



Law Enforcement in the Perspective of Legal Sociology

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Abstract. *This paper examines the effectiveness of law enforcement in society from the perspective of legal sociology. The goal is to explain the extent to which law enforcement can be effective in society. To obtain data from the problem, the author uses the library research method to collect information relevant to the topic or problem to be studied. The type of data used in this study is secondary data obtained from library materials or literature that have a relationship with the object being studied. The results of the study show that the effectiveness of law enforcement has not been maximized. This is marked by the fact that it is not easy for the law to be enforced in cases involving elites or officials. The law should apply to all circles, not recognizing social stratification in its enforcement, but the reality that occurs is inversely proportional to the principle of law, the law is used as a tool for those who have interests. Therefore, the sociology of law is present to examine the impact of the enactment of a law in society, so that social phenomena can arise and develop in society. The sociology of law and the effectiveness of law are very closely related, because what will be discussed in the sociology of law will not be separated from the assessment of how far the effectiveness of law exists in society as part of social phenomena.*

Keywords: *Effectiveness, Law Enforcement, Sociology of Law*

1. INTRODUCTION

Law is likened to a primary need that is used to regulate people's lives in all aspects of life, both in aspects of social, cultural, political, economic and other aspects of life interaction (Nurdin, 2022). To ensure the life of society and the state, law is one of the most important fields. With the development of today's increasingly complex world, it is not uncommon for various serious problems to arise that need to be solved. However, the solution to the problem, by the community, hopes to meet the sense of justice. So in this context, law enforcement must be fair (Ansori, 2018).

The development of society that has become increasingly complex during the twentieth century has resulted in the specialization and fragmentation of fields in society increasingly intensively developing and advancing. This requires legal arrangements to keep up with the development of increasingly complex circumstances. The sociological approach in law emphasizes the consequences of law for society. Public legal awareness plays an important role in the development of law, where the level of legal awareness affects the effectiveness of law in society (Mohd, 2018).

Therefore, legal regulations must also follow developments so that they can be a means to make changes that consciously affect the order of life (Satjipto Rahardjo, 1997). This means that the law is no longer seen as a logical and consistent system, which is separate from its social environment, but must see the law as an institution that is always

related to the order of society, it is always required to pay more attention to the relationship between law and living social realities.

According to Eugen Ehrlich, society is the center of legal development. The law referred to here is not limited to laws, legal science, or court decisions. Therefore, law is closely related to society, and legal sociology is a social science that studies society, especially the legal symptoms of society (Lubis, 2018).

The discussion of the effectiveness of law in the midst of society is very closely related to the discussion studied in the sociology of law, because basically what is discussed in the sociology of law is about the application of law. The form of law is seen in the reality of society. This is because the sociology of law is present as a science that examines legal phenomena in society has been going on for centuries.

Law in its development follows the interests and needs needed by society because basically the law exists for humans, not humans for the law. This fact also further emphasizes the importance of the position of legal sociology, which basically discusses law at the level of implementation (Yusuf DM et al., 2023).

In line with the explanation above, the author conducted a study related to the effectiveness of enforcement reviewed from the perspective of legal sociology with a discussion of the effectiveness of law enforcement in society and law enforcement in the study of legal sociology.

2. LITERATURE REVIEW

The theoretical basis of this research rests on theories of legal effectiveness. The theoretical relevance of this research is very clear towards the use of law as a means to create order in society. Therefore, the achievement of legal goals is highly dependent on the extent to which the law works effectively. Meanwhile, for the effectiveness of the law, according to Soerjono Soekanto, conditions or supporting factors are needed, namely: a) legislative factors. Where the quality of legislative products is very important for the effective work of the law; b) law enforcement factors. The main thing of this factor is the morality and integrity of law enforcement; c) facilities and infrastructure that can support the implementation of the law itself; d) environmental and community factors. To what extent the level of public acceptance of legislative products can affect the effectiveness of the law; e) community culture. The importance of conformity between customs and customs with the laws made (Ahadi, 2022).

3. METHODS

The method used in this study is library *research*, which is an effort that is identical to text analysis activities or discourse that investigates an event, either in the form of deeds or writings that are studied to obtain the right facts in finding the origins, the true causes, and so on (Yusuf DM et al., 2023). These facts can be obtained from scientific books, research reports, scientific essays. The type of data used is secondary data obtained from library materials or literature relevant to the object of research (Ishaq, 2017) and analyzed qualitatively to get an overview of law enforcement.

4. RESULTS AND DISCUSSION

A. Law Enforcement in Society

Basically, humans are creatures who not only respond but also act so that units of activity are created that can eliminate anxiety, anxiety, and build confidence, as well as passion in life. However, everything runs with violence, filth, loneliness, the principle of a short life, overwhelmed by fear, when there is no social system (social rules) to order and organize, the existence of laws and regulations or laws as a control tool (Uthman, 2013). The dynamism of the law that runs in society is a manifestation of social control, who commits violations, the law responds with various sanctions. Thus the law applies to all circles, even though the empirical reality is sometimes inversely proportional to the principle of law, where the law is used as a tool for those who have interests.

In the state of law system, all actions are based on legal provisions, namely laws and regulations. Plato, T. Hobbes and Hegel, that the law of the state is higher than the other law so that there is no other law that contradicts the law of the state (Uthman, 2013). The law that develops in society, namely the law related to the prevalence of cases today, greatly affects the mindset of citizens. For example, laws that are applied by not upholding the principle of justice in society, namely blunt laws upwards and sharp laws downwards. The treatment is different from law enforcement, so there is an impression that the law only applies to the lower class while the law for the ruler can be sold. It is a very ironic fact that the law does not work as it should.

Currently, the law is at a nadir point in its enforcement. Sometimes the law is expected to provide a sense of justice for the community, but in reality it is not fulfilled. In this case, courage is indeed needed for the community, especially law enforcement

officials, to make breakthroughs in resolving the case. The law that applies in society seems to have a distinction between social classes (Sari, 2021).

The law that is applied will bring influence to society. In the law enforcement process, the court that decides a case will have an impact on individuals or groups who are in trouble with the law, their respective families, groups or community organizations, society in a broad sense, and the mass media also plays a role in a news report on the law that applies in society (Akbar Kusuma Hadi, 2022).

The work of law in society is actually as important as law-making, law discovery, and law enforcement. The work of law in society is expected so that the law works in accordance with its function, namely to present a fair order. In an effort to bring a fair order, the aspect of law *in action* is important because in this aspect the law blends and merges with the community as a legal struggle to realize justice in society (Ahadi, 2022). The urgency of law in society is actually based on the idea that as a normative field, law does not only focus its attention on principles, theories, concepts, and court decisions that are oriented towards *law in idea/law in book*. Law must also be seen in the perspective of a comprehensive paradigm, including in the application of law in society. Lawrence M. Friedman's perspective states that the legal system is required to meet three elements so that *law in book* and *law in action* take place coherently (Yusuf DM et al., 2023). As explained earlier, that the effectiveness of law in legal actions or reality can be known if it is affirmed that the rule of law succeeds or fails to achieve its goals, then it is generally known if the effect is successful in regulating certain attitudes or behaviors. In the law enforcement process, there are several factors that affect it. According to Soerjono Soekanto, there are five important things that are factors that greatly affect law enforcement, namely the following:

a. Law

The main issue that is most often found in this legal factor is the conflict between legal certainty and justice. This is because basically justice is an abstract formulation, while legal certainty is a procedure that has been determined normatively. Law has a very important role in people's lives, because law is not only a parameter for justice, order, peace and order, but also to ensure legal certainty in the midst of society. In its development, the law is also directed as a means to advance the welfare of the community. The importance of law can also be seen from its basic nature which seeks to form a balance in social life. This balance seizes two

interests which must be maintained from each other. The interests in question are individual interests and common interests (Pramono, 2017).

b. Law enforcement

Law enforcement is greatly influenced by the mentality or attitude of law enforcers. If the law is made well, then its application is largely determined by its law enforcement. As conveyed by J. E Sahetapy, in the context of law enforcement and the implementation of law enforcement, upholding justice without truth is a policy. Enforcement of truth without honesty is hypocrisy. In the framework of law enforcement by every law enforcement institution, justice and truth must be stated, must be felt and seen, and must be actualized (Sahetapy, 1992). The law can be enforced correctly if the law enforcers have integrity.

c. Facilities and Facilities

Without the support of certain facilities and facilities in law enforcement, it will not be possible for efforts in law enforcement to run well and smoothly. The means and facilities in law enforcement efforts are educated and skilled human resources, good organization, adequate equipment, sufficient finances, and so on (Soerjono Soekanto, 2016). Because law enforcement is a process to realize the ideal of law, which in realizing it must be supported by adequate facilities and facilities (Anita, 2022).

d. Community

The purpose of law enforcement itself is for the benefit of the community (Hakim, 2021). The community also has an important role in terms of law enforcement itself. The law must be in accordance with the needs of the community. However, the aspect of public awareness of the law plays an important role in enforcing the authority of the law itself (Vivi Ariyanti, 2019).

e. Culture

Soerjono Soekanto emphasized that culture has a very big function for humans and society, namely regulating so that humans can understand how to act, act and determine their attitude when interacting with others (Soerjono Soekanto, 2016). The better the culture of a society, the better the application of the law will be implemented in the midst of society.

Basically, these five factors have a very important role in law enforcement efforts in the community. The five factors of law enforcement become a unified system that supports each other for the realization of a law-aware society. The more consistent between the five law enforcement factors will increase the effectiveness of law enforcement in the community.

B. Law Enforcement in the Study of Legal Sociology

Legal sociology is a science that theoretically analyzes and empirically highlights the influence of other social phenomena on law and vice versa (Nurdin, 2022). The simplest scope of the study of legal sociology is to discuss social phenomena related to people's lives in relation to unlawful acts, acts of obeying the law, acts of taking legal remedies in the police, prosecutor's offices and courts, public interpretation of the law, and the law as a product of public interpretation. Therefore, legal sociology is a tool for legal review that applies in society with a very broad paradigm. Its breadth is due to sociology as a science that drains social life, not by laws that saturate and always maintain black truth over white (Ali, 1998).

Roscoe Pound argues that the main problem for sociological jurists today is the extent to which it is possible to encourage legal acts, interpret and apply the rule of law, and increase the value of social facts in which and for what law is applied (Beni Achmad Saebani, 2007). This phenomenon is a characteristic of sociological legal studies that can be seen in the scope:

1. The sociology of law aims to provide an explanation of legal practices. If the practice is differentiated into lawmaking, application and court, then he also studies how the practice occurs in each field of legal activity. The sociology of law seeks to explain why such a practice occurs, its causes, what factors influence it, its background, and so on. The purpose of providing this explanation does sound a bit foreign to the study of "traditional" law, i.e. it is perspective, which only revolves around what the law is and how to apply it.
2. Legal sociology always tests the empirical validity of a regulation or legal statement. The typical question here is "What is the reality of the regulation? Is the reality really like it is stated in the sound of the rules?" The big difference between the traditional normative approach and the sociological approach is that the former accepts what is stated in the legal rules, while the latter always tests it with data (empirical).

3. The sociology of law does not make an assessment of the law. Law-abiding behavior and law-abiding behavior are both equal objects of observation. He does not judge one more than the other. His main concern is only to provide an explanation of the object he is studying.

The sociology of law actually does not provide an assessment but approaches the law in terms of objectivity alone and aims to provide an explanation for real legal phenomena. The sociology of law mainly focuses on how the law interacts in society. The sociology of law emphasizes its attention to social conditions that affect the growth of law, how social change affects law, and how law affects society (Laurensius Arliman, 2024).

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Soerjono Soekanto is of the view that legal sociology is necessary and not a new naming for a science that has existed for a long time. Law and legal sociology have the same center of attention, namely the law itself. However, there is a difference in viewpoint between legal science and legal sociology. Law is a socio-cultural phenomenon that functions to apply certain rules and patterns of behavior to individuals in society.

A legal society means the rule of law. Sociologists who have paid attention to the problems of the legal community are: Emile Durkheim, Max Weber and Roscoe Pound. For example, Amelie Durkheim who said that in a society there must always be unity, namely organic unity and mechanical unity. In the new social model, the rules contained in it are restorative rules, similar to those contained in civil law. To examine legal aspects related to social conditions, the evaluation carried out focuses on legal effectiveness. That the community acts in accordance with the rule of law and that the rules are enforced correctly (Uthman, 2013).

Hans Kelsen is of the view that in discussing legal effectiveness, it is also related to the discussion of legal validity. The validity of the law itself means that the legal norms are basically binding, that people must act in accordance with the law (positive legal norms). Legal effectiveness is basically a legal ability to create or give birth to a situation or situation that is desired by law or applied by law. It can be concluded that the sociology of law and the effectiveness of law are very closely related, because what

will be discussed in the sociology of law will not be separated from the assessment of how far the effectiveness of law exists in the midst of society as part of social phenomena.

Donald Black argues that legal effectiveness is a fundamental problem in legal sociology obtained by comparing legal reality in theory, with legal reality in practice so that there is a gap between the two. The law is considered ineffective if there is a difference between the two (Sukananda, 2018). Effective law is a law that is in accordance with the regulations that have been made in the law and laws that are in accordance with the expectations or ideals of the community. While the existence of this law will make social order in society. Talking about law is indeed very complicated, there is a measure of a legal reality and a legal ideal. Sometimes what has been stipulated in the law of a law is not in accordance with the wishes of the community, or on the contrary, the community wants a new law. Legal changes in society can occur because it is felt that it is very necessary, namely with the presence of regulations or norms that are in accordance with the current situation.

Legal sociology is also a study that studies the impact of the enactment of a law in society, so that social phenomena can emerge and develop in society. Visible social symptoms are events for an individual or social group when they are confronted with the law. As well as cases that have surfaced in various media, whether television, radio, newspapers or newspapers, online media or the internet, and others.

Legal sociology looks at the order of empirical reality in society related to the application of law. Whether there is justice or not in revealing an existing legal fact. The public can also assess how well or not law enforcement officials function in carrying out their duties, so that sometimes social stratification in society has a big influence on the law enforcement system. This means that people who have a position or position in the government will easily influence the running of the legal mechanism, while people who have nothing can only surrender and submit to the existing legal rules. The response from the community is also quite high to law enforcement which is considered to be still unfair and the law has not been implemented in accordance with the expectations of the community. The impact caused by the existence of unfair laws is that the public cannot trust law enforcement, so that the image of the law in the eyes of the public becomes faded. Instead of the purpose of applying the law is to create

order and peace in society. The sociology of law does not talk about the substance or material of law, but rather refers to the impact of the application of legal sources.

5. CONCLUSION

The law that runs in society as a form of social control that does not recognize social stratification in its enforcement, but the reality that occurs is inversely proportional to the principle of law, the law is used as a tool for those who have interests. Law enforcement only applies to small communities that commit crimes. Laws are basically made to create order and peace in society. Therefore, the system of a law must run like a series of community organs that must complement each other and have a high awareness of the applicable law.

Legal sociology examines the impact of the enactment of a law in society, so that social phenomena can emerge and develop in society. The sociology of law actually does not provide an assessment but approaches the law in terms of objectivity alone and aims to provide an explanation for real legal phenomena. The sociology of law does not talk about the substance or material of law, but rather refers to the impact of the application of legal sources. The sociology of law and the effectiveness of law are very closely related, because what will be discussed in the sociology of law will not be separated from the assessment of how far the effectiveness of law exists in society as part of social phenomena.

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