

The Uncertainty of the Law Enforcement in Indonesia to be the Joke of the Community to Comply with Applicable Law

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Abstract

Law enforcement can be done by a very broad subject and can also be interpreted as a law enforcement effort by the subject in the sense of being limited or narrow. This paper discusses two problems: (1) Law Enforcement; (2) The apparatus of law Enforcement. Law enforcement serves as a protection of the interests of human beings. So human interests are protected, the law should be implemented. The implementation of the law can take place in normal, peaceful but can occur also because of the violation of the law. The formulation of the thought of the makers of the law as outlined in the regulations of the law will also determine how law enforcement was run. There is a tendency in the community, to interpret the law and even identify with the officer (in this case law enforcement as a person). One result of this is that the good and bad of law are always associated with the pattern of behavior of the law enforcement, which in his opinion is a reflection of the law as structure and process.

Keywords: Uncertainty; Law Enforcement; Joke; Comply With Applicable Law.

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1. INTRODUCTION

Society as citizens of the Countries that require awareness and compliance with laws and regulations. Man in social life basically has a particular view about what is good and what is bad. View-the view is always realized in certain pairs, for example there is a pair with the value of peace, pasanganan value of common interests with the value of personal interests and so on. In law enforcement pair these values need to be brought into harmony.

The law is the basis of regulations written in the form of norms and sanctions that are made with the purpose to regulate human behavior, maintain order, justice, and prevent the occurrence of chaos. The law has a duty to ensure that there is justice in the society.

The implications of the law itself can be described as a regulation or accuracy of the terms and conditions that is written or not written to regulate the life of the community and providing sanctions for offenders/people who break the law. Law can be classified into 5, among others:

1. Law based on the shape
2. Law based on the Region of the entry into force of

3. Law based on the function
4. Law based on the time
5. Legal bersarkan contents.

The community is very concerned that in the implementation or enforcement of the law of justice considered. In the implementation and enforcement of the law should be fair. The law is not synonymous with justice. The laws that are general in nature, binding each person, are leveler. Those who steal should be punished: who stole should be punished, regardless of who steal. On the contrary, justice is subjective, individualistic, and not generalizes.

For instance, there is the question of the cloud related to the law then sometimes the recollection of such a person would have to do with what was in the buildings of the court that it is also the name of the building is fixed on a penagdian that is definitely associated with a figure-the figure of a law enforcement that is associated with judges,lawyers, bailiffs and cops who all of this is a law enforcement, which today many believe that law enforcement is a rule that is associated with the law itself ,sometimes we too have the assumption that where the law is one thing to be a joke

where the joke became something that needs to be question for better and targeted so that what has been interpreted jokes will be better understood by the public.

In the context of the conversation about the law, there is a simple question, "what Is the law of the republic of indonesia beloved this already perfect?" doubt is not without reason, given our country's mengekklaim as a state law but in fact a lot of things that deviate even very funny that related with the law of the republic of Indonesia.

The law that has been created has the function to help the role of the passage of the Statute of the society, such as the issuance of regulations, settlement of disputes and so on so it can be stamped in a developing society.

2. RESEARCH METHODS

This research is qualitative research. Qualitative research is a research that intends to understand the phenomenon of what is experienced by the subject penalitian for example behavior, perception, motivation, action and others., holistically, and by way of description in the form of words and language, in a specific context nature by utilizing various methods of natural [1].

3. RESULTS AND DISCUSSION

3.1. Law Enforcement

The state of Indonesia as a state of law, the law should be enforced. A variety of rule of law is made, to be obeyed and implemented in the life of society, nation, and state. But in fact, the rule of law is often violated, even by law enforcement officers and framer of the law itself. We can see how many law enforcement officers (police, judges, prosecutors, more of the cases were)in handling cases doing misconduct such as bribery, transaction case, touts the case, the buy-sell decision, realtor case, and so on. So also with members of the house of representatives as the framer of the law there are some who are entangled in corruption cases or law violation other [2].

Law enforcement is a process to realize the desires of the law becomes a reality. Called the desire of the law is mind-mind-making body of Laws that are formulated in the rule of law. Legal regulation of it. The formulation of the thought of the makers of the law as outlined in the regulations of the law will also

determine how law enforcement was run [3]. Law enforcement is a process of doing efforts for the establishment or functioning of legal norms significantly as the code of conduct in traffic or legal relations in social life.

In a broad sense, the law enforcement process that involves all the subjects of law in any legal relationship. Anyone that is running the rule of normative or do something or not do something based on the norms of the rule of law which applies, means he's running or enforce the rule of law. In a narrow sense, in terms of the subject it is, the enforcement of the law was interpreted as an attempt of the apparatus of law enforcement is certain to guarantee and ensure that a legal rule is running as it should be. In ensuring the establishment of the law that, if necessary, law enforcement officials were allowed to use the power of force.

Law enforcement it can also be viewed from the angle of the object, i.e. in terms of the law. In this case, the definitions also include the meaning of the broad and narrow. In a broader sense, the enforcement of that law includes the values of justice contained in it the sound of formal rules and the values of justice who live in the community. But, in a narrow sense, the enforcement of that law only concerns the enforcement of the regulations that a formal and written course. Therefore, the translation of the words 'law enforcement' in English in the use of the words 'law enforcement' in a broad sense and can also be used the term 'enforcement' in the narrow sense. The distinction between the formality of the rule of law that is written with the scope of the value of justice that it contains is even also arise in the English themselves with the development of the term 'the rule of law' versus 'the rule of just law' or the term 'the rule of law and not of man' versus the term 'the rule by law' which means 'the rule of man by law'. In the term 'the rule of law' contained the meaning of rule by law, but not in that formal, but also includes values of justice contained in it. Therefore, used the term 'the rule of just law'. In the term 'the rule of law and not of man' is meant to assert that in fact the government of a state law that is made by law, not by the people. The term opposite is 'the rule by law' which is intended as a government by those who use the law just as a tool of sheer power [4].

Law enforcement in the narrow sense is an activity of the prosecution of any violation of or deviation of the legislation, through the criminal justice process that involves the role of the police, the

¹Moleong, L. J. (2011). Metodologi Penelitian Kualitatif. PT Remaja Rosdakarya, Bandung., hlm.6

²Widayati.(2022).<https://publikasiilmiah.ums.ac.id/bitstream/handle/11617/9724/41.%20Widayati.pdf?sequence=1>, accessed

³ Satjipto, R. (2009). Penegakan Hukum Sebagai Tinjauan Sosiologis. Genta Publishing. Yogyakarta. Hal, 25.

⁴ Jimly, A. (2022). http://www.jimly.com/makalah/namafile/56/Penegakan_Hukum.pdf, accessed

prosecutor's office, more of the cases were or lawyers, and also judicial bodies [5].

Conceptually, the core of law enforcement lies in the activities meyerasikan relationship values described in the rules of the steady and attitude as a series of translation of the value of the final stage, to create, to maintain and defend the peace of the association alive. The conception of which have the basic filisofis that require further explanation so that it will seem more concrete [6].

The law that has been created has the function to help the role of the passage of the Statute of the society, such as the issuance of regulations, settlement of disputes and so on so it can be stamped in a developing society. Outline the function of the law can be diklasifir in three stages, namely [7]:

- 1) The function of law as a tool of order and regularity of society. This is possible because of the nature and character of the law of the member guidelines and instructions on how to behave in society. Indicate which ones are good and which are bad through the norm-the norm.
- 2) The function of law as a tool to realize social justice and the soul. Law with the nature and character which among other things has the power to bind either physical or psychological.
- 3) The function of the law as the means of propulsion development. One of the power of binding and force of law, can also be utilized or utilized to drive the development. Law as a means of development is a tool for the authorities to bring the people towards the more advanced.

The problem of awareness of and compliance with the law society is not merely the object of sociology. Awareness of the legal community that is not only found through the study of sociology of law solely will only pay attention to the symptoms of social sheer. But the results of research in sociology of law is still also need to be tested against the political philosophy of statecraft is the idea of justice and truth in the law society is concerned [8].

3.2. The Apparatus Of Law Enforcement

Law enforcement officials include the definition of law enforcement institutions and officials

(the man) law enforcement. In a narrow sense, the law enforcement officials involved in the process of the establishment of the law that, starting from witnesses, police officers, legal counsel, prosecutors, judges, and officers of the warden of the penitentiary. Each apparatus and apparatus related to include parties who are concerned with the task or role that is associated with the activities of reporting or complaint, inquiry, investigation, prosecution, evidence, conviction and sanctions, as well as the efforts of correctional back (resocialization) a convict.

In the process of operation of the apparatus of law enforcement that, there are three important elements that affect, that is:

- 1) The Institution of law enforcement and various devices supporting infrastructure and facilities and the working mechanism of institutional;
- 2) work Culture is associated with its officials, including the welfare of its officials, and
- 3) Device regulations that support the better performance of the institutional and set the material law as the standard of work, both legal materielnya and law show.

Law enforcement in the country of indonesia masi say there is a problem, it can even be said to be funny or entertainment for people who understand.in fact, the state already has a legal basis, namely pancasila and the 1945 CONSTITUTION.

Here are some examples of cute legal issues in indonesia as the case:

1) Gaga Muhammad [9]

Rated polite and still young, gaga muhammad only in demand 4 years 6 months in prison. Quoted from tribunnews.com, the Prosecutor demanded the defendant Gaga Muhammad prison sentence of 4 years 6 months and a fine of Rp 10 million, in the case of an accident that caused Laura Anna paralyzed. For this, the prosecutor said in the trial that Gaga Muhammad during the course of the trial considered polite. Not only that, the prosecutor also assess amazing unexpected rap original name was Echoes of Sabda Alam Muhammad is still young and can improve his behavior in the future. "The things that lighten up, brother be polite during the trial, the brothers realize kesalahnya and regretted his actions, the defendant is still young, which is expected to improve his behavior later in the day," said the prosecutor in the trial in the district Court of East Jakarta, Tuesday (4/1/2022).

⁵Jimly, A. (2006). Konstitusi dan Konstitusionalisme Indonesia, Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi RI, Jakarta. Hal, 386.

⁶ Soerjono, S. (1983). Faktor-Faktor yang Mempengaruhi Penegakkan Hukum. Raja Grafindo. Jakarta. Hal, 7.

⁷Soedjono, D. (2007). Pengantar Ilmu Hukum. Raja Grafindo Persada. Jakarta. Hal, 154.

⁸Sunaryati, H. C. F. G. (1976). Peranan Kesadaran Hukum Masyarakat dalam Pembangunan Hukum. Bina Cipta. Jakarta. Hal, 8.

⁹ <https://www.tribunnews.com/seleb/2022/01/04/dinilai-sopan-dan-masih-muda-itu-alasan-jaksa-hanya-tuntut-gaga-muhammad-4-tahun-6-bulan-penjara>, accessed on 27 Januari 2022., at 16.00 WIB.

2) Juliari Batubara ^[10]

Humiliated by netizens, juliari batubara admitted to hurt and be given leniency. Who doesn't recognize the figure 1 is? Yep juliari batubara, si tukang saving and anti-corruption (in the campaign). He was admitted to hurt because in contempt by the netizens and ask for mercy to the judge because it has a child who is still small Case juliari itself is a corruption of social assistance by 32.2 Billion and demanded jail for 11 years and a fine of 500 million. Whereas if we talk about suffering, the money you corruption of it can make a lot of people are suffering, people should receive the help, instead of receiving help.

Law enforcement efforts systemically must pay attention to the third aspect of it simultaneously, so that the process of law enforcement and the justice system itself internally can be realized in practice. However, in addition to the three factors above, the complaint regarding the performance of law enforcement in our country during this time, actually also require a more thorough analysis again. The efforts of law enforcement is only one element of the overall problem we as a Country the Laws of which aspire to uphold and embody social justice for all Indonesian people. The law might not be straight, if the law itself does not or did not reflect the feelings or values of justice who live in the community. The law may not ensure justice if the material is largely a legacy of the past which no longer compatible with the demands of the times. That is, the problems that we face not only with regard to the efforts of law enforcement but also to reform the law or the making of new law. Therefore, there are four important functions that require careful attention, namely ^[11] (i) the legislation of law' atau 'law and rule making, (ii) socialization and promulgation of law, and (iii) the enforcement of law. All three are in need of support, (iv) administration of law that is effective and efficient which is run by the government that is responsible. Therefore, the development of administrative law and the legal system can be called as an important agenda of the fourth to the third item on the agenda above. In its broadest sense, 'the administration of law' that includes understanding the implementation of the law and the administration of the law itself in the narrow sense. For example it can be questioned how far the system documentation and publication of the various products of existing laws has been developed in the framework of the documentation regulations, the decision of the decision of the state administration, or the determination and decision of the judges at all levels and layers of government from the center to the regions. If the system administration is not

clear, how is it possible public access to a variety of product forms such laws can be open? If the access does not exist, how might expect the community can obey the rules and not knowing? Although there is a theory 'fiktie' which is recognized as a doctrine of law that is universal, the law also needs to function as a means of education and the renewal of society, and therefore the ignorance of the community law should not be left without effort socialization and familiarization of the law systematically and people may travel.

4. CONCLUSION

Law enforcement is part of the legal system. Without enforcement of the law, then the rules of substantive law would be a pile of paper. State law in the dearer will be going to be the dream of course as I take based on the title of the posts related to the Uncertainty of the law enforcement in Indonesia to be the joke of the community to comply with kyang apply and certainly applicable law must be clear in penindakannya but in reality there are still many cases that occurred in Indonesia that have not been resolved properly, even it will be a problem which is not expected by the public so that the name of law enforcement should really be a priority, not even that it must be thought out by the State. The law in indonesia is still far from fair, the law in indonesia, the fact the blunt up and sharply down. The government, Representatives of the people and institutions according to law assigned to hold the government of the state, enforce the law still arguably not yet able to control the influence of the outside of law that make the law becomes toxic so that the law became powerless. If you want to get legal relief, then you simply feel the suffering and polite during the trial, then you will obtain legal relief from the prosecutor. Why? The proof of case 2 can describe the imprisoned breaking the legal system in our country.

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