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Legal System Study: Law Enforcement Perspectives

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Abstract

Law is man's work in the form of norms, containing behavioral instructions. It is a reflection of human will; about how the community should be built and where it should be directed. Therefore, the law is first of all, it contains a record of the ideas chosen by the society in which it was created. These ideas are ideas about justice. As a result of the work of the dualism method, that law is a method, containing imperatives or prohibitions about the regulation of society that are clearly adopted by society. Or the law is a series of societal symptoms whose occurrence is required. One or the other provided that against the violation of those methods, or against the symptoms of society contrary to the necessity may be sanctioned if necessary by force by the authorities. In this research article, we will analyze and discuss the Legal System Study from the perspective of Law Enforcement.

1. Introduction

That law as a system can in principle be predicted from accurate knowledge of the present state of the system, the behavior of the system is determined by the smallest parts of the system and legal theory is able to explain the problem as it is without regard to people (observers). Law as a system of rules, in this case law as a rule serves as a binding order that controls a particular situation or not, is part of the main discourse or is irrelevant to it, being part of the relevant legal discourse without being part of the parent discourse. These legal rules fall into two groups: primary rules (obligations, rules that tell people what they can and cannot do) and secondary rules (recognition, change rules, applicability, primary rules), secondary rules are necessary to provide validation and stability settings of the primary rules.

The term legal system according to Lawrence M. Friedman (1984, 2009) states that the legal system is a collection of subsystems, namely Legal Structure, Legal Substance and Legal Culture. The legal system in a simple sense is likened to the work of a mechanic. Where, legal structure is likened to a machine, legal substance is what is done and produced by the machine, while legal culture is

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anything or anyone who decides to turn the machine on and off. So that the relationship between the three legal systems (elements of legal system) is like turning on a machine which means that law enforcement cannot be achieved without the three elements of the legal system (elements of legal system). The collaboration of legal structure, legal substance and legal culture will be able to realize legal objectives. Where the purpose of the law must be able to provide legal certainty, legal justice and benefits for the community.

The principle of legal protection for Indonesian citizens over the ownership of land with usufructuary rights by foreign citizens in Indonesia is basically similar to the principle of protection in "In principle, the protection of consumers aims for development, to develop human beings as a whole to create a just and equitable". society both materially and spiritually, and to improve the welfare of all people in a country" (Rumiartha, et al, 2020).

Law is man's work in the form of norms, containing behavioral instructions. It is a reflection of human will; about how the community should be built and where it should be directed. Therefore the law is first of all, it contains a record of the ideas chosen by the society in which it was created. These ideas are ideas about justice (Satjipto Rahardjo in Abdullah Sulaiman: 2005).

That law can be viewed from a philosophical, dogmatic, hysterical and sociological angle. To find out what the law is, two methods can be used, namely (Sudiman Kartohadiprodjo: 1967) : That law can be viewed from a philosophical, dogmatic, hysterical and sociological angle. To find out what the law is, two methods can be used, namely (Sudiman Kartohadiprodjo: 1967) :

1. Monism method (one-sided way of working). This one-sided way of working stems from the realm of thinking that abstractly something that is considered right, as imperatives to regulate the social order of human life. Or based on real human behavior, as symptoms of society. So, this way of working can be deductive or empirical. The conclusion is that according to the deductive method, law is as, methods, while according to the empirical method, law is as a symptom of society.
2. Dualism Method (how twins work). The dualism method is a combination of the deductive method and the empirical method. If it begins with "an assumption about what to do or abandon", then he will further investigate whether he is indeed accepted and embraced in society and to what extent he is accepted and embraced in society. Conversely, if it begins with "societal symptoms", it will further investigate whether they are required or prohibited.

As a result of the work of the dualism method, that law is a method, containing imperatives or prohibitions about the regulation of society that are clearly adopted by society. Or the law is a series of societal symptoms whose occurrence is required. One or the other provided that against the violation of those methods, or against the symptoms of society contrary to the necessity may be sanctioned if necessary by force by the authorities. In this research article, we will analyze and discuss the Legal System Study from the perspective of Law Enforcement.

2. Materials and Methods

Doctrinal research, which is defined as the study of law that is conceptualised and developed based on the doctrine followed by the formulators or formulators of the notion, is the technique of research that has been used in this investigation. Due to the nature of the legal concerns that will be investigated in this article, namely Legal System Study: Law Enforcement Perspectives, there is another term for this form of study that is also used. It is called normative research (Ibrahim, 2016) . Provide Doctrinal research is the research technique that was employed in this study. Doctrinal research is research that investigates laws that are conceptualised and created based on the doctrines

that are adhered to by the conceptualizers or formulators of the laws (Salim HS, Nurbani, 2013). The provisions and principles of positive law, as well as the application of rules and norms in positive law, are the primary emphases of this article.

3. Results and Discussions

The rule of law is not only subject to the rule of law, but also includes ethical (moral) values, good norms in this case contained in the law or as a civilization that lives in society for the public interest which has an impact on society. There is equality before the law, in this case everyone regardless of their position and class in society is subject to the same law. Likewise, state functionaries are subject to the same laws as those that apply to ordinary people. Law which is a series of regulations and or laws and regulations that give birth to state institutions and or government agencies that have their respective authorities granted by the laws and regulations, where such authority and power cannot be used outside the legal corridor. This is because it must be subject to the principle of equality before the law (Rumiartha, 2022).

Law enforcement regulates an effort to turn ideas and concepts into reality. Law enforcement is a process of realizing legal desires into reality. What are referred to as legal desires here are nothing other than the thoughts of the law-making body which are formulated in the legal regulations. Discussions about the law enforcement process also extend to law making. The formulation of the thoughts of legislators (laws) as outlined in legal regulations will also determine how law enforcement is carried out (Satjipto Rahardjo, 2007).

Law enforcement is the process of making efforts to enforce or function real legal norms as guidelines for behavior or legal relations in social and state life. Viewed from the perspective of the subject, law enforcement can be carried out by a wide range of subjects and can also be interpreted as law enforcement efforts involving all legal subjects in every legal relationship. Anyone who carries out normative rules or does something or does not do something based on the norms of the applicable legal rules, means he is carrying out or enforcing legal rules. In a narrow sense, from the perspective of the subject, law enforcement is only defined as the efforts of certain law enforcement officials to guarantee and ensure the upholding of the law, if necessary, law enforcement officials are permitted to use force (Rais Ahmad, 2007).

Law as the protection of human interests is different from other norms. Because the law contains orders and/or prohibitions, as well as dividing rights and obligations. Sudikno Mertokusumo stated not only about the purpose of law, but also about the function of law and legal protection. He argued that: "in its function as the protection of human interests, law has a purpose. Law has targets to be achieved, while the main aim of law is to create order and balance. By achieving order in society, it is hoped that human interests will be protected. "In achieving this goal, the law is tasked with dividing rights and obligations between individuals in society, dividing authority and regulating how to solve legal problems and maintaining legal certainty" (Sudikno Mertokusumo, 1999).

That there are three things that can be analyzed from Sudikno Mertokusomo's view. These three things include legal functions, legal objectives and legal duties. Roscoe Pound was quoted by Sudikno Mertokusumo as stating that law is the most important institution in implementing social control and/or social engineering. Pound also admitted that another function of law is as a means of carrying out social engineering. He said that the legal system achieves the goal of legal order by recognizing these interests, by determining the limits of recognition of these interests and the legal rules developed and implemented by the judicial process have a positive impact and are implemented through authoritative procedures, also trying to respect various interests in accordance with recognized and established boundaries (Lili Rasjidi & Ira Thania Rasjidi, 2002).

Law enforcement is an effort to overcome crime rationally, fulfill a sense of justice and be efficient. In order to tackle crime, there are various means as a reaction that can be given to

perpetrators of crime, in the form of criminal and non-criminal legal means, which can be integrated with one another. If criminal means are called upon to tackle crime, it means that criminal law politics will be implemented, namely holding elections to achieve results of criminal legislation that are appropriate to the circumstances and situations at one time and for the future (Barda Nawawi Arief, 2012).

Law enforcement against perpetrators of violations, in this case the perpetrators who violate the law, has consequences in the form of providing legal sanctions. As a country of law, it is an obligation for the Indonesian people to know the law as a guide for the nation and state. Good law enforcement is an indicator of the progress of a country that bases all national and state affairs on law. For this reason, the government and society as important elements in law enforcement must carry out their roles as mandated by the constitution. According to A.V. Dicey put forward three main elements in the rule of law related to law enforcement which include:

1. Supremacy of law; means that no one can be punished except for violating the law.
2. Equality before the law; This means that everyone has the same position before the law.
3. Due process of law; means that all state actions must be based on law and there is no action that does not have a legal basis (Rumiartha, 2022).

The law enforcement process is related to law enforcement officers, in this case law enforcement officers are part of the state which carries out government functions in accordance with the concept of a rule of law. As stated in the provisions of the applicable laws and regulations, in principle, the function of law enforcement officers is one of the functions of state government in the field of maintaining security and public order, law enforcement, protection, protection and service to the community.

The legal system, according to Lawrence M. Friedman (1984, 2009), states that the legal system is a collection of subsystems, namely First, legal structure. Structure is one of the basic and real elements of the legal system. The structure of a system is its body framework; it is the permanent form, the institutional body of the system, the hard, rigid bones that keep the process flowing within its boundaries. The structure of a judicial system comes to mind when talking about the number of judges, the jurisdiction of the courts, how higher courts stack up against lower courts, and the people associated with various types of courts (Lawrence M. Friedman, 2009).

Second, legal substance. Substance is composed of rules and regulations regarding how the institution must behave. H.L.A. Hart argued that the characteristic of a legal system is a double set of rules. A legal system is a unity of "primary regulations" and "secondary regulations". Primary rules are norms of behavior; secondary rules are norms about these norms – how to decide whether they are valid, how to enforce them, etc. Of course, both primary regulations and secondary regulations are output from a legal system (Lawrence M. Friedman, 2009).

Third, legal culture. Social forces continually move the law – breaking here, reforming there; turning on here, turning off there; choosing which parts of the “law” will operate, which parts will not; substituting, bypassing, and bypassing what appears; what changes will occur openly or secretly. For lack of another term, some of these forces are called legal culture. Legal culture is an element of social attitudes and values. Legal culture refers to those parts of general culture – customs, opinions, ways of acting and thinking – that direct social forces towards or away from the law in particular ways. Broadly speaking, this term describes attitudes regarding the law (Lawrence M. Friedman, 2009). That regarding the institution of law enforcement officers in law enforcement depends on the legal system:

i. Legal Structure;

Legal structure is a pattern that shows how the law is implemented or the institutions that implement the law. In Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP), the legal structure includes the court, prosecutor's office, police and correctional institutions. In the legal system, the legal structure is regulated in a separate law.

ii. Legal Substance;
Legal Substance is a product produced by people within the legal system which includes decisions or new rules that are drawn up. Legal substance also includes living law in society, not just the rules contained in applicable legislation (law books).

iii. Legal Culture.
Legal Culture is a legal culture including human attitudes/beliefs, values, thoughts and hopes towards the law. Legal culture is an atmosphere of social thought and social forces that determine how the law is used, avoided or misused. A legal system without a legal culture is like a fish caught in a net, a fish cannot live without swimming. This means that without public awareness, the law will seem to be dead.

In a simple sense, the legal system is like mechanical work. Where, legal structure is likened to a machine, legal substance is what is done and produced by the machine, while legal culture is whatever or whoever decides to turn the machine on and off. So the relationship between the three legal systems (elements of the legal system) is like starting a machine, which means that law enforcement cannot be achieved without the three elements of the legal system (elements of the legal system). Collaboration of legal structure, legal substance and legal culture will be able to realize legal objectives. Where the aim of law must be to be able to provide legal certainty, legal justice and benefits for society. Law enforcement officers are law enforcers whose job is to maintain public order.

4. Conclusion

The law enforcement process is related to law enforcement officers, in this case law enforcement officers are part of the state which carries out government functions in accordance with the concept of a rule of law. As stated in the provisions of the applicable laws and regulations, in principle, the function of law enforcement officers is one of the functions of state government in the field of maintaining security and public order, law enforcement, protection, protection and service to the community. The legal system, according to Lawrence M. Friedman (1984, 2009), states that the legal system is a collection of subsystems, namely First, legal structure. Structure is one of the basic and real elements of the legal system. Second, legal substance. Substance is composed of rules and regulations regarding how the institution must behave. Third, legal culture. Legal culture is an element of social attitudes and values. Legal culture refers to those parts of general culture – customs, opinions, ways of acting and thinking – that direct social forces towards or away from the law in particular ways. Broadly speaking, this term describes attitudes regarding the law. In a simple sense, the legal system is like mechanical work. Where, legal structure is likened to a machine, legal substance is what is done and produced by the machine, while legal culture is whatever or whoever decides to turn the machine on and off. So the relationship between the three legal systems (elements of the legal system) is like turning on a machine, which means that law enforcement cannot be achieved without the three elements of the legal system (elements of the legal system). Collaboration of legal structure, legal substance and legal culture will be able to realize legal objectives. Where the aim of law must be to be able to provide legal certainty, legal justice and benefits for society. Law enforcement officers are law enforcers whose job is to maintain public order.

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