

**IMPLICATIONS OF PUBLIC TRUST DUE TO WEAK  
LAWENFORCEMENT MORALITY**

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**ABSTRACT**

*Law enforcement has a strategic role in determining the quality of law enforcement in a country. In Indonesia, the performance of law enforcers is often considered unsatisfactory. This public dissatisfaction is a sign of weak law enforcement in Indonesia. The law which is considered a way to seek justice for society gives a sense of injustice. One of the causes of weak law enforcement in Indonesia is the quality of law enforcement. The low level of morality results in a lack of professionalism and unwillingness to enforce law enforcement. This morality is also related to corruption by law enforcement officers (judicial corruption). Law enforcers who are supposed to enforce the law are involved in corrupt practices. This low mortality causes law enforcement in Indonesia to be weak. Law enforcement will be strong and respected if law enforcers act professionally, and honestly and apply the principles of good governance. One example of weak law enforcement fines for drivers who violate traffic rules. Not a few motorists who do not want to be tried in court and choose the "peaceful place" route. This has been happening for years so it has become an open secret. As a result, there is public distrust of law enforcement. If not resolved immediately, this public distrust can lead to vigilante action. People who don't trust law enforcement may prefer to solve problems with violence or their way. A legal expert Leon Duguit said that the law is a rule of public behavior that must be obeyed as a guarantee of the common interest, which if violated will lead to criticism as a reaction. Meanwhile, law enforcement is a system in which there is a government or state institution that acts in an organized manner to ensure justice and order by using instruments or tools of power.*

**Keywords: Public Trust, Law Enforcement, Morality**



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## INTRODUCTION

Law enforcement is the process of applying legal norms in real life in society and the state (Zolotukhin, Bikmetov, Shiller, & Tarasenko, 2021). Law enforcement can also be interpreted that legal norms being used as guidelines for life for the community because later the law enforcers will enforce the applicable legal norms or rules (Arliman, 2019). If the role of law enforcement goes well, then law enforcement can run well too.

1. Law Factor  
Is a law enforcement factor related to the rule of law? This rule is the starting point in the law enforcement process. It can assert that this rule is a guideline for law enforcement officers and the community.
2. Law enforcement factors  
It is the role of law enforcement officers in enforcing the applicable law. This factor also includes how the apparatus can enforce the rule of law by their duties and the proper use of authority.
3. Facilities and infrastructure factors  
Is the availability of supporting resources in the law enforcement process. These facilities and infrastructure should be studied further, especially regarding quality and quantity or quantity.
4. Community factors  
These are factors related to society, especially regarding understanding and knowledge of legal rules or norms. This factor also includes people's beliefs and thoughts on law enforcement officers.
5. Cultural factors are stipulations about what can or should be done, and what is prohibited.  
About law enforcement, cultural factors influence how people behave before and after knowing the existing legal norms.

Romli Atmasasmita, shares the same view that other factors are the ineffectiveness of law enforcement in Indonesia, due to the following: (1) The substance of the legislation is incomplete and there are still weaknesses. (2) The substance of laws and regulations that still overlap with each other. (3) The substance of the legislation still places the interests of the government far greater than those of the wider community. (4) There is still no firmness regarding the differences between the executive, judicial, and legislative functions. (5) Awareness and responsibility of the nation and state in producing laws and regulations and law enforcement are still weak (Atmasasmita, 2001).

These weaknesses appear as implications and weak links in various other fields such as: social, cultural, economic, and political (Kenedi, 2016). In addition to the factors above, another thing that needs attention in law enforcement in Indonesia is the dominant tendency/strong approach to security for stability in all areas of life. Such an approach is understandable, especially for developing countries, where accelerating development to catch up is still difficult to create. Therefore, in third-world countries, the political superstructure is more dominant than the political infrastructure in the political decision-making process. Likewise, in the process of forming laws and regulations, the approach to considering political stability always takes precedence over other aspects.

The above problems require solutions and solutions, and the state represented by the government must issue policies aimed at improving the performance of legal institutions, and law enforcement officers with an adequate budget, while its output on citizen protection is expected to increase satisfaction and as far as possible be able to guarantee peace and social welfare for all members of society (Ridwan & Sudrajat, 2020).

Of the factors that hinder law enforcement in Indonesia, there are at least 4 (four) factors that are quite dominant and need attention from various parties, namely: (1) Weak substance (material) legislation; (2) Unprofessional law enforcement officers and moral ethics deficits; (3) The judicial system and principles have not been implemented properly, and (4) The community's legal participation and awareness is still low (Usman, 2015).

The current operation of law in Indonesia illustrates that the implementation of the rule of law concept is a mere formality (Akhyar, 2016). Where, on the one hand, there are various trends in the behavior of community members which often deviate from the various rules produced by the State. It is marked by an increase in crime, and what is worrying is that the increase in crime is not only in quantity or volume but also in quality or intensity. Meanwhile, on the other hand, the practice of law enforcement in this country is also experiencing severe illness. It is indicated by issues addressed to law enforcement officers, be it the police, prosecutors, or judges (Darma, 2020). for example, regarding the number of corruptors who were acquitted by the courts, and even if they were punished, they were only comparable to the punishment for stealing chickens.

A different reality occurs in ordinary people, where the poor will find it very difficult to seek justice in the courtroom. Thus, it can be concluded that the practice of law in Indonesia is discriminatory and seems to only favor certain groups. People with money will be so easy to get justice while on the other hand, ordinary people are so far from righteousness. In other words, court decisions can be measured by money, because the parameter for leniency in the judiciary is more about considering how much money is for it than legal considerations that rely on justice and truth.

## RESEARCH METHOD

**Observation:** In this study, the author made direct observations about the impact and felt the impact due to the weak morality of public trust in law enforcement.

**Literature:** In this writing, the author reads and listens a lot to the development of law enforcement from social media, as well as television information.

## RESULT AND DISCUSSION

### A. The Impact of Public Trust Implications Due to Weak Morality of Law Eforcers

Indonesia is a state of law, everyone is equal before the law which is also mentioned in Article 27 paragraph (1) of the 1945 Constitution. This article in the 1945 Constitution, shows that the basic power of law is getting bigger and

becomes a state mandate indicating that all forms of activity in Indonesia are governed by applicable law. Every human being has the right to get justice in the rule, both from the community itself and from the state. As reflected in Pancasila, the 5th precept reads "Social Justice for All Indonesian People". It affirms that all Indonesians without exception are entitled to justice, given the purpose of the law itself to bring justice to all. Until now, the law in Indonesia is still a fairly complicated issue. Every day we are presented with legal cases that are reported through mass media and social media. It seems that law enforcement problems in Indonesia have become commonplace and are considered normal in this country.

Indonesian law is used as a tool for power holders where the powerful will act arbitrarily, while the weak will easily be imprisoned. In fact, this is contrary to the sound of one of the 1945 Constitutions, namely that all are equal before the law, but in practice, we can see whether the law has been properly implemented. Law enforcers in Indonesia should not be indiscriminate in imposing punishments, whoever and whatever their work, if they have violated the law, the punishment should be given, and do not let the law be met with material or other means.

As good Indonesian citizens, they should be more critical and literate about the law in Indonesia, and law enforcement officials in Indonesia must also act decisively and investigate all existing violations, both those that harm one person to those that harm the country fairly (Kusumaningrum & Kurniawati, 2016). The law should regulate all people's behavior because Indonesia is a state of law declared in the 1945 Constitution in article 1 Paragraph 1, and Indonesian citizens should obey the applicable law. It will become a harmonious whole if its citizens obey the rules and behave according to the law, and law enforcement officials are firm in taking fair action in making decisions. Law in Indonesia must be able to teach citizens to obey the law through law enforcement officers who are honest, fair, and open to the people so that people feel they have equal rights to the law. It is hoped that the law in Indonesia will be more open so that the public can assess whether the law has been implemented properly and properly.

After knowing the meaning of the legal system, then how do the Indonesian people respond to the Indonesian legal system? Most responded poorly. Why the reasons given are varied. They think the system itself is good, but the implementation is not as expected. The rules exist but are not enforced. Why are there rules if they are not enforced? Why are there traffic rules if the people themselves don't obey them?

The public also loses confidence in Indonesian law, even though the implementation of law in Indonesia depends on the people, which are governed by law. If the people do not want to be regulated by law, how will the enforcers enforce the law? These regulations, if successfully enforced, will also benefit us. Life is more orderly. Crime can be reduced. If you think about it, there are many advantages for us too. If the community has responded well, then this must be followed by the morality of law enforcers as well. Because one of the reasons people do not care about the law is that the enforcers don't enforce the

law properly. Many people have had “bad” experiences with law enforcement.

Law enforcement seems to still be "indiscriminate" against lawbreakers. Because of this “indiscriminate” nature, people think that as long as they have money or certain connections, they can avoid the law. People with “important” relatives can easily escape the law. The enforcers are still "afraid" of this, even though they should be, in the eyes of the law everyone is the same. Rules are made to bring order, and sanctions are not meant to harm, but to have a deterrent effect.

To improve the Indonesian legal system, a change in the attitude of everyone involved in the law is needed. Enforcement must be firmer. The people must also change their view of the law. The law is useful. For the sake of order in this country, the law must be obeyed by all levels of society by raising awareness starting from oneself. If all levels of society are aware of it, a good legal system will be created in Indonesia.

As a result, legal life becomes disoriented and slumped. The downturn in the law in a country will harm other sectors of life, such as economic, political, and cultural life. However, the efforts of economic and political experts in overcoming economic and political problems and inequalities will be in vain if the downturn in the law still occurs. For this reason, the law should be the commander in every dimension of state life.

## **B. Application of Criminal Sanctions for Perpetrators of Intellectual Property Rights Violations in Indonesia**

### **1. Governor**

Protection and law enforcement in Indonesia are aimed at maintaining and overseeing the effective functioning of the law. One of the efforts is to establish a judicial institution as a means for the community to seek justice and get proper treatment before the law. Protection and law enforcement are essentially efforts made so that the law can run as it should. Imagine what would happen if there were no rules in the country, in schools there were no rules, and in society, there were no social norms (Kusprinitis, 2021). What will happen if every violation is left unchecked, the perpetrator is not given a warning or other sanctions are chaos, and a violation of the law will occur. Therefore, protection and law enforcement in Indonesia must be carried out.

According to Andi Hamzah, legal protection is a conscious effort made by every person as well as government and private institutions aimed at securing, controlling, and fulfilling the welfare of life by existing human rights (Hamzah, 2017). Thus, it can be concluded that protection can be said to be legal protection if it contains elements, namely protection from the government guarantee of legal certainty relating to the rights of citizens, and punishment for those who violate it.

The Importance of Law Protection and Enforcement in Indonesia, Protection and law enforcement is very important to do because it can realize the following things:

#### a. Upholding the rule of law

The rule of law means that the law has absolute power in regulating human interactions in various kinds of life. In other words, all actions of

citizens and governments are always based on applicable law. The upholding of the rule of law will not be realized if the applicable rules are not enforced by both the community and law enforcement officials.

b. Upholding justice

The primary purpose of the law is to realize justice for every citizen. Every citizen can enjoy their rights and carry out their obligations is a form of justice. It is realized if the rules are enforced.

c. Creating peace in life in society

A life that is colored by a peaceful atmosphere is everyone's hope. Peace will be realized if everyone feels protected in all areas of life. It will be realized if the applicable rules are implemented.

## 2. Law Enforcement

Various law enforcement agencies play an important role in ensuring justice and peace in society. These institutions are the implementers of law protection and enforcement in Indonesia. Below are some of the law enforcement agencies and their respective roles (Nainggolan, 2014). Among them:

- a. The role of the Indonesian National Police or often abbreviated as Polri is a state institution that plays a role in maintaining public security and order, enforcing the law, as well as providing protection, protection, and services to the community in the context of maintaining domestic security according to Article 16 of Law of the Republic of Indonesia Number 2 of 2002 concerning the Police of the Republic of Indonesia.
- b. The Role of the Prosecutor's Office of the Republic of Indonesia  
The Prosecutor's Office of the Republic of Indonesia is a state institution that exercises state power, especially in the field of prosecution. Prosecution means the action of the prosecutor to delegate a criminal case to the competent district court in matters according to the method regulated by law with a request that it be examined and decided by a judge in a court session.
- c. The Role of Judges as Executors of Judicial Power  
In Indonesia, the embodiment of judicial power is fully regulated in the Republic of Indonesia Law Number 48 of 2009 concerning Judicial Power, which is a refinement of the Republic of Indonesia Law Number 4 of 2004 concerning Judicial Power.
- d. The Role of Advocates in Law Enforcement  
Advocates are people whose profession is to provide legal services, both inside and outside the court. Legal services provided. Through the legal services provided, advocates carry out professional duties for the sake of upholding justice based on the law for the benefit of the justice-seeking community, including efforts to empower the community to realize their fundamental rights before the law.
- e. The Role of the Corruption Eradication Commission (KPK)  
The Role of the Corruption Eradication Commission (KPK) The Corruption Eradication Commission abbreviated as KPK is a commission established in 2003 based on the Republic of Indonesia

Law no. 30 of 2002 concerning the Corruption Eradication Commission. The purpose of the establishment of the KPK is to overcome, overcome and eradicate corruption.

### 3. Participation in Law Protections Enforcement

Obedience or compliance with applicable laws is a real concept in a person which is manifested in behavior that is beneath the applicable legal system (Wakhid, 2011). The level of legal compliance shown by a citizen directly shows the level of legal awareness he has, legal compliance means that a person has the awareness to: (Lestari & Wijaya, 2021)

- a. Understand and use applicable laws and regulations.
- b. Maintain the existing legal order.
- c. Enforce legal certainty.

The characteristics of a person who behaves by applicable law can be seen from the behavior he does: (Romadhona, 2018)

- a. liked by the general public.
- b. do not cause harm to yourself and others
- c. not offend others.
- d. create harmony
- e. reflects a lawful attitude
- f. reflects compliance with the law.

## CONCLUSION

It is common knowledge that law enforcement in Indonesia is concerning, besides that strangely, the community has never been deterred from continuing to violate the law so the community is very well trained on how to deal with it in the event of committing general offenses, whether it is a form of a traffic violation, or a traffic violation, or criminal acts of corruption, is not a problem. Most of our society has been properly trained on how to influence the legal process that runs so that he can be released from the snares of his sentence. This fact is one indicator of poor law enforcement in this country.

The need for improvement or updating and complementing existing legal and statutory instruments, for example, the need to be followed up by issuing a Government Regulation (PP) from Law No. arrested, detained, prosecuted, or tried without a clear law, or because of a person's mistake or the law applied as stated in Article 9 paragraph (2) of Law no. 4 of 2004 concerning Judicial Power.

Improving the quality of Law Enforcement Human Resources (HR) both in terms of morality and intellectuality, because not a few Law Enforcers currently exist, do not understand the legal ideals they are upholding. The establishment of an independent institution by the Government whose members consist of intelligent elements of the wider community (non-active judges, active prosecutors, and active police) to supervise the law enforcement process in which the institution will later be authorized to recommend that sanctions be imposed for law enforcers who violate the morality of the law and/or violate the law enforcement process

Conducting intensive socialization of laws and regulations to the wider community because of the legal principle which states that; "every community is

considered to know the law", even though the legal product has just been ratified and promulgated and announced in the State Gazette. Here the role of Legal Aid Institutions or LBH-LBH and NGOs or similar institutions is necessary, especially in conducting "advocacy" so that laws and regulations can be socialized and obeyed by all components in this country to achieve goals of the law as well as building a consistent commitment (commitment) from law enforcers. This commitment is expected to be born, especially those initiated and initiated by Judges, Advocates, Prosecutors, and Police, then this commitment can be imitated and followed by all levels of society.

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