

Analysis of the Role of Legal Politics and Challenges in Post-Reformation Legal Reform

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Abstract Legal politics is one of the central concepts in the legal system which is closely related to state policy in the formation, application and change of law. This article examines the role of legal politics in legal reform in Indonesia post-1998 reform, with a focus on the challenges faced in implementing legal policies as well as evaluating the effectiveness of the changes that have been made. This research uses a qualitative approach with analytical descriptive methods, which aims to describe how legal politics can be an instrument that determines the direction and substance of legal reform in Indonesia. The results of this research show that although there has been progress in legal reform, major challenges still exist, especially related to the implementation of legal policies which are influenced by political dynamics which do not always support the creation of an effective and just legal system.

Keywords: Legal Politics, Legal Reform, Legal Reform, Legal System, Indonesia, Policy Implementation.

1. INTRODUCTION

Political law own a very important role important in shaping and directing policy law a country. In Indonesian context, politics law No only related with formulation, implementation , and changes regulation legislation , but also reflects dynamics politics , social and economic developments within society . In Indonesia, politics law can understood as state policy in determine direction law , which is taken based on considerations political certain nature strategic , good in both at the national and community levels .

Post-reformation 1998, Indonesia experienced change big in various sector life , including in field law . The reforms initiated aiming For repair and update system the law that has been in effect This considered authoritarian and not responsive to need society . The process of renewal law post-reformation This covers various change significant , starting from system justice , law criminal , reinforcement institution eradication corruption , until decentralization and autonomy area . In this process , politics law become very instrument important in formulate policy law that can create system more laws fair , transparent and responsive to dynamics existing socio- political .

However , even though there is a number of update significant law after 1998 , implementation from policies law the often encounter obstacles . One of them obstacle main issues faced is influence strong politics towards the formation process laws and policies law , and instability politics that often cause policy law No consistent and impressive a moment . In Lots case , dynamics politics in Indonesia is filled with with interest various party , both party

politics , groups elite , and actors economy , often direct policy law on interests that are not always in line with principles justice social and rights basic man .

Besides that , although institutions law new has formed For strengthen enforcement law , such as Commission Eradication Corruption (KPK), Court Constitution (MK), and reform in field justice , still There is constraint big in matter independence institutions and capacity enforcer weak law . This is participate hinder implementation policy the law that has been compiled and accepted formally by the state, but No can implemented in a way maximum in the field . Enforcement law that does not consistent , and the rise abuse power and practice corruption , become challenge Serious in create system ideal law .

Therefore that , study about political law in post-reform Indonesia This very important , good For evaluate how far has it changed law that is carried out capable realize system fair and just law , as well as For identify challenges and obstacles that still exist There is in implementation policy law said . With use approach qualitative and methods descriptive analytical , article This aiming For analyze role political law in update law in Indonesia after 1998 reform . Focus study This is For dig How political law play a role in determine direction change law , and challenges faced in implementation policy law post-reformation .

Through study this , it is expected can found a better picture clear about connection between politics and law in Indonesia, as well as recommendation policies that can increase effectiveness update law in the future . As a democratic country that is build system more laws Well , Indonesia needs a political strategy . more laws stable , transparent and interest - based people , not just interest political term short . Therefore that , analysis deep to political law post-reformation very required For formulate policy law that can support creation justice and truth in life society , nation and state .

2. LITERATURE REVIEW

1. Understanding Legal Politics

Political law is connection between politics and law that can affect the formation process law . According to Mochtar Kusumaatmadja (2006), politics law is the state's attitude in determine form and substance the law used For reach the purpose of the country. In context this , politics law functioning as instrument For formulate policy law that does not only accommodate the needs of the country but also pay attention to justice social and aspirations public .

2. Legal Reform in Post-Reformation Indonesia

Updates law in Indonesia post- 1998 reform was driven by the desire For replace system the law that is considered authoritarian and not responsive to development society . This process covers a number of aspect important :

- Reformation System Justice : Improving independence institution justice through change structure power judiciary and strengthening role Court Constitution .
- Changes in Criminal Law : Carrying out update law criminal For adapt with values right basic man .
- Eradication Corruption : Formation institution like Commission Eradication Corruption (KPK) as part from effort For eradicate corruption that has take root .
- Legal Decentralization : Granting autonomy more big to area through supporting laws decentralization .

3. Legal Politics in Legal Updates

Political law own a very important role big in update law in Indonesia. Policies taken by the government often influenced by dynamics existing politics . The process of forming laws , for example , are often colored by differences interest political between party politics , groups elites , and society . This is can cause the renewal process is hampered the law that should be more fast and effective .

3. RESEARCH METHODS

Study This use approach qualitative with method descriptive analytical . Data collection techniques are carried out through studies library , analysis document law , and interview with a number of practitioner law and academics who have understanding in field political law . Data collected analyzed with method describe phenomenon political law in update law in Indonesia and identify challenges faced in implementation policy law the .

4. RESULTS AND DISCUSSION

The Role of Legal Politics in Legal Updates

Political law in Indonesia plays a role important in direct change law . After the 1998 reforms , several policy the resulting law reflect existence change significant in system Indonesian law . For example , the birth of the law that regulates about eradication corruption (Law No. 30 of 2002 concerning the Corruption Eradication Committee), reform justice , and change in law more criminal put forward protection right basic human beings . However , even though political law give base for change law , policies taken often hampered by interests

politics of a political nature pragmatic . Legislative process often influenced by interests elite politics and groups certain who are trying utilize the manufacturing process Constitution For profit they myself . This is can influence quality from product the resulting law , so cause incompatibility between policy law with need public .

Challenge in Implementation Legal Politics in Indonesia

A number of challenge main issues faced in implementation political Indonesian law includes :

1. Unfair Legal Politics Consistent : Sometimes policy the resulting law No consistent or changeable in accordance with dynamics existing politics . For example , changes policies that depend on turnover government can cause uncertainty law .
2. Influence Interest Political in Making Law : The process of making it Constitution often influenced by interests party political or group elite , which causes obstruction reform substantial law .
3. Weakness Law Enforcement : Although Already There is change in regulation and formation institution new , implementation policy law often hampered by weakness institution enforcer law , such as apparatus police , prosecutors and courts that do not fully independent .
4. Legal Politics in Supervision and Accountability : Although There is institution supervision such as the Corruption Eradication Committee, in in practice , supervision to policy law and implementation law often experience obstacles , good from aspect political and also administrative .

Recommendation For Further Legal Updates Effective

Based on analysis carried out , there are a number of recommendations that can help strengthen implementation political law in update Indonesian law :

1. Improve Transparency and Participation Public : Formation process policy law must involving more Lots participation public , good through consultation forums public and also mechanism more legislative open .
2. Strengthening Independence of Legal Institutions: Legal institutions law like Court Constitution , Corruption Eradication Committee, and the judiciary must guarded its independence so as not to affected by pressure politics . This is important For create enforcement fair and impartial law take sides .
3. Improvement Capacity Apparatus Law Enforcement : Improvement capacity apparatus enforcer law , good in matter professionalism , integrity , and understanding to values

democracy and rights basic human , very important For create system effective and just law

4. Reduce Influence Political in Formation Law : The process of making it Constitution must more free from influence interest politics , with put forward interest public general and values universal justice .

5. CONCLUSION

Political law in Indonesia post- 1998 reform has play a very important role crucial in the process of renewal law , although Still faced with a number of challenge significant structural and political reforms . the law that was initiated aiming For create system more laws fair , transparent and responsive to need society . Update This covers a number of aspect important , including reform system justice , change law criminal , eradication corruption , and giving autonomy more big to area . However , even though there is various effort For to design policy more modern laws , challenges in implementation political law Still very big and influential effectiveness system existing laws .

First , politics law in Indonesia, as state instruments in formation , implementation , and change law , must acknowledged own a very important role central . As part from the democratization process post-reformation , politics law should become means For realize law that does not only fulfil needs of the country, but also able to reflect values justice social and rights basic human . In context this , policy the law that has been produced after reform , such as formation Commission Eradication Corruption (KPK) through Law No. 30 of 2002, reform justice through Law no. 48 of 2009, as well change in law more criminal prioritize right basic human , shows existence significant progress in effort create system more laws democratic and just .

However , even though has There is changes , results from update the No always consistent with hope . Many policies the resulting law often hampered by dynamics politics that is not always support creation system effective law . Influence interest political in the process of making laws , as well as weakness implementation policy law consequence instability politics and interests elite , become problem main problem faced by the system Indonesian law . As example , although institution as the Corruption Eradication Committee has founded For eradicate corruption , influence political in the legislative and executive process Still often limiting effectiveness institution On the other hand , the weakness in

capacity enforcer law , good in matter professionalism and also its independence , causing implementation policy law No walk as expected .

Challenge big other is instability politics that influence consistency policy law . Changes government that often brings change policy drastic laws , sometimes cause uncertainty law , which in turn bother trust public to system law That myself . This is to worsen effectiveness update the law that should be walk in a way continuous , regardless from changeover regime politics . Besides that , influence interest political in the process of making Constitution become obstacle serious that makes policy law often not accommodate need public in a way evenly .

Weakness enforcement law also becomes challenge big for implementation political law in Indonesia. Although there is regulations that have been Enough well and the institutions that were formed For support enforcement law , the reality Lots institution This Still constrained by internal problems , including lack of source power , corruption and intervention politics . Conditions This make law difficult applied in a way fair and equitable , and often only profitable groups certain that have power or access politics .

In face challenges said , there is a number of recommendations that can strengthen implementation political law in update law in Indonesia. First , it is necessary There is effort For increase transparency in the process of making policy law and involves more Lots participation public in every stages legislation . Participation public in the process of formation laws and policies law other very it is important that the product the resulting law No only reflect interest elite political but also the need real society . Therefore that , fix mechanism more legislation open and inclusive become step important For strengthen legitimacy political law .

Second , strengthening independence institution enforcer law , such as Court Constitution , Corruption Eradication Committee, and institutions justice others , also very required . Institutions This must protected from intervention politics that can damage integrity and professionalism they in to uphold law . Without independence institutions said , it is difficult for the country to create system the real law fair and free from influence power politics . Therefore that , it is necessary There is more guarantee strong to independence institutions this , good through strengthening regulation and also provision support adequate budget .

Third , improvement capacity apparatus enforcer law become very thing urgent . Apparatus enforcer law , good That police , prosecutors and judges need to given more training Good in matter professionalism , integrity , and understanding to right basic human . Without improvement capacity this , they will difficulty in operate his job in a way objective and fair , and policies the law that has been even though it is not set will Can implemented with effective

. Besides that , the existence mechanism effective supervision to performance apparatus enforcer law is also necessary reinforced For prevent practice corruption and abuse authority .

Fourth , it is necessary There is effort For reduce influence political in the process of making laws and policies law . In in practice , policy the resulting law often influenced by interests political certain that are not always reflect need people . Therefore that , system formation Constitution must more free from influence power politics , with strengthen system of checks and balances between branch the existing power . This is important For ensure that policy the resulting law truly reflect justice and interests public .

In general overall , although Indonesia has succeed to record a number of progress significant in update law post-reformation , the challenges faced in implementation political law Still need attention serious . Politics more laws stable , transparent and free from interest political certain is key For create system fair and effective law . Renewal law in Indonesia must Keep going to be continued with ensure that principles democracy and rights basic man truly applied in practice , and that every policy law can felt its benefits to all Indonesian people , without except .

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