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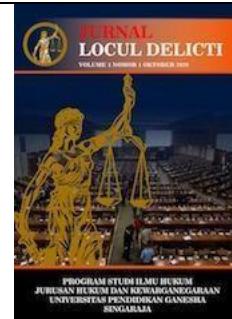
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Legal System Transformation As A Foundation For An Inclusive And Sustainable Future In Law Enforcement That Is Responsive To Global And Local Challenges

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Abstract

The transformation of the legal system has become an urgent necessity in responding to the complexity of global and local challenges, including technological advancements, transnational crimes, environmental crises, and the demand for justice that is both inclusive and sustainable. Existing legal frameworks, often constrained by rigid structures and outdated norms, face limitations in ensuring responsive and adaptive law enforcement. This study aims to formulate a transformative legal system model that strengthens law enforcement practices while integrating inclusivity, sustainability, and responsiveness to diverse socio-cultural contexts. The research employs a normative juridical method supported by a comparative approach, analyzing statutory regulations, international legal instruments, and academic literature to identify relevant principles and innovative practices. The results indicate that an effective transformation requires the integration of universal human rights, the philosophical foundation of Pancasila, technology-based enforcement mechanisms, and community participation in dispute resolution. These elements collectively enhance institutional capacity, legal certainty, and public trust. In conclusion, a responsive and sustainable legal system must embrace continuous reform, promote institutional collaboration, and ensure adaptability to emerging issues, thereby establishing law enforcement as a robust pillar of justice at both national and international levels.

Introduction

The law has a duty to respond to various problems and conflicts of interest that arise in society.¹ Discussions about law cannot be separated from discussions about society, as law is always closely related to social life. Carl von Savigny expressed the view that "*das Recht wird nicht gemacht, es ist und wird mit dem Volke*," meaning that law is not created, but grows and develops alongside society. ²Indonesia, as a state governed by the rule of law, adopts three legal systems that apply simultaneously: positive law, Islamic law, and customary law. The simultaneous application of these three legal systems presents a unique challenge for Indonesia as a state governed by the rule of law.

The legal system itself is the primary foundation of national life, like the heart that regulates the flow of values, norms, and societal behavior in an orderly whole. It is not merely a collection of rules, but a vital instrument that shapes the order of communal life based on the principles of justice, legal certainty, and social order. In Indonesia, the vision to construct a cohesive, independent national legal system that addresses the noble values of the nation has been one of the ideals of independence since 1945.³

But it is not that simple to have a perfect national legal system. The main obstacle is the fact that Indonesian society itself is complicated. Being a pluralist nation, Indonesia is endowed with variable cultures, traditions, religions, and thought patterns varying by location. ⁴ This diversity is an invaluable asset and a distinct national character, but it is also a handicap to establishing a universal legal system that will be acceptable to all levels of society.⁵

A responsive and inclusive national legal system that can be responsive to and embracing of socio-cultural diversity needs to be framed. National law must be able to cut across different interests, incorporate local wisdom, and remain rooted in constitutional values and human rights approaches. In this, the law cannot be rigid and exclusionist, but rather flexible, adaptive, and open to the tides of the day without getting lost in its sense of direction and identity. Attaining an equitable and civilized national legal system is a mutual obligation of the state and all spheres of society. The process for achieving this is truly long and difficult, but observance of the rule of law and conformity to pluralism should be the central pillar in creating a sovereign and equitable future for Indonesian law.

The establishment of a national legal system is increasingly crucial amidst the pluralistic and multicultural reality of Indonesia's indigenous communities. Inclusive law is law that accommodates diversity, opens up participation for marginalized groups, and recognizes the role of the community in the formation and enforcement of the law. Furthermore, inclusivity also encompasses equitable access to justice, including through a judicial reform system that is friendly to small communities and vulnerable groups.

On the other hand, focusing on the context of the legal system refers to the law's

¹Usman, Sabian, Restorative Justice of the Saka Fishing Community Law in the National Legal System, Pustaka Pelajar, Yogyakarta, 2013.

²Rasjidi and Ira Thania Rasjidi, Lili, Introduction to Legal Philosophy, Mandar Maju, Bandung, 2007.

³Soetandyo Wignjosoebroto, Law: Paradigms, Methods and Dynamics of the Problems, Elsam and Huma, Jakarta, 2002, p. 25.

⁴Jimly Asshiddiqie, The Indonesian Constitution and Constitutionalism, Konstitusi Press, Jakarta. 2005, p. 134.

⁵Satjipto Rahardjo, Building the Third World: Law in a Development Perspective, Kompas, Jakarta, 2006, p. 89.

ability to support long-term development that is equitable, socially, economically, and ecologically sound. The law must be the foundation for realizing development that not only pursues economic growth but also protects the rights of future generations, preserves the environment, and strengthens social cohesion. Law enforcement on issues such as climate change, natural resource management, renewable energy, and spatial planning are important indicators of a sound legal system.⁶

Furthermore, global challenges also require Indonesia to align its legal system with international standards. The national legal framework needs to be strengthened through harmonization with international legal instruments, particularly in the areas of human rights, environmental protection, the digital economy, and good governance. In this regard, legal transformation cannot be separated from the state's role in strengthening the capacity of legal institutions, improving the quality of legislation, and promoting transparent and accountable legal bureaucratic reform.⁴ Equally important, the information technology revolution is also driving structural changes in legal governance, including through the digitalization of the judicial system (e-court), cyber regulation, and personal data protection as part of a fair and sustainable digital legal ecosystem.⁷

Thus, legal system transformation is not an option, but an inevitability. Indonesia requires a new legal approach capable of addressing future needs, not only in the domestic context but also in global competition and cooperation. A legal system oriented toward inclusivity, sustainability, and responsiveness will provide a strong foundation for just, democratic, and civilized national development.⁸

Based on the background outlined above, three problem formulations can be identified: the factors driving the need for legal system transformation in Indonesia, the main challenges faced in realizing an inclusive and sustainable legal system, and how law enforcement strategies can be designed to be more responsive to global and local dynamics. This article aims to comprehensively analyze the strategic role of the national legal system in anticipating the ever-evolving social, technological, and environmental changes, as well as in responding to the increasingly complex and diverse needs of society.

Research Methods

According to Rusadi Kantaprawira, a system can be understood as a unity formed from various interrelated elements or components that function in an integrated manner. Each part of the system supports the others, creating a complete and functional whole.⁹ In other words, a system is a collection of elements that form a unity capable of carrying out a specific function or achieving a specific goal. In a legal context, this system includes the elements that shape and support the validity of the law itself. L.M. Friedmann argued that

⁶Sadjipto Rahardjo, Op. Cit.

⁷Ninuk Triyanti, Globalization and the Transformation of International Trends on Human Rights into National Legal Systems, *Jurnal Perspektif*, 2025, Vol. 24 No. 1

⁸Evi Fitriani, Ahmad Ahsin Thohari, and Irsyaf Marsal, Transformation of Public Policy Paradigms: Integration of Progressive Legal Principles in Responsive Legal Development in Indonesia, *Jurnal Khatulistiwa*, 2025, Vol. 5 No. 2, pp. 875–888.

⁹Rusadi Kantaprawira, *The Indonesian Political System: An Introductory Model*, Sinar Baru, Bandung, 1988, p. 3.

a legal system consists of three main elements: legal substance, legal structure, and legal culture.

Further back, the ancient Roman philosopher Cicero once stated, "*Ubi Societas Ibi Ius*," meaning "where there is society, there is law." This expression reflects the emergence of law as an inseparable part of social life. Law functions as a guideline or norm that regulates human behavior, in order to create harmony and prevent conflicts of interest between individuals within society.¹⁰ These norms serve as benchmarks for what behavior is considered appropriate or proper by the community. However, to date, legal experts have not found a universally agreed-upon definition of law. For example, Utrecht defines law as a collection of regulations in the form of commands and prohibitions that aim to maintain order in society and must be obeyed by all its members.

Similarly, Subekti explained that a system is a neatly organized arrangement or structure, consisting of interconnected parts and arranged according to a certain pattern or design to achieve a common goal. In a good system, there should be no conflict between parts, nor should there be any repetition or overlapping of rules that could disrupt the harmony of the system.¹¹ Therefore, when law is viewed as a system, it means that law is a series of rules that are arranged in an orderly and interrelated manner, forming a comprehensive and coherent structure. From this understanding, it is clear that discussions about the legal system encompass a very broad and in-depth discussion, because it does not only concern written rules, but also all elements that support the validity and effectiveness of law in society.¹²

The Indonesian legal system has come a long way, from the colonial era to the reform era. However, the ever-evolving dynamics of society indicate that the current legal system is still unable to fully address the complexity of social, economic, political, and environmental issues. One of the main factors driving the need for legal system transformation is the rapid pace of social and technological change in society. Digitalization, social media, artificial intelligence, and the development of a platform-based economy demand laws that are not only adaptive but also progressive. The current Indonesian legal system is still unable to comprehensively regulate new spaces for digital interaction. Furthermore, overlapping regulations and weak harmonization between central and regional laws often create legal uncertainty, ultimately disrupting stability and public trust in law enforcement institutions.¹³

Besides, there is another source of legal change stemming from the tremendous global pressure founded on international commitments such as the Convention on Human Rights, the Paris Agreement concerning climate change, and the SDGs framework. Indonesia cannot remain insulated anymore; its legal framework must conform to international standards but remain contextualized to fit local needs. Legal evolution also becomes the need of the hour once we realize the systemic imbalance in access to justice in various regions,

¹⁰Soerjono Soekanto, *Understanding the Sociology of Law*, Alumni, Bandung, 1986, p. 9.

¹¹R. Abdoel Djamali, *Introduction to Indonesian Law*, Raja Grafindo Persada, Jakarta, 1996, p. 65.

¹²Ibid. p. 66.

¹³Hikmahanto Juwana, *International Law: Challenges and Developments*, UI Press, Jakarta, 2005, pp. 13–15.

particularly in inaccessible or rural areas and for the poor. The vast majority of them are deprived of access to attorneys, legal education, or even awareness of their inherent rights as citizens. This shows that the present legal system is not entirely inclusive and does not reach to all layers of society. But efforts towards the formation of a sustainable and equitable legal system are not smooth at all.¹⁴

The main obstacles are the strong and complex legal bureaucracy, low integrity of some law enforcement agents, and poor public legal consciousness. Corruption, collusion, and abuse of power still prevail throughout the law enforcement process, aggravating disparity in justice. Moreover, the Indonesian legal system also faces the difficulty of accepting customary law and local values, which have not yet been fully incorporated into national law. Yet, in multicultural Indonesia, customary law is sound in the matter of social legitimacy. Failure to heed local wisdom will in fact render state law more irrelevant to the public mind. The way out of these problems lies in a systematic and integrated process of change.

The first step is to initiate regulatory reform for the simplification, streamlining, and harmonization of the prevailing regulations and laws to eliminate inconsistencies. Legal codification and regulatory mapping have to be implemented to make the legal system accessible and comprehensible by the people. Second, the capacity of the legal institutions has to be strengthened, e.g., improving the professionalism of judges, prosecutors, police, and advocates through ethics- and human rights-based training. Third, the law must be capable of accommodating local values and local participation in the law-making process. This can be achieved through public consultation, acknowledgment of customary law, and empowering local legal communities. Fourth, use of digital technology in the justice sector, such as e-court, e-filing, and e-litigation, is a significant tool to expand access to justice, make the system transparent, and stem corruption.

Legal system reform is not a case of altering the law or modernizing legal proceedings, but rather the essential process of laying the groundwork for an effective, equitable, and forward-looking rule of law. In the Indonesian example, with its varied cultural, religious, ethnic, and geographic multiplicity, a sustainable and inclusive legal system is not a preference, but a necessity. A sustainable legal system means that the law embraces all aspects of society in a non-discriminatory fashion, including indigenous peoples, the poor, women, children, and people with disabilities, and espouses the ideals of social justice and human rights. Sustainability, to the contrary, accounts for a law that is forward-looking and in keeping with sustainable development and is in a position to resolve long-term challenges such as the climate crisis, technological upheaval, and social disequilibrium.¹⁵

An inclusive and sustainable legal system must be built on the values of democracy, public participation, ecological justice, and respect for local wisdom. This means that the legal development process must involve dialogue with grassroots communities, consultation with indigenous communities, and oversight mechanisms by civil society. Regulations must not emerge from a

¹⁴M. Yahya Harahap, *Insights into Legal System Reform in Indonesia*, Sinar Grafika, Jakarta, 2008, p. 42.

¹⁵Jimly Asshiddiqie, *Economic Constitution*, Sinar Grafika, Jakarta, 2010, pp. 85–89.

closed, elitist, top-down framework, but must reflect the real needs of a diverse society. In this context, recognition of customary law, as stipulated in Article 18B paragraph (2) of the 1945 Constitution, is an essential component of an inclusive legal system. Furthermore, the law must also support the sustainability of natural resources and the environment—not simply provide legal certainty for investment by balancing economic growth, social justice, and ecological protection.¹⁶

Legal transformation towards an inclusive and sustainable system also requires profound institutional reform, encompassing regulations, institutional structures, and legal culture. Legal institutions such as courts, prosecutors, police, and legal aid institutions must strengthen their capabilities to serve the public fairly and non-discriminatory. Furthermore, transformation also demands a shift in the perspective of law enforcement officials, from simply enforcing regulations to becoming active agents of social change. Therefore, legal education must be geared toward producing a new generation with progressive thinking, a stance on behalf of vulnerable groups, and an orientation toward substantive justice, not merely procedural justice.

Going forward, the legal system will not only be required to resolve conflicts and maintain order, but also to act as an architect of social justice and national sustainability. The law must serve as an instrument to reduce inequality, promote social protection, strengthen democracy, and safeguard the rights of future generations to a healthy environment. Therefore, the transformation of the legal system must be integrated with Indonesia's long-term development vision, as reflected in the National Long-Term Development Plan (RPJPN) and the global commitment to the Sustainable Development Goals (SDGs). Within this framework, law becomes not merely a written rule, but an ethical and moral foundation that guides the nation toward a more just, equitable, and sustainable future. Within the framework of the transformation of the national legal system, the concept of responsive law enforcement Responsive law enforcement is a key element that cannot be ignored.¹⁷ This term refers to law enforcement practices that are not merely legalistic or textual, but also take into account the social context, societal values, technological developments, and global dynamics that influence daily legal life. The responsive law enforcement model is the antithesis of a formalistic legal approach that is rigid and insensitive to change. As stated by Philippe Nonet and Philip Selznick in their work, *"Law and Society in Transition,"* responsive law is law that is open, listens to society, and is able to adapt to social dynamics.

Responsive law enforcement is crucial in situations where positive law often lags behind rapid social change. In the digital era, for example, the rise of cybercrime, the spread of hoaxes, data privacy violations, and even illegal cross-border transactions demands that law enforcement officials be more agile and innovative in carrying out their duties. This approach emphasizes not only enforcement but also... prevention, education, and Cross-sector collaboration, including with the technology sector and civil society. Law enforcement can no

¹⁶The 1945 Constitution.

¹⁷Bappenas, *Indonesia's Sustainable Development Goals (SDGs): Agenda 2030* , 2022 Edition, Ministry of National Development Planning/Bappenas, Jakarta, 2022, pp. 15–18.

longer rely solely on conventional methods but must be strengthened with information technology support, such as the use of big data for early crime detection, digital tracking, and electronic case management systems.¹⁸

The hallmark of responsive law enforcement also lies in its commitment to substantive justice, not merely procedural justice. In this context, law enforcement officers are expected not only to mechanically enforce laws, but also to actively interpret them, able to balance legal norms with humanitarian values. For example, in handling minor criminal cases involving the poor or minors, law enforcement officers can prioritize a restorative approach over a repressive one. Similarly, in enforcing environmental and agrarian law, officers should consider the rights of indigenous peoples and the principles of sustainable development, rather than merely capital interests or administrative formalities.¹⁹

However, to realize truly responsive law enforcement, several institutional and cultural prerequisites are needed. First, there must be internal reform within law enforcement agencies, including improving the integrity, professionalism, and accountability of officers. Transparency in legal decision-making is crucial for building public trust. Second, progressive legal education and training are needed, so that law enforcers not only understand legal texts but also master interdisciplinary approaches from social, economic, technological, and human rights aspects. Third, strengthening public participation in the legal process, such as through public oversight, community mediation, and the involvement of civil society organizations in monitoring abuse of authority.²⁰

Responsive law enforcement strategies must also be based on innovative, preventive, and collaborative principles. Innovative means that laws must be continually updated to keep pace with current developments. Preventive means that laws are directed at preventing violations from the outset, not merely treating them after they occur. And collaborative, because effective law enforcement can only be realized with synergy across institutions, including educational institutions, the media, the private sector, and, of course, society itself. With this approach, the law is no longer a repressive tool of power, but rather an instrument of social transformation that is just, humane, and adaptive to changing times.²¹

Closing

The transformation of Indonesia's legal system requires not only visionary principles but also concrete and actionable steps for implementation. In the regulatory sphere, a comprehensive audit of overlapping and contradictory laws

¹⁸Satjipto Rahardjo, *Building Legal Politics, Upholding the Constitution*, Kompas, Jakarta, 2006, pp. 132–134.

¹⁹Philippe Nonet & Philip Selznick, *Law and Society in Transition: Toward Responsive Law* Transaction Publishers, New Brunswick, 2001, p. 77–85.

²⁰Satjipto Rahardjo, *Progressive Law Enforcement*, Kompas, Jakarta, 2009, pp. 45–52.

²¹Barda Nawawi Arief, *Problems of Law Enforcement and Criminal Law Policy in Crime Prevention*, Prenada Media Group, Jakarta, 2013, pp. 120–122.

must be carried out, with priority given to repealing or harmonizing obsolete regulations particularly in critical areas such as digital law, environmental protection, and the rights of indigenous peoples. Institutionally, the judiciary should establish specialized courts for cybercrime, environmental disputes, and restorative justice cases, supported by judges trained in their respective fields and adequate technological infrastructure. The integration of advanced technology is equally essential, including nationwide e-court systems, AI-assisted legal research tools, and blockchain-based evidence management, all of which would improve efficiency and safeguard the integrity of legal processes. Access to justice must also be expanded through mobile legal aid clinics serving rural and marginalized communities, school-based legal literacy programs, and free online consultation platforms. To strengthen public trust, the integrity and ethics of law enforcement officers should be enhanced through mandatory continuous ethics training for judges, prosecutors, and police officers, accompanied by transparent monitoring and public reporting of disciplinary measures. At the community level, restorative justice initiatives—such as mediation and victim-offender dialogue should be scaled up to reduce incarceration rates while fostering reconciliation. Finally, legal education must be reformed to focus on experiential learning, human rights, and technology law, ensuring that future legal professionals are adaptable, ethical, and socially conscious. By pursuing these interlinked reforms, the Indonesian legal system can become more responsive, inclusive, and sustainable, serving as a central pillar of social transformation and a guarantor of justice in both national and global contexts.

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