

The Role of Law in Maintaining Social Order and Achieving Social Justice in Indonesia

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Abstract

Article history:

Received: July 10, 2023

Revised: August 25, 2023

Accepted: October 23, 2023

Published: December 30, 2023

Keywords:

Access to Justice,
Barriers,
Equality,
Legal Reform,
Social Justice.

Identifier:

Nawala

Page: 165-180

<https://nawala.io/index.php/ijsd>

The role of law in maintaining social order and achieving social justice in Indonesia is both fundamental and strategic. Normatively, the Indonesian legal system is grounded in the 1945 Constitution, particularly Article 27 paragraph (1), and the fifth principle of Pancasila, which guarantee equality before the law and social justice for all citizens. However, in practice, significant gaps exist between legal norms and their implementation. Law often favors powerful and influential groups, while marginalized communities face difficulties accessing justice. Barriers such as high litigation costs, lengthy legal procedures, and limited legal aid exacerbate inequalities. Furthermore, cultural factors, including low legal awareness and tolerance of corrupt practices, undermine law enforcement. Strengthening institutional integrity, improving human resources, and expanding public legal education are crucial to bridging these gaps. Comprehensive legal reform, coupled with effective enforcement and citizen engagement, is essential for law to function as an instrument of social order and justice, ensuring that the constitutional mandate of equitable social justice is realized in practice across Indonesian society.

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1. Introduction

Law is a primary pillar in maintaining order and achieving social justice in society. Without clear, fair, and enforceable laws, social life is vulnerable to conflict, uncertainty, and chaos. The function of law is not limited to regulating the behavior of citizens; it is also an instrument for protecting individual rights, resolving disputes, and creating a safe, orderly, and prosperous social order. The role of law in national and state life becomes increasingly important when faced with complex and multidimensional challenges of social justice.

In the Indonesian context, the constitutional and ideological foundation that affirms the importance of social justice is explicitly outlined in Article 27, paragraph (1) of the 1945 Constitution of the Republic of Indonesia (UUD 1945) and the fifth principle of Pancasila. Article 27, paragraph (1) of the UUD 1945 guarantees the equal position of all citizens before the law and government, as well as the obligation to uphold the law and government without exception. Meanwhile, the fifth principle of Pancasila, "Social Justice for all the People of Indonesia," emphasizes the principle that prosperity, equality, and justice must be realized in all aspects of life, including law, economy, politics, and social affairs.

However, although legal norms clearly regulate the principles of justice and equality, the reality on the ground shows a significant gap between norms and practice. One of the most frequent problems is that the law tends to side with those in power or with great influence. This has the potential to weaken the principle of "equality before the law," which is one of the pillars of a state governed by law. This

condition not only creates a sense of injustice among the public but also has the potential to erode public trust in the legal system itself.¹

In addition to the issue of partiality, other obstacles that society faces in accessing justice are the high cost of legal proceedings, the long time it takes to resolve cases, and the limited availability of legal aid, especially for low-income communities. Access to justice is a central issue in modern legal debate, as even a good law will lose its meaning if the public cannot use it effectively to protect their rights.

These issues show that to achieve social justice as mandated by the constitution and state ideology, a comprehensive overhaul of the legal system is needed.² Legal reform is not enough to be limited to updating laws and regulations; it must also include institutional reform, increasing the capacity of law enforcement officials, and expanding access to legal aid for the public. Thus, the law can truly function as an instrument of liberation and protection, not merely a tool for social control that is susceptible to being used for the interests of a select few.

This study uses a library research approach by examining various relevant literature related to the role of law in maintaining order and achieving social justice in Indonesia. This study combines a normative analysis of applicable laws and regulations with empirical findings from previous research on the challenges and obstacles in law enforcement. Through this approach, it is hoped that a

¹ Duncan Purves and Jeremy Davis. "Public trust, institutional legitimacy, and the use of algorithms in criminal justice." *Public Affairs Quarterly* 36, no. 2 (2022): 136-162.

² I. Dewa Gede Atmadja. "Legal Ideology on Social Justice Perspective." *Journal Equity of Law and Governance* 1, no. 2 (2021): 158-163.

comprehensive picture of the actual condition of the Indonesian legal system can be obtained, as well as offering strategic recommendations to strengthen the role of law in achieving the goal of social justice.

By understanding the close relationship between law, order, and social justice, this study seeks to answer the fundamental question: to what extent has the law in Indonesia played its role as a protector and unifier of society? How can the existing obstacles be overcome so that the principle of social justice does not just stop as a slogan but is truly realized in the real life of the community? The answers to these questions are important to ensure that the law can be an effective instrument in directing social development toward a more just, equal, and harmonious society.

2. Literature Review

Law as an instrument of order and social justice has been an important topic of study in legal and social sciences. Law not only functions as a set of rules that regulate community behavior but also as a means to create a just order. This dual function demands that law is not only oriented towards certainty but also towards utility and justice. In the context of a state governed by law like Indonesia, the principle of “equality before the law” is the main foundation for ensuring that all citizens receive equal treatment before the law. Normatively, Article 27, paragraph (1) of the UUD 1945 affirms that every citizen has an equal position before the law and government. This principle is reinforced by the fifth principle of Pancasila which emphasizes the importance of social justice for all Indonesian people. According to

Prasetyo,³ the combination of constitutional norms and Pancasila values provides a strong ideological framework for creating a just legal system oriented towards the common good. However, the implementation of these values often faces structural and cultural obstacles.

One of the biggest obstacles is the gap between legal norms and practice on the ground. Research conducted by Arifin,⁴ shows that legal practice in Indonesia is often influenced by factors of power and economic interests, which reduces the independence of law enforcement officials. This condition leads to injustice, especially for community groups that do not have the resources to optimally access the justice system. In addition, access to justice remains a major challenge. Obstacles to accessing justice in developing countries, including Indonesia, include high case costs, long case resolution processes, and minimal legal aid for the poor. In the Indonesian context, the legal aid program regulated in Law Number 16 of 2011 on Legal Aid has provided progress, but its implementation is still limited due to budget constraints and the capacity of legal aid institutions.

The literature review also shows that continuous legal reform is key to strengthening the role of law in realizing social justice. According to Anwary,⁵ such reform must include regulatory renewal, improving the quality of human resources for law enforcement, and strengthening oversight mechanisms. Without these steps,

³ Yogi Prasetyo. "Indonesian integral law based on Pancasila." *Pancasila and Law Review* 3, no. 1 (2022): 1-12.

⁴ Ridwan Arifin, "Legal Protection and Law Enforcement: The Unfinished Works." *Indonesian Journal of Advocacy and Legal Services* 2, no. 1 (2020): 1-4.

⁵ Ichsan Anwary. "Evaluation of the effectiveness of public administration policies in the development of stringent legal framework: An analysis of the criminal justice system in Indonesia." *International Journal of Criminal Justice Sciences* 17, no. 2 (2022): 312-323.

the law risks losing legitimacy in the eyes of the public. Thus, the existing literature affirms that although Indonesia has a strong legal and ideological framework, challenges in implementation are still significant. Therefore, a systematic effort is needed to bridge the gap between norms and practice, so that law can truly be a tool for achieving social justice.

3. Method

This study uses a library research method, which is a research approach that relies on the collection of data and information through written sources, including books, scientific journals, laws and regulations, research reports, and other official documents relevant to the topic. Library research was chosen because the problem discussed is conceptual and normative, namely the role of law in maintaining order and achieving social justice in society. The first step in this method is to identify relevant literature. The literature sources include classic references in legal studies. In addition, secondary data in the form of research results from international institutions such as the United Nations Development Programme (UNDP) are also used to provide an empirical overview of the obstacles to access to justice in developing countries, including Indonesia. The second step is to analyze the laws and regulations that form the legal basis in the context of this study.

These regulations include the 1945 Constitution of the Republic of Indonesia, especially Article 27, paragraph (1), as well as the values of Pancasila as a source of material law. The analysis also includes Law Number 16 of 2011 on Legal Aid as an important instrument in expanding access to justice for the poor. The third step is

to synthesize the findings from the literature and legal analysis to obtain a comprehensive picture. This synthesis process aims to identify the gap between legal norms and practice on the ground, as well as to formulate recommendations that can bridge this gap. The advantage of the library research method is its ability to study a topic in depth through diverse perspectives, both normative and empirical, without being bound by the limitations of time and location of field research. However, this method also has limitations because the results obtained are highly dependent on the availability and quality of the literature sources. Therefore, in this study, credible and academically recognized literature is used, so that the results of the study can be scientifically accounted for.

4. Results

4.1. The Role of Law in Maintaining Order and Social Justice

Law has a very fundamental and strategic function in creating social order and ensuring justice for all citizens comprehensively.⁶ In the context of a state governed by law like Indonesia, the law does not only act as a mere formal set of rules that regulates community behavior, but also functions as an effective means to enforce the values of social justice mandated by the constitution, regulations, and state ideology comprehensively. Article 27, paragraph (1) of the 1945 Constitution of the Republic of Indonesia explicitly and clearly guarantees that every citizen has an equal position before the law and government, without exception and without any form

⁶ Maria Silvy E Wangga. "Implementation of Restorative Justice in Criminal Cases in Indonesia." *Law and Humanities Quarterly Reviews* 1, no. 3 (2022).

of discrimination. This provision serves as a very important legal umbrella for the creation of equality and the protection of rights for every individual, both personally and in a broader social context.

In addition, Pancasila as the basis of the Indonesian state provides a deep philosophical and moral dimension to the function of law.⁷ The fifth principle of Pancasila, which reads "Social Justice for all the People of Indonesia," firmly asserts that the law must act as a tool that is capable of creating balance, equity, and a just welfare in society. This means that the law must not only emphasize legal certainty, but also must pay attention to aspects of utility, justice, and the welfare of society as a whole. This is in line with Satjipto Rahardjo's view that the law must be on the side of humanity, on the side of the small people, and be able to respond to and answer various social challenges that arise adaptively and constructively in modern society.

The role of law in maintaining social order can be seen from its ability to regulate social interactions between citizens, anticipate potential conflicts that may arise, and provide fair, transparent, and objective dispute resolution mechanisms. Social order will be created optimally when legal norms are internalized by society as a guide for behavior that is mutually recognized and respected, thereby preventing various actions that have the potential to disrupt social stability and harmony among members of society. Furthermore, the law also functions to protect individual rights

⁷ Sinung Mufti Hangabei, Khudzaifah Dimiyati, Absori Absori, and Akhmad Akhmad. "The ideology of law: Embodying the religiosity of Pancasila in Indonesia legal concepts." *Law Reform* 17, no. 1 (2021): 77-94.

from various forms of violations, both by fellow citizens and by parties who have state authority, so that the public feels safe and legally protected.⁸

In relation to social justice, the law acts as an instrument to ensure the balanced distribution of rights, obligations, and opportunities among all members of society. The implementation of this principle of justice can be seen through affirmative action policies, the provision of free legal aid or subsidized legal aid to the poor and disadvantaged, and legal protection for vulnerable groups, such as women, children, people with disabilities, and other minority groups. This mechanism plays a very important role in reducing social inequality, injustice, and disparity that have the potential to trigger social conflict or disintegration in society.⁹

The law also functions as an effective social control mechanism over the behavior of state officials. Oversight mechanisms such as judicial review in the Constitutional Court and general courts provide a legitimate channel for citizens to correct government actions that are considered to violate the law or harm the public interest. Thus, the law functions twofold: it maintains order through the regulation and enforcement of norms, and it realizes social justice through the distribution of equal protection, welfare, and opportunities for all citizens.

However, the effectiveness of the role of law is highly dependent on the quality of law enforcement itself. Without law enforcement officials who are independent, professional, of high integrity, and have a high commitment to justice,

⁸ Donna Sullivan. "The public/private distinction in international human rights law." In *Women's Rights, Human Rights*, pp. 126-134. Routledge, 2018.

⁹ Caroline Sarojini Hart. "Education, inequality and social justice: A critical analysis applying the Sen-Bourdieu Analytical Framework." *Policy Futures in Education* 17, no. 5 (2019): 582-598.

the law will only become a meaningless formal text and lose its power as an instrument of social protection. Therefore, strengthening legal institutions is an absolute prerequisite for the law to be able to function optimally and sustainably. In other words, the role of law in maintaining order and realizing social justice does not only depend on the existence of good and complete regulations, but also on the consistency and commitment of all parties in enforcing it fairly, transparently, and professionally. This requires a harmonious synergy between legal norms, law enforcement officials, and the legal awareness of the community as a whole.

4.2. Obstacles to the Implementation of Social Justice in the Indonesian Legal System

Although Indonesia has a very strong and established legal foundation to ensure social justice for all citizens, practice on the ground shows the existence of various real and significant obstacles that hinder the realization of this goal comprehensively. One of the biggest and most crucial obstacles is the wide gap between written legal norms and their implementation on the ground. The law often tends to side with parties who have great political, economic, or social power, while communities that are weak socioeconomically face extraordinary difficulties in obtaining adequate and effective legal protection. This phenomenon clearly violates the principle of equal position before the law which is firmly regulated in Article 27, paragraph (1) of the UUD 1945, which should be the basis of justice and protection for every citizen without exception.

Another equally important obstacle is the limited access of the public to the existing judicial mechanism. The relatively high cost of cases, long, convoluted, and

complex legal processes, and the lack of availability of legal aid are major inhibiting factors for the public, especially those in the lower or poor economic strata. Although Law Number 16 of 2011 on Legal Aid has provided a clear legal framework for the provision of free legal aid to the poor, its implementation is still far from optimal and has not been able to reach all entitled citizens. Budget constraints, the small number of legal aid institutions, and limited human resource capacity mean that many citizens who should be getting these services cannot utilize them.¹⁰

In addition to these structural obstacles, there are also cultural obstacles that influence the effectiveness of the law in society. The low level of legal awareness among the public causes most citizens not to know their rights in detail or the procedures that must be taken to fight for them. On the other hand, a legal culture that is permissive of negative practices such as bribery, collusion, and nepotism further worsens the quality of law enforcement as a whole.¹¹

No less important, the integrity and professionalism of law enforcement officials are a determining factor in the success of implementing social justice. Cases of corruption and abuse of authority involving legal officials show that the law enforcement system in Indonesia is still vulnerable to deviant practices that tend to harm the public. This condition strengthens the public's perception that the law often sides with those who have economic, political, or social power.

¹⁰ Robert Thomas. "Does outsourcing improve or weaken administrative justice? A review of the evidence." *Public law* 2021, no. 3 (2021): 542. .

¹¹ Ahmad Khoirul Umam, "Understanding the influence of vested interests on politics of anti-corruption in Indonesia." *Asian Journal of Political Science* 29, no. 3 (2021): 255-273.

These obstacles clearly show that the overhaul of the legal system requires a comprehensive and holistic approach. This approach includes continuous regulatory reform, strengthening legal institutions, improving the quality of human resources for law enforcement officials, and massive and continuous legal education for all levels of society. Without these strategic and systematic steps, the gap between norms and practice will continue, and the noble ideals of social justice guaranteed by the constitution will only be a mere rhetoric, without ever being truly felt by the public.

5. Discussion

The findings of this study indicate that the law in Indonesia has a strategic role in maintaining order and realizing social justice, but this role is often hampered by the gap between norms and practice. Normatively, the existing legal framework, which is sourced from Article 27, paragraph (1) of the UUD 1945 and the fifth principle of Pancasila, has provided a strong foundation to ensure equality and justice for all people. However, in practice, structural, cultural, and institutional obstacles still limit the effectiveness of law as an instrument for achieving justice. The gap between norms and implementation is not a new phenomenon in the Indonesian legal system; factors of power, economic influence, and the weakness of law enforcement institutions are the main reasons why the law often sides with certain parties. In this context, the principle of rule of law, which should guarantee equality before the law, is reduced to rule by law, where the law is used as a tool to maintain power.

Obstacles to access to justice are also a crucial issue. UNDP (2014) data shows that high case costs, complex legal procedures, and limited legal aid are dominant factors that prevent the poor from accessing justice. Although Law Number 16 of 2011 has been a step forward in providing legal aid, its realization on the ground is still limited due to minimal budget and the capacity of legal aid organizations. From a cultural perspective, the low legal awareness of the public also worsens the situation. Many citizens do not understand their legal rights or are reluctant to fight for them because of pessimism toward the judicial process. The permissive culture toward corrupt practices in law enforcement further strengthens the perception that the law can be bought, so public trust in the legal system is decreasing.¹² To bridge the gap between norms and practice, a comprehensive strategy is needed. First, legal reform must be directed at simplifying judicial procedures, reducing case costs, and accelerating legal processes to be more inclusive. Second, strengthening legal aid institutions is a priority, both through increased budgets and training of human resources. Third, institutional reform needs to include effective oversight mechanisms for law enforcement officials to prevent abuse of authority.

In addition, legal education for the public needs to be increased so that legal awareness can grow evenly. This education is not only aimed at introducing citizens' rights and obligations but also at building a legal culture that values the principles of justice and integrity.¹³ When the public understands and respects the law, they will

¹² Sofie Marien and Hannah Werner. "Fair treatment, fair play? The relationship between fair treatment perceptions, political trust and compliant and cooperative attitudes cross-nationally." *European Journal of Political Research* 58, no. 1 (2019): 72-95.

¹³ Yogi Prasetyo. "Indonesian integral law based on Pancasila." *Pancasila and Law Review* 3, no. 1 (2022): 1-12.

be more active in overseeing law enforcement practices and demanding accountability from state officials. This discussion affirms that the role of law as a guardian of order and social justice cannot run optimally if the existing obstacles are not addressed systematically. Partial reform will not be enough; cross-sectoral efforts involving the government, law enforcement institutions, civil society organizations, academics, and the public itself are needed. Thus, the ideal of “Social Justice for all the People of Indonesia” as mandated in Pancasila and the UUD 1945 can move from being a mere slogan to a reality that is felt by all levels of society.

6. Conclusion

Law holds a central role in maintaining order and realizing social justice in Indonesia. Normatively, the legal framework sourced from Article 27, paragraph (1) of the UUD 1945 and the fifth principle of Pancasila has affirmed the principles of equality and equitable justice for all citizens. However, the reality on the ground shows a significant gap between norms and practice. Factors such as the law siding with those in power, high case costs, long legal processes, and limited legal aid are still the main obstacles. These obstacles are not only structural but also cultural. The low legal awareness among the public and a permissive culture toward corrupt practices further worsen the quality of law enforcement. As a result, the law often loses its ideal function as a protector and guarantor of social justice.

To overcome these problems, comprehensive legal reform is needed, including updating regulations, strengthening legal aid institutions, increasing the

integrity of officials, and providing legal education for the public. Synergy between the government, law enforcement institutions, civil society organizations, and citizens is very necessary to ensure that the law is not just a normative symbol but truly functions as an instrument of liberation and the equitable distribution of justice. With strategic steps and consistent commitment, the ideal of “Social Justice for all the People of Indonesia” as mandated in Pancasila and the UUD 1945 can be realized, so that the law becomes a solid foundation for the creation of an orderly, prosperous, and just society.

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