

THE INTERNATIONAL JOURNAL SOCIAL SCIENCES WORLD



ISSN 2690-5167

The International Journal of Social Sciences World (TIJOSSW) is published by Growingscholar. Growingscholar is a non-profit organization that based its works on Open-Science Philosophy. Our goal is to bring high-quality research to the widest possible societies!



Growingscholar USA, 5200 McDermott Rd.
Suite 100Plano, TX 75024
Growingscholar UK, Selwyn Court, Church
Road, Richmond, Surrey, TW10



Mobile:
+852 59977880



Email: editor@growingscholar.org
Website: www.growingscholar.org



[HOME](#) / Editorial Team

Editorial Team

Editorial Team

The TIJOSSW Editorial Team contributes greatly to the prestige of the journal and the high standards of peer review. The role of them in scholarly publishing is the management of the peer review of manuscripts by reviewers. The Editors for the publications are responsible for the consistency and reputation of our journals by assuring the selection of appropriate reviewers in order to identify the quality of manuscripts. Furthermore, by examining the comments of reviewers, the editorial board members will also decide whether a manuscript could be published or not. **Following is the list of the Editorial Team member.**

Editor-in-chief

Suman Rajest, S. Vels Institute of Science, Technology & Advanced Studies, Chennai, India. Scopus Author ID: [57204906979](#)

International Editorial Advisory Board

B. Fernanda Campos. Universidade Federal de Sao Carlos, Sao Carlos, Brazil. Scopus Author ID: [57200533993](#)

C. Green, B. Chris. University of Illinois Urbana-Champaign, Urbana, United States. Scopus Author ID: [10240279400](#)

G. Arthur. Wellington School of Business and Government, Wellington, New Zealand. Scopus Author ID: [34770532000](#)

H. Chiahsing. SolBridge International School of Business, Daejeon, South Korea. Scopus Author ID: [55255377000](#)

H. Sarfraz. Universiti Teknologi Malaysia, Kuala Lumpur, Malaysia. Scopus Author ID: [57215830478](#)

J. Angelene C. G. Sathyabama Institute of Science and Technology, Chennai, India. Scopus Author ID: [57212609801](#)

J. Masclat. University of Lille, Lille, France. Scopus Author ID: [57189523797](#)

K. Nora Johanne. Norges teknisk-naturvitenskapelige Universitet, Trondheim, Norway. Scopus Author ID: [55748593100](#)

M. Mohammed Saud. Department of Management, Malacca Town, Malaysia. Scopus Author ID: [57205345714](#)

M. Sebastian. The University of Tennessee, Knoxville, United States. Scopus Author ID: [57224222275](#)

N. Gregg. University of Oxford, Oxford, United Kingdom. Scopus Author ID: [55204776400](#)

N. Yves. Université du Québec à Montréal, Montreal, Canada. Scopus Author ID: [6602326712](#)

S. Galiya Bayzhumaevna. Buketov Karagandy University, Karaganda, Kazakhstan. Scopus Author ID: [57189506923](#)

S. Made Sri. Universitas Udayana, Bali, Indonesia. Scopus Author ID: [57212192698](#)

V. Jain. Indian Institute of Technology Delhi, New Delhi, India. Scopus Author ID: [55193806500](#)

V. Todd. The University of North Carolina at Chapel Hill, Chapel Hill, United States. Scopus Author ID: [57204273240](#)



Legal System Study: Law Enforcement Perspectives



Anak Agung Sagung Ngurah Indradewi¹

Article history:

Received June 26, 2023; Accepted: October 04, 2023; Displayed Online: October 24, 2023; Published: December 30, 2023

Keywords

Legal System;

Law Enforcement;

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

¹ University of Dwijendra, Denpasar, Indonesia. Email : sagungindradewi@gmail.com



Vol. 5 No. 2 (2023): July-December

At TIJOSSW, we refer to an online-first as *an article that has been through the peer-review process, has been accepted for publication and has been copyedited and typeset*. The article is in the final manuscript format. However, it is distinguished as an early release simply since it has not been delayed until a full issue publication. When the issue is complete, and an editorial is written, the issue will be archived with its own table of contents. Articles in the journal are freely available to the public. Therefore, we offer our gratitude to our institutional sponsors.



[Click here to submit your article](#)

PUBLISHED: 2023-07-10

Articles

Pigs (wam) sacredness as traditional medicine in the balim valley of Papua

Erna Maria Ayal, Jacob Daan Engel, Rama Tulus Pilakoannu, Tony Tampake

1-9

Abstract viewed: 65 PDF downloaded: 49



Legal concept of land tenure rights by the state for society benefit

Juridical study of the uupa

Tommy Ferdi Sumakul, Robert Nicolas Warong, Dientje Rumimpunu, Pricilia Frely

10-21

Worung, Anastasya E Gerungan, Karel Yossi Umboh

Abstract viewed: 50 PDF downloaded: 39



Discourse structure of shinzo abe's resignation speech

Critical discourse analysis

Nadya Inda Syartanti, Ketut Artawa, I Wayan Pastika, Ketut Widya Purnawati

22-32

Abstract viewed: 47 PDF downloaded: 32



The effect of commitment and knowledge on operational performance with halal standard implementation as a mediator in food msme industries

Putri Walianti Aprilia, Risna Wijayanti, Nur Prima Waluyowati

33-46

Abstract viewed: 59 PDF downloaded: 57



Determinant factors of herding behavior and financial literacy on investment decision and risk tolerance as mediator factor

Shela Nindya Saputri, Nur Khusniyah Indrawati, Himmiyatul Amanah Jiwa Juwita

47-55

Abstract viewed: 130 PDF downloaded: 83



Adversity intelligence and digital literacy on employee performance with job satisfaction as the mediating variable

Fajri Hamdani, Dewi Susita, Christian Wiradendi Wolor

56-67

Abstract viewed: 162 PDF downloaded: 84



Ease of application and security of digital banking systems on competitiveness and performance

Phenomena in pt bank dki

Nina Carolina, Unggul Purwohedhi, Saparuddin Mukhtar

68-75

Abstract viewed: 38 PDF downloaded: 30



Ontological metaphor on agricultural rituals in bali

Ni Wayan Meidarani, I Nengah Sudipa, I Made Rajeg, I Made Netra

76-84

Abstract viewed: 44 PDF downloaded: 22



Leadership style and organizational culture on organizational citizenship behavior by mediating work motivation in employees at pt "xyz"

Siti Maulani Suhud, I Ketut R. Sudiarditha, Dewi Susita

85-94

Abstract viewed: 80 PDF downloaded: 44



Analysis of determining factors for implementing enterprise resource planning (erp) systems to achieve competitive advantage in construction service companies

Ilham Ramadhan, Agung Wahyu Handaru, Indra Pahala

95-108

Abstract viewed: 94 PDF downloaded: 59



Servant leadership and organizational culture on employee performance through organizational commitment as mediation

A study at 'X' hospital, jakarta

Sony Bachtiar, I Ketut R. Sudiarditha, Saparuddin Mukhtar

109-122

Abstract viewed: 86 PDF downloaded: 51



Financial literacy and family financial socialization

Study of its impact on financial well-being as mediated by financial self-efficacy

Yunita Ariati, Agung Dharma Buchdadi, Ety Gurendrawati

123-140

Abstract viewed: 119 PDF downloaded: 88



The effect of gamification on performance with the mediation of motivation and employee engagement

Bisma Twin Surya Ramadhan, Rofiaty, Dodi Wirawan Irawanto

141-158

Abstract viewed: 137 PDF downloaded: 118



Design of occupational recommendations in the field of ict based on the bnspp occupational scheme using machine learning approaches

Usanto Usanto

159-172

Abstract viewed: 46 PDF downloaded: 17



The influence of principal leadership on the quality of students' learning in kupang- indonesia during covid-19 pandemic

Arnoldus Asan Meak, Tans Feliks, Ajis Djaha, Nursalam

173-180

Abstract viewed: 35 PDF downloaded: 13



Job satisfaction mediates the influence of reward and work discipline on employee performance

Study on grab partner driver in jakarta

Yahya Yusuf Ahmed, Corry Yohana, I Ketut R. Sudiarditha

181-186

Abstract viewed: 48 PDF downloaded: 20



Negative word form in sibling rivalry

A psycholinguistic study

Ahyati Kurniamala Niswariyana, I Nengah Sudipa, I Nyoman Suparwa, I Nyoman Aryawibawa

187-192



The principle of justice towards employment in the era of globalization in the perspective of labor law in indonesia

Grace Maureen Febiola Karwur, Deasy Soeikromo, Olga Anatje Pangkerego, Ivonne Sheriman, Harly Stanly Muaja, Yumi Simbala

193-199

Abstract viewed: 49 PDF downloaded: 10



Development of a relevant communicant catechization teaching module in indonesian christian lutheran church

Sabar Rudi Sitompul, Lustani Samosir, Arip Surpi Sitompul

200-205

Abstract viewed: 15 PDF downloaded: 7



Islamic insurance and sustainable development goals in developing countries

A systematic literature review

Dadi Adriana, Hartoyo, Rizal Sjarief, Elisa Anggraeni

206-215

Abstract viewed: 47 PDF downloaded: 23



Basic health policy in the context of minimum service standards at aruk border indonesia's sambas district

Ida Rochmawati, Ade Risnasari

216-225

Abstract viewed: 26 PDF downloaded: 10



Module development of blended learning on christian education history subject

Study at the tarutung state christian religion institute

Romauli Nababan, Lince Sihombing, Simion D. Harianja

226-233

Abstract viewed: 9 PDF downloaded: 3



Plantation business privates in preventing land disputes

Evidence from Indonesia

Hairan, Tunggul Anshari Setia Negara, Imam Koeswahyono, Bambang Sugiri

234-242

Abstract viewed: 12 PDF downloaded: 3



Legal system study

Law enforcement perspectives

Anak Agung Sagung Ngurah Indradewi

243-248

Abstract viewed: 9 PDF downloaded: 4



MAKE A SUBMISSION

TEMPLATE

[CLICK TO DOWNLOAD TEMPLATE](#)

MEMBERSHIP



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" (Rumiarta, 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 (Rumiarta, 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 Mertokusumo'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 (Rumiarta, 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.

Acknowledgements

Appreciation is given to the reviewers from the publisher TIJOSSW who have taken the time to provide valuable corrections related to technical writing style or ideas about this paper.

References

- Abdul Ghofur Anshori, 2006, *Philosophy of Legal History*, Streams and Meaning, University of Gadjah Mada, Yogyakarta
- Barda Nawawi Arief, 2012, *Kebijakan Hukum Pidana*, PT. Citra Aditya Bakti, Bandung
- Lawrence M. Friedman, Hayden, 2017, *American Law: An Introduction*, Legal Structure Substance Culture, Elements of legal system, Third Edition, United State of America, Oxford University
- Lili Rasjidi & Ira Thania Rasjidi, 2002, *Pengantar Filsafat Hukum*, Mandar Maju, Bandung
- Philip M. Hauser, (1983) *The Study Of Population: The University Of Chicago Press*.
- Rumiarta, I. Nyoman Prabu Buana. "Correlation Theory AV Dicey Perspective of the Rule of Law in Indonesia: Correlation Theory AV Dicey Perspective of the Rule of Law in Indonesia." *Focus Journal Law Review* 2, no. 1 (2022).
- Rumiarta, I. Nyoman Prabu Buana, and Anak Agung Sagung Ngurah Indradewi. "The Concept of Consumer Protection: An International Cultural Perspective." *The International Journal of Language and Cultural (TIJOLAC)* 2, no. 02 (2020): 52-57.
- Rumiarta, I. Nyoman Prabu Buana, Herowati Poesoko, and Dominikus Rato. "The nature of customary land concession in the customary law society." *International Journal of Social Sciences* 2, no. 1 (2019): 49-55.
- Rumiarta, I. Nyoman Prabu Buana, Ni Luh Gede Astariyani, and Anak Agung Sagung Ngurah Indradewi. "Human Rights of Indigenous People in Indonesia: A Constitutional Approach." *Journal of East Asia & International Law* 15, no. 2 (2022).
- Rahardjo, Satjipto, 2007, *Penegakan Hukum Suatu Tinjauan Sosiologis*, Genta Publishing, Yogyakarta,
- Rais Ahmad, 2007, *Peran Manusia Dalam Penegakan Hukum*, Pustaka Antara, Jakarta
- Sudikno Mertokusumo, 1999, *Mengenal hukum Suatu Pengantar*, Liberty, Yogyakarta

Submissions

My Queue 1

Archives

 Help

My Assigned



Search

[New Submission](#)

392

Indradewi

Legal System Study : Law Enforcement Perspectives

 Submission



Please make sure to follow journal format and referencing style.

- **Plagiarism:** Please make sure that the plagiarism of your work does not exceed 20%.
- **Invoice:** You can find invoice and payment instructions in the attached files. Therefore, please follow payment instructions and submit payment evidence "copy of payment slip" together with the final version of your manuscript. Please make payment within Seven (7) days of this email.
- **Copyright form.**

Comments from Reviewer A

❖ **Recommendation to Editor** (Please mark "x" for appropriate option)

- Excellent, accept the submission (5)
- Good, accept the submission with minor revisions required (4)
- Acceptable, revisions required (3)
- Resubmit for review, major revisions required (2)
- Decline the submission (1)

The editor will forward the section below to author/s

Evaluation (Please assign the score for each item below)

5=Excellent 4=Good 3=Average 2=Below Average 1=Poor n/a=Not Applicable	
Items	Grade
Overall evaluation on the paper	
1. Contribution to existing knowledge	4
2. Appropriate formatting and structure	4.0
3. Readability	3.0
4. Soundness of methodology	4.5
5. Evidence supports conclusion	4.5
6. Adequacy of literature review	4.5

Comments from Reviewer B

❖ Recommendation to Editor (Please mark "x" for appropriate option)
<input type="radio"/> Excellent, accept the submission (5) <input checked="" type="radio"/> Good, accept the submission with minor revisions required (4) <input type="radio"/> Acceptable, revisions required (3) <input type="radio"/> Resubmit for review, major revisions required (2) <input type="radio"/> Decline the submission (1)

The editor will forward the section below to author/s

Evaluation (Please assign the score for each item below)	
5=Excellent 4=Good 3=Average 2=Below Average 1=Poor n/a=Not Applicable	
Items	Grade
Overall evaluation on the paper	
1. Contribution to existing knowledge	4
2. Appropriate formatting and structure	4.0
3. Readability	3.0
4. Soundness of methodology	4.5
5. Evidence supports conclusion	4.5
6. Adequacy of literature review	4.5



Legal System Study: Law Enforcement Perspectives



Anak Agung Sagung Ngurah Indradewi¹

Article history:

Received June 26, 2023; Accepted: October 04, 2023; Displayed Online: October 24, 2023; Published: December 30, 2023

Keywords

Legal System;

Law Enforcement;

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

¹ University of Dwijendra, Denpasar, Indonesia. Email : sagungindradewi@gmail.com

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" (Rumiarta, 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 (Rumiarta, 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 Mertokusumo'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 (Rumiarta, 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.

Acknowledgements

Appreciation is given to the reviewers from the publisher TIJOSSW who have taken the time to provide valuable corrections related to technical writing style or ideas about this paper.

References

- Abdul Ghofur Anshori, 2006, *Philosophy of Legal History*, Streams and Meaning, University of Gadjah Mada, Yogyakarta
- Barda Nawawi Arief, 2012, *Kebijakan Hukum Pidana*, PT. Citra Aditya Bakti, Bandung
- Lawrence M. Friedman, Hayden, 2017, *American Law: An Introduction*, Legal Structure Substance Culture, Elements of legal system, Third Edition, United State of America, Oxford University
- Lili Rasjidi & Ira Thania Rasjidi, 2002, *Pengantar Filsafat Hukum*, Mandar Maju, Bandung
- Philip M. Hauser, (1983) *The Study Of Population: The University Of Chicago Press*.
- Rumiarta, I. Nyoman Prabu Buana. "Correlation Theory AV Dicey Perspective of the Rule of Law in Indonesia: Correlation Theory AV Dicey Perspective of the Rule of Law in Indonesia." *Focus Journal Law Review* 2, no. 1 (2022).
- Rumiarta, I. Nyoman Prabu Buana, and Anak Agung Sagung Ngurah Indradewi. "The Concept of Consumer Protection: An International Cultural Perspective." *The International Journal of Language and Cultural (TIJOLAC)* 2, no. 02 (2020): 52-57.
- Rumiarta, I. Nyoman Prabu Buana, Herowati Poesoko, and Dominikus Rato. "The nature of customary land concession in the customary law society." *International Journal of Social Sciences* 2, no. 1 (2019): 49-55.
- Rumiarta, I. Nyoman Prabu Buana, Ni Luh Gede Astariyani, and Anak Agung Sagung Ngurah Indradewi. "Human Rights of Indigenous People in Indonesia: A Constitutional Approach." *Journal of East Asia & International Law* 15, no. 2 (2022).
- Rahardjo, Satjipto, 2007, *Penegakan Hukum Suatu Tinjauan Sosiologis*, Genta Publishing, Yogyakarta,
- Rais Ahmad, 2007, *Peran Manusia Dalam Penegakan Hukum*, Pustaka Antara, Jakarta
- Sudikno Mertokusumo, 1999, *Mengenal hukum Suatu Pengantar*, Liberty, Yogyakarta