the life of the people and this nation happy.

### Conclusion

The justice system is part of the legal system, which is a comprehensive and integral system, becoming an inseparable part, starting from the beginning of a legal case, and then being processed in an examination to produce a decision and procedures for implementing the decision, for the sake of upholding law and justice in the world. Indonesian country. One of the factors that is very influential in the justice system which is the motor of law enforcement in Indonesia at this time is the

strong flow of **legal positivism** that permeates all courts and the law enforcement officials within it , who are always oriented towards written legal thoughts only. **That the Progressive Legal Paradigm is essentially a law that is always developing in a flexible, dynamic manner and is able to follow justice that lives in society, so that it is qualified to serve and bring people to prosperity and happiness .** This progressive legal paradigm is expected to be a way out of concerns about the positivist thinking model that is still inherent in law enforcement patterns in Indonesia, because law enforcers should have the courage to make legal breakthroughs (rule breaking) so they don't just become mouthpieces for laws. . It takes a work that is still starting from the law-making sub-system, the law enforcement sub-system, the education sub-system to work together with a massive step to support the idea of Progressive Law which breaks up the justice system only by referring to the mere Legal Positivism mindset, because in essence that the ultimate goal of having a rule of law is to make the life of the people and this nation happy

### Bibliography

#### Book:

1. A. Siti Soetami, Introduction to Indonesian Law (Bandung: Refika Aditama, 2005)
2. Arief, Barda Nawawi, Several Aspects of Criminal Law Enforcement and Development Policy (Bandung: PT.Citra Aditya Bakti, 2001)
3. Badriyah, Siti Malikhatun, Legal Findings in the Context of Seeking Justice , 1st edn (Semarang: Diponegoro University Press, 2010)
4. Bagir Manan, Indonesian Judicial Power in Law no. 4 of 2004 (Jakarta: FH UII Press, 2007)

<sup>22</sup> Luhut MP Pangaribuan, *Court, Judge and Advocate* , ed. by Hendrata Yudha (Jakarta: Pustaka Kemang, 2016). p. 7.



5. Effendi, Tolib, *The Criminal Justice System: A Comparison of Components and Processes of the Criminal Justice System in Several Countries* (Yogyakarta: Digital Medpress Publisher, 2018)
6. FX. Adji Samekto, *Pancasila Dialectics and the Future of the Nation* (Jakarta: Pancasila Ideology Development Agency, 2019)
7. Kelsen, Hans, *General Theory of Law and State* (New York: Russel&Russel A Division of Atheneum Publisher, 1961)
8. MD, Moh Mahfud, *Legal Politics in Indonesia*, Print to (Jakarta: Pers, Rajawali, 2014)
9. Pangaribuan, Luhut MP, *Court, Judge and Advocate*, ed. by Hendrata Yudha (Jakarta: Pustaka Kemang, 2016)
10. Panggabean, HP, *Application of Business Law Ethics in the Indonesian Judicial System* (Jakarta: Jala Permata Aksara, 2019)
11. Rahardjo, Satjipto, *Progressive Law Enforcement* (Jakarta: Kompas Media Nusantara, 2010)
12. Satjipto Rahardjo, *Progressive Law A Synthesis of Indonesian Law* (Yogyakarta: Genta Publishing, 2009)
13. ———, *Law Studies*, ed. by Awaludin Marwan, VIII (Bandung: Citra Aditya Bakti, 2014)
14. ———, *Law Enforcement, Sociological Review* (Yogyakarta: Genta Publishing, 2009)
15. Sjachran Basah, *Knowing Justice in Indonesia* (Jakarta: Raja Grafindo Persada, 1995)
16. Sudikno Mertokusumo, *Knowing the Law An Introduction* (Yogyakarta: Liberty Yogyakarta Publisher, 2003)
17. Suparman Marzuki, *The Collapse of Justice: The Politics of Human Rights Law in the Reform Era* (Yogyakarta: Pusham UII, 2011)
18. Tjitrosoedibio, R. Subekti and R., *Legal Dictionary* (Jakarta: Pradnya

Paramita, 1980)

**Journal:**

1. Christianto, Hwian, 'Progressive Legal Interpretation in Criminal Cases', *Pulpit Hukum*, 23.3 (2011), 479–500.
2. Zainal Arifin Hoesein, 'Legal Formation in Perspective of Legal Reform', *RechtsVinding*, 1.3 (2012), 307–327.