
LAW ENFORCEMENT IN BUILDING COMMUNITY TRUST TO POSITIVE LEGAL QUALITY

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Abstract

Law enforcement is done to restore the balance between the rights and obligations of the people, in realizing order and security for the members of the community. In a state of law, the rule of law must be manifestly realized, so that when there is a violation of law then the law must be enforced. The decline in the authority of the law is not solely due to the weakness of law enforcement, but there are many factors that cause the dissolution of public confidence in the existence of positive law in Indonesia, among others from the aspects of society itself, legal aspects, both material law and formal law and law enforcement aspects. Law enforcers must be able to portray their respective roles in upholding the law, justice and truth according to the sense of community justice. Through this enforcement, the law is actually implemented so that it can add the image and legal authority and can build public trust on the quality of positive law of Indonesia.

Keywords: Law Enforcement, Build, Trust, Society, Positive Law Quality.

I. INTRODUCTION

In the life of society is needed security and order in order to protect the interests of community members. Therefore, we need organizable and directable order or rules for a better life of society.

Legal existence is required to provide a sense of security, comfort and security and protect the rights and interests of the community in developing its creation, interaction, and inspiration.

To realize its objectives, the law cannot work alone automatically, but it is necessary to enforce the law to enforce law and justice in society, where the law enforcement process will lead to the Court as the last bastion for the justice seekers either through criminal proceedings or civil justice.

Law enforcement is closely related to the legal system adopted by a country. The Republic of Indonesia as a unitary state is a state of law oriented to the Continental European legal system that has been influenced by the Civil Law legal system so that in the protection and enforcement of the law, more emphasis is placed on existing laws or regulations. As the explanation of the 1945 Constitution and the affirmation in Article 1 Paragraph (3) of the amended 1945 Constitution states that the State of Indonesia is a State of Law, therefore every person or legal entity has the same legal standing and is obliged to obey or obedient to implement the law without exception and is obligated to uphold or rule of law.

As long as the law is obeyed and carried out properly, people will be silent and nobody talks about it and people will feel safe, comfortable and peaceful in their lives. But if the law is violated and people disobey the enforcement of the rules then the people are talking about the law, that is weak law enforcement, even blasphemy law enforcers, especially the court as the last bastion of seekers of justice. This is due to the fact that judicial decisions are a reflection of law enforcement that shows the legal face of a nation.

The court as the institution holding the judicial authority in casu the judges is not the only law enforcement officer. There are still other law enforcement officials namely the police, prosecutors, and lawyers or lawyers as law enforcement to carry out law enforcement.

Law enforcement by law enforcers is repressive with penal sanctions and civil sanctions. Law enforcement may also be granted by executive and legislative officials, i.e. preventive law enforcement.

In enforcing law enforcement by law enforcers (police, prosecutors, judges and lawyers) should pay close attention to the elements concerned:¹

¹Irjen Pol.Made Mangku Pastika, Bali Police Chief, August 5, 2004, Building Legitimate Legitimate Image of Human Rights Enforcement, Spoken in the Dialogue of Law and Human Rights Studies, conducted by Bali Legal Study Center, Denpasar, p. 9

- A. Justice (*Gerechtigkeit*);
- B. Legal certainty (*Rechtssicherheit*); and
- C. Utilization (*Zweckmassigkeit*).

All three elements must receive equal attention without sacrificing or eliminating other elements. In the State the law of supremacy of law must be realized in real, so that when there is a violation of law, the law must be enforced.

The law for us is a supreme or the highest among the other high-ranking institutions of the State. From that concept, the human consciousness of justice, the term 'rule of law' which is placed in the highest among the other dimensions of life, especially the political dimension. The rule of law is the aspiration of mankind worldwide who crave calmness and well-being.²

Law enforcement is done to restore the balance between the rights and obligations of the people, in realizing order and security for the members of the community. Law enforcers must be able to portray their respective roles in enforcing the law, justice and truth in accordance with the sense of community justice. Through this law enforcement, the law is actually implemented so that it can add the image and the authority of the law.

Nevertheless, in modern society today which is full of technological and science progress, it turns out the legal condition of our society is very concerned. Almost everyday through the offerings of newspapers and television and direct sightings at the scene, contains and notices the existence of violations of the law, namely anarchist acts, murder of persecution, corruption, rape, pedophilia, as well as acts of violence and other thugs are done with sadistic, vile and not human. Laws that should be respected and obeyed were violated just like that, so the law did not work properly and was not authoritative.

The decline in the authority of the law is not solely due to the weakness of law enforcement, but many factors that cause the dissolution of public confidence in the existence of law, among others from the aspects of society itself, the legal aspects, both material law and formal law and aspects of law enforcement.

Bambang Waluyo stated that the decline of law enforcement showed the existence of deviations of equality before the law and ultimately the denial-denial of the noble function of law. It is seen that law enforcement in society runs badly and discriminatively. Law enforcement in law in action is not the same as law in the book, *das sein* deviates from *das sollen* and other not ideal things.³

The problem is how our response to overcome crisis crisis of legal authority or dissolution of public confidence in law enforcement as well as existing positive law.

Various efforts have been made to overcome the authority of law and in this paper will focus the description to understand the efforts to rebuild public confidence in the quality of positive law through increased professionalism of law enforcement.

II. DISCUSSION

A. Law Enforcement in Building Community Trust on Positive Law Quality

The positive law is called *ius constitutum* opposite of *iusconstituendum*. *Ius constitutum* or positive law is a law that applies at a certain place, at a certain time, thus the positive law in Indonesia is the current law in Indonesia. While *ius constituendum* is a law that is inspired by the association of life of the country, but not yet becomes the precept of the formation of other laws or regulations.⁴

The quality of positive law in order to build public trust can be seen from the role of law enforcement in its implementation in the midst of society.

Concretely, Soerjono Soekanto states that the core and meaning of law enforcement lies in the activities of harmonizing the relationships of values that are laid out in the steadfast principles and manifesting from the attitude of action as a series of values elaboration to create, maintain, and maintain peace in the association of life.⁵

Human in the social life, basically have certain views about what is good and what is bad. The view is always manifested in certain couples, for example there is a couple of values of order with the value of tranquility, the couple values of public interest with personal interests, and so on. In law enforcement, the value pairs need to be harmonized, for example the need to harmonize the value of order with value prosperity, Because the value of order dotted the attachment, while the value of tranquility point of departure is freedom. In life, then humans need

²Ilham Bisri, 2010, Sistem Hukum Indonesia "*Prinsip-Prinsip & Implementasi Hukum Di Indonesia*", RajaGrafindo Persada, Jakarta, p.129.

³Bambang Waluyo, 2016, *Penegakan Hukum Di Indonesia*, Sinar Grafika Jakarta, p.262

⁴Harsanto Nursadi, 2009, *Sistem Hukum Indonesia*, Universitas Terbuka Departemen Pendidikan Nasional, Jakarta, p. 3.1

⁵Soerjono Soekanto, 2014, *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*, RajaGrafindo Persada, Jakarta, p.5.

attachment and freedom in a harmonious form.⁶

Good legal instruments do not always guarantee for the enforcement of legal provisions, in the absence of reliable law enforcement apparatus. To realize the provisions of applicable law then the things that need in law enforcement in building public confidence in positive law, namely:

1. Law Enforcement Apparatus and Professionalism;
2. Development of Law Enforcement Apparatus;
3. Obstacles and Constraints in Law Enforcement.

Based on the three things that need to be explained in positive law enforcement mentioned above, the writer describes one by one so it can build public confidence in positive law in Indonesia.

1. Law Enforcement Apparatus and Professionalism

Law enforcement officials have an important role and dominant factor in law enforcement process. What is meant by law enforcement officers are the police, Corruption Eradication Commission (CEC), prosecutor, judge, and lawyer and law enforcement environment of government bureaucracy as well as legal service officials in the state administration.

While the definition of professionalism is a description of a profession in the field of work or positions based on education, expertise, skills, a certain vocation conducted responsibly based on professional ethics.⁷

Based on the above formulation and a review of its duties and authorities, the positions of police, CEC, prosecutors, judges and lawyers / lawyers and law enforcement environment of government bureaucracy as well as legal service officials in the administration of the state are a profession so that professionalism is required in performing their duties namely to carry out the profession well, with high morality and responsible to God Almighty, the state, seeker of justice and conscience.

The ethics of the profession have principal principles, among others:

- a. The profession should be viewed as a service, so its selfless character is the hallmark of carrying out its duties.
- b. Professional services should be oriented to the public interest in prioritizing the interests of seekers of justice refers to the noble values of Pancasila.
- c. Competition in community services is done in a healthy way, so as to enhance professional development. One of the functions of law enforcement is to obtain legal certainty, so it can protect/protect citizens for their interests.

Each law enforcer in performing his / her professional duties must fulfill the legality principle, in accordance with law enforcement mechanisms stipulated in applicable procedural law.

Law enforcers may not deviate from the provisions of applicable law, because the procedural law serves to enforce material laws or positive laws that are violated.

2. Fostering Law Enforcement Apparatus.

To be able to carry out law enforcement tasks professionally, law enforcers in accordance with their field must have extensive knowledge and insight about the law and continuously follow professional training by maintaining high moral.

Although every law enforcer independently carries out his duties, namely Police and KPK conducts investigations and investigations, searches, investigations and detentions, prosecutors prosecute and execute court decisions, the Judge performs his duties of receiving, examining, adjudicating and settling cases received, and lawyers providing legal services to his client, but must be remembered for its function and position as law enforcement of the state, so that in carrying out its duties must complement each other in the upholding of law, justice and truth.

The business of law enforcement officers aims to obtain professional law enforcement officers, qualified, skilled and knowledgeable, and has a moral and noble morals. With a moral and high moral attitude or a noble law enforcement will not do negative actions that are contrary to the law that must be enforced, so that professionalism law enforcement can be realized.

3. Obstacles and Constraints in Law Enforcement.

⁶*Ibid.*

⁷Zoerber Djajadi, Hakim Tinggi PT.Denpasar, 5 Agustus 2004, *Dialog Bedah Hukum Dan HAM*, Yang diadakan oleh Pusat Pengkajian Negara Hukum Daerah Bali, Denpasar, p.5

In the practice of law enforcement even though it has been implemented professionally, there are still obstacles and habits, so the judicial process in court which is the last bastion of justice seekers becomes obstructed, ineffective and inefficient and the court decision is not expected to be appropriate according to the law.

Constraints and obstacles are among others:

- a. There is no good coordination among law enforcers and each retains the prestige of the profession, so that it does not complement and complement each other's shortcomings. This will result in law enforcement process not running smoothly and effectively.
- b. The existence of backing from officials who have the authority both from the internal and external, so that it is difficult to implement the law against the concerned.
- c. There is no common perception of law enforcement on issues arising in law enforcement.
- d. There is a lack of understanding in the rules of the material and formal laws of law enforcement and auxiliary staff.
- e. Lack of adequate facilities and infrastructure used in law enforcement.
- f. Lack of legal awareness of some communities and law enforcers.
- g. The existence of some rules or rules of law contained in formal and material law is unclear, incomplete, and some even clash with other rules of law, resulting in different interpretations and understandings and each law enforcer persisted in his opinion.

To overcome these obstacles and obstacles, the solutions are as follows:

- a. A consultation forum is established between law enforcers to equate perceptions and exchange information to complement each other's shortcomings, from the results of the examination in law enforcement, so that the judicial process can work, efficient, effective, and produce quality judgments received by justice seekers and the community at generally.
- b. Improve education, training law enforcers to understand and have a broad insight into the law, both formal and material laws, so as to improve their professional skills.
- c. Creating new systems and patterns within the enforcement of law enforcement personnel, through rigorous selection and selection, in order to obtain reliable and highly moral law enforcement personnel, and skilled and skilled in their fields.
- d. Conducting education and with courses related to the law enforcement profession at the Faculty of Law in Higher Education, for recruitment of law enforcement officers have a target and obtained superior seeds of law enforcement professionals.
- e. In making laws and other laws relating to law and law enforcement in particular and legislation in general, to involve legal practitioners and the role of law enforcers concerned who already know the condition and the legal situation in the community, so it can be avoided the formulation of legal provisions that are not clear and contradictory, making it easy to be implemented.

III. CONCLUSION

Consistent and integrated law enforcement will bring benefits to the community to build public confidence in the quality of positive law that is:

- A. Conducting guidance on law enforcement apparatus that aims to obtain professional law enforcement personnel, qualified, skilled and knowledgeable, and has a moral and noble morals.
- B. Having a moral and morality of high or noble law enforcement will not take negative actions contrary to the law that must be enforced, so that law enforcement professionalism can be realized properly.
- C. The emergence of a deterrent effect that can prevent a person who wants to commit a violation of the law.
- D. Can lead to the growth of public confidence in law enforcement efforts and law enforcement apparatus, so that community support for law enforcement agencies will strengthen.

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