

## Non-Conviction Based Asset Forfeiture in Criminal Asset Recovery: A Normative Juridical Study from the Perspective of Restorative Justice

Shalahudin Serbabagus<sup>1</sup>, Endik Wahyudi<sup>2\*</sup>, Fendi Setyawan<sup>3</sup>, Arief Amrullah<sup>4</sup>  
<sup>1,2,3,4</sup>Faculty of Law, University of Jember, Indonesia, <sup>1</sup>Faculty of Law, Universitas Islam Darul Ulum, Indonesia, <sup>2</sup>Faculty of Law, Universitas Esa Unggul, Indonesia  
<sup>1</sup>shalahuddinserba@unisda.ac.id, <sup>2</sup>endikhukum@gmail.com,  
<sup>3</sup>fendisetyawan.fh@unej.ac.id, <sup>4</sup>arief.fh@unej.ac.id

**Abstract:** Professionalism in law enforcement plays a role in establishing justice, legal certainty, and public trust. However, law enforcement practices in Indonesia continue to reveal disparities between normative legal provisions and their implementation in society. This study aims to analyze the professionalism of law enforcement officers from the perspective of the sociology of law and to examine its implications for the legitimacy of law enforcement institutions. The research employs a socio-legal method by integrating normative juridical analysis with the examination of realities in law enforcement practices. The study applies statutory, conceptual, and sociological approaches to evaluate how professionalism influences the legitimacy of law enforcement. The findings demonstrate that professionalism in law enforcement extends beyond technical competence and procedural compliance. It also encompasses integrity, ethical responsibility, independence, accountability, and sensitivity toward social justice values within society. Weak professionalism among law enforcement officers often results in disproportionate legal enforcement, discriminatory treatment, abuse of discretion, and inconsistency in applying legal norms. These conditions contribute to declining public trust and weakening institutional legitimacy. From the perspective of sociology of law, legal legitimacy is not derived solely from state authority, but also from public acceptance of how laws are implemented fairly and transparently in practice. This study concludes that strengthening the professionalism of law enforcement officers is an essential prerequisite for creating legitimacy and law enforcement. Therefore, improving professionalism should not only focus on legal reform but also on strengthening legal culture, professional ethics, and institutional accountability mechanisms in order to achieve justice and maintain public confidence in the rule of law.

**Keywords:** Professionalism of Law Enforcement, Sociology of Law, Law Enforcement, Legal Legitimacy.



Copyright © 2025 by Author(s)

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License. All writings published in this journal are personal views of the authors and do not represent the views of this journal and the author's affiliated institutions.

### HOW TO CITE:

Shalahudin Serbabagus, at al., "Non-Conviction Based Asset Forfeiture in Criminal Asset Recovery: A Normative Juridical Study from the Perspective of Restorative Justice," *Mimbar Yustitia: Jurnal Hukum Dan Hak Asasi Manusia* 9, no. 2 (2025): 202–219, <https://doi.org/10.52166/mimbar.v7i2>.

*Submitted: 26/8/2025 Reviewed: 27/12/2025, Accepted: 30/12/2025*

## I. INTRODUCTION

Enforcement law is a process for realizing ideas and concepts expected by society, so that they can be implemented in a way that is real in life, society, the nation, and the state.<sup>1</sup> However, the success of the enforcement law is not solely determined by the existence of comprehensive legislation, but rather depends heavily on the professionalism of the apparatus enforcers in carrying out their duties and exercising their authorities.<sup>2</sup> Professionalism enforcer law covers competence, technical competence, moral integrity, independence, and the ability to use discretion proportionally and responsibly.<sup>3</sup> Without professionalism, the law's potential to gain legitimacy and public trust is lost, making objective law a difficult means of justice and of order in society.<sup>4</sup>

Law in context: sociology of law understood not only as written norms (law in the books), but as a social practice that is alive and running in society (*law in action*).<sup>5</sup> Lawrence M. Friedman emphasized that effective law is influenced by three main elements, namely structure law, substance law, and culture law.<sup>6</sup> Professionalism apparatus enforcer law is an important aspect of structuring the law, determining how it is implemented and experienced by the community.<sup>7</sup> If the apparatus enforcer law act is unprofessional, discriminatory, or insensitive to context, then the law tends to be perceived as unfair and to lose its authority.

In practice, law enforcement in Indonesia still highlights issues related to the professionalism of the apparatus. Enforcement laws that are considered “sharp” at

---

<sup>1</sup> Farida Sekti Pahlevi, “Revitalisasi Pancasila Dalam Penegakan Hukum Yang Berkeadilan Di Indonesia,” *Justicia Islamica* 13, no. 2 (2016): 173–98.

<sup>2</sup> Mohd. Yusuf Daeng M et al., “Peran Sumber Daya Manusia Aparat Penegak Hukum Dalam Mewujudkan Penegakan Hukum Yang Efektif,” *Andrew Law Jurnal* 4, no. 2 (2025): 984–97.

<sup>3</sup> Nasywa Awalia Putri and Kayus Kayowuan Lewoleba, “Peranan Kode Etik Jaksa Pada Pengawasan Dan Pertanggungjawaban Dalam Menjaga Integritas Penegakan Hukum Di Indonesia,” *Media Hukum Indonesia (MHI)* 3, no. 3 (2025): 366–72, <https://doi.org/10.5281/zenodo.15612312>.

<sup>4</sup> Putri and Lewoleba.

<sup>5</sup> Muhammad Yasin et al., “Analisis Sosiologi Hukum Atas Penyalahgunaan Wewenang Tindak Pidana Korupsi Dalam Perspektif Anomie Dan Realisme Hukum,” *Jurnal Ilmiah Penegakan Hukum* 12, no. 2 (2025): 395–402.

<sup>6</sup> Lalu M Alwin Ahadi, “Efektivitas Hukum Dalam Perspektif Filsafat Hukum : Relasi Urgensi Sosialisasi Terhadap Eksistensi Produk Hukum The Effectiveness of Law in Legal Philosophical Perspective : The Relation of the Urgency of Socialization to the Existence of Legal Products,” *Jurnal USM Law Review* 5, no. 1 (2022): 110–27.

<sup>7</sup> Adinda Nurizkia Hijriani and Nandang Sambas, “Integritas Aparat Penegak Hukum Dan Implikasinya Terhadap Kepercayaan Publik,” *JOSH (Journal of Sharia)* 5, no. 1 (2026): 120–32.

the bottom and blunt above reveal inequality in their implementation, rooted in the behavior and decision-making apparatus of the law's enforcer.<sup>8</sup> Condition: This not only gives rise to a sense of injustice but also contributes to a decline in trust in public institutions' enforcement of the law.<sup>9</sup>

Several recent cases demonstrate how the lack of professionalism and prudence of law enforcement officers can lead to social controversy and spark debate about the sense of justice in society. One example is the case of Fiki Harman in Jambi, who was named a suspect after causing the death of a mugger while trying to protect himself and his younger brother from an attack.<sup>10</sup> The determination of suspect status sparked public reaction because it was deemed to have failed to consider the context of the victim's self-defense in an emergency.<sup>11</sup> After further investigation, law enforcement officers ultimately closed the case and released Fiki, who had proven to have acted in self-defense as stipulated in criminal law.<sup>12</sup>

Besides that, various cases involving apparatus enforcers of the law also reveal serious problems related to professionalism and integrity in law enforcement in Indonesia. One of the many examples that drew public attention is the bribery case involving three judges of the Surabaya District Court in the Gregorius Ronald Tannur case.<sup>13</sup> If the show highlights violations of professional ethics and bribery in the judicial process, it can undermine the integrity of the justice system and cause a crisis

---

<sup>8</sup> Suhendar Suhendar, Virgiawan Cikal Permana, and Rengga Kusuma Putra, "Beyond Impunity: Reconstructing Criminal Accountability for Torture by Law Enforcement Officials," *Reformasi Hukum* 29, no. 3 (2025): 272–87.

<sup>9</sup> Rizka Sahbania et al., "Korupsi Dan Lemahnya Penegakan Hukum: Analisis Ketidakadilan Dan Dampaknya Bagi Kepercayaan Publik [Corruption and Weak Law Enforcement: An Analysis of Injustice and Its Impact on Public Trust]," *Journal of the Research Center for Digital Democracy* 1, no. 1 (2025): 31–38, <https://journal.idede.org/index.php/IDEDE/article/view/175>.

<sup>10</sup> Natasha Ancely, "Sempat Jadi Tersangka Karena Bunuh Begal, Fiki Harman Akhirnya Dibebaskan," *Kompas.Tv*, 2024, <https://www.kompas.tv/video/507944/sempat-jadi-tersangka-karena-bunuh-begal-fiki-harman-akhirnya-dibebaskan>.

<sup>11</sup> Dimas Sanjaya, "Perjalanan Kasus Fiki Habisi Begal, Jadi Tersangka Hingga Dibebaskan," *Detik.Com*, 2024, <https://www.detik.com/sumbagsel/hukum-dan-kriminal/d-7340302/perjalanan-kasus-fiki-habisi-begal-jadi-tersangka-hingga-dibebaskan>.

<sup>12</sup> Paisal Kumar, "Polda Jambi Akhirnya Hentikan Kasus Korban Begal Bunuh Pelaku Di Tanjab Barat, Ini Penjelasan Dirreskrimum," *Jambione.Com*, 2024, <https://www.jambione.com/hukrim/1364651481/polda-jambi-akhirnya-hentikan-kasus-korban-begal-bunuh-pelaku-di-tanjab-barat-ini-penjelasan-dirreskrimum>.

<sup>13</sup> Siti Fatimah Aliza Cahyani, Syahrul Borman, and Wahyu Prawesthi, "Judge's Consideration of Ronald Tannur's Exempt Vote in the Crime of Murder (Study of Decision No. 454/Pid. B/2024/PN. SBY)," *Requisitoire Law Enforcement* 17, no. 1 (2025): 93–102, <https://doi.org/10.59651/relae>.

of trust among the public in the legal system. The involvement of the apparatus of justice in practice corrupts not only the principles of independence and justice, but also reveals weaknesses in the system of supervision and enforcement of the code of ethics and professional law. The conditions show that professionalism in enforcement law is not only about compliance with procedural law but also requires moral integrity, accountability, and a commitment to principled justice in every enforcement process.<sup>14</sup>

Studies on enforcement law during this time focus on the normative framework, the institutional structure, and the function of law in society. Various studies emphasize the importance of integrity, independence, and professionalism as prerequisites for creating a fair and effective justice system.<sup>15</sup> On the other hand, several studies are also beginning to highlight the problem of public trust in public institutions as an indicator of institutional legitimacy in a state of law.<sup>16</sup> However, some major studies still treat the professional apparatus, enforcement law, and legitimacy institutions as separate, so they have not yet provided a comprehensive analysis of the connection between the professional apparatus and the formation of legitimacy institutions and enforcement law in the public eye.

Besides that, existing research remains abstract and normative, focusing on regulatory analysis, codes of ethics, or the structure of institutional enforcement law. Approach the Not yet Lots, balanced with analysis and empirically based cases under investigation.<sup>17</sup> How does practicing professionalism affect the enforcement of law in handling concrete cases, influence the public's perception of justice, and the credibility of institutions of law? In practice, public perception of legitimate

---

<sup>14</sup> Mayla Putri Farbadi et al., "Pelanggaran Etika Dan Profesi Hukum Kasus Suap Hakim Ronald Tannur : Analisis Kritis Terhadap Integritas Penegakan Hukum Di Indonesia," *Media Hukum Indonesia (MHI)* 2, no. 6 (2025): 128–34.

<sup>15</sup> Suud Sarim Karimullah, "The Role of Law Enforcement Officials: The Dilemma Between Professionalism and Political Interests," *Jurnal Hukum Dan Peradilan* 13, no. 2 (2024): 365, <https://doi.org/10.25216/jhp.13.2.2024.365-392>.

<sup>16</sup> Shahriza Ilyana Ramli, "Bridging the Trust Gap: A Review of Public Perception Studies on Police Integrity," *International Journal of Research and Innovation in Social Science (IJRISS)* IX, no. XI (2025): 1700–1712, <https://doi.org/10.47772/IJRISS>.

<sup>17</sup> Thomas Diefenbach, "Are Case Studies More than Sophisticated Storytelling?: Methodological Problems of Qualitative Empirical Research Mainly Based on Semi-Structured Interviews," *Quality & Quantity* 43, no. 6 (2009): 875–94.

institutions that enforce the law often forms from experience, social news, and how the authorities handle cases.<sup>18</sup>

Besides that, research on the specific mechanism by which the enforcement of laws is mediated by institutional legitimacy remains limited.<sup>19</sup> The interpretation of public apparatus actions is influenced by social experience, media coverage, and socio-political context. Not yet; lots have been analyzed systematically in the study of law and socio-legal studies. In the Indonesian context, gap studies are increasingly relevant; remember that the dynamic enforcement of laws often sparks public debate about the professionalism of the apparatus and the justice of the enforcement process.

Based on the gap, research. This analyzes the connections among the professional apparatus, enforcement law, and legitimacy institutions through an integrated approach that combines normative analysis and empirical case studies, providing a more comprehensive understanding of how professional apparatuses influence trust and legitimacy institutions, as well as enforcement law, in society.

Given the background, the article aims to analyze the professionalism enforcer law from the perspective of sociological law, as well as the implications for the legitimacy of institutions' enforcement law in Indonesia. By linking framework, theoretical sociology laws, and cases, current enforcement law, and research. This expectation can contribute academically to enrich discourse on sociological law at a time, becoming a material reflection critical for the improvement of professionalism in law enforcement.

## II. METHODS

Study This uses a socio-legal research method (socio-juridical research), namely, an integrated analysis of normative law and social aspects in the practice of law enforcement.<sup>20</sup> In this study, an analysis was conducted from a sociological

---

<sup>18</sup> John Egbeazien Oshodi, "The Oshodi Law Enforcement Practices Inventory (OLEPI): Toward a Culturally Responsive Measure of Policing Perceptions in Africa, the Caribbean, and Beyond," *European Journal of Humanities and Social Sciences* 5, no. 5 (2025): 35–44, <https://doi.org/10.24018/ejsocial.2025.5.5.620>.

<sup>19</sup> N P Adams, "Institutional Legitimacy," *Journal of Political Philosophy* 26, no. 1 (2018): 84–102.

<sup>20</sup> Jurnal Ilmiah Dunia Hukum, "Socio-Legal Research: Integration of Normative and Empirical Juridical Research in Legal Research," *Noor, Afif* 7, no. 2 (2023): 94–112.

perspective on law, focusing on norms and laws governing the apparatus of professionalism and the enforcement of law, as well as the principles of enforcement in the Indonesian legal system. The perspective of sociology of law is used to understand law as a social phenomenon, especially in examining the connection between the professionalism of the law enforcement apparatus and the legitimacy of law enforcement institutions in society. The study uses the covering, statute, legal, and conceptual approaches. legislation done with study regulation legislation that regulates principles of the rule of law, duties, authorities, and professionalism enforcer law. Meanwhile, the approach used to analyze concepts such as professionalism-enforcer law, legitimacy law, the discretion apparatus, culture law, and the difference between law in the books and law in action from a sociological perspective.

### III. ANALYSIS AND DISCUSSION

#### Professionalism Law Enforcement in Perspective, Sociology of Law

Professionalism as an enforcer of law from a sociological perspective. No one can understand in a way as narrow as the technical ability to apply regulations or operating procedure law formally.<sup>21</sup> Professionalism must be understood as a constructed social formation arising from the interaction among norm law, the ethics profession, institutional structure, the social context, and ongoing law enforcement.<sup>22</sup> With this understanding, practice enforcement law is viewed not as a mechanistic process but as a socially loaded activity of values, interests, and power relations.<sup>23</sup>

---

<sup>21</sup> Naufal Akbar Kusuma Hadi, "Penegakan Hukum Di Indonesia Dilihat Dari Perspektif Sosiologi Hukum," *Jurnal Hukum Dan Pembangunan Ekonomi* 10, no. 2 (2022): 227–40, <https://doi.org/10.20884/1.jdh.2008.8.3.74>.

<sup>22</sup> and Bryon G. Gustafson McClellan, Sara E., "Communicating Law Enforcement Professionalization: Social Construction of Standards," *Policing: An International Journal of Police Strategies & Management* 35, no. 1 (2012): 104–23.

<sup>23</sup> Tom R. Tyler, Phillip Atiba Goff, and Robert J. MacCoun, "The Impact of Psychological Science on Policing in the United States: Procedural Justice, Legitimacy, and Effective Law Enforcement," *Psychological Science in the Public Interest* 16, no. 3 (2015): 75–109, <https://doi.org/10.1177/1529100615617791>.

Sociology of law examines the apparatus of law enforcement, as an actor's social role determines how law is executed in practice (*law in action*).<sup>24</sup> Lawrence M. Friedman emphasized that the structure, substance, and culture of law determine working law in public.<sup>25</sup> Enforcer law, as part of structural law, plays a strategic role in actualizing norm law so as not to remain merely text-normative (*law in the books*). The professionalism apparatus becomes a determining factor in whether the law can function as a means of justice or, in practice, precisely cause injustice.<sup>26</sup>

In a way, constitutional demands that the law be enforced professionally, rooted in the principles of the rule of law as confirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. Principles reinforced by Article 27, paragraph (1), of the 1945 Constitution, which guarantees an equal position for every citizen before the law. Provisions: This demand apparatus enforcer law is for professional acts, non-discriminatory, and upholds high justice and certainty law in every enforcement action.<sup>27</sup>

In the context of criminal law, the implementation of Constitution Number 1 of 2023 concerning the Criminal Code introduces a new paradigm that emphasizes the balance among certainty, law, justice, and utility.<sup>28</sup> Article 2, paragraph (2) of the Criminal Code recognizes the validity of living law in society (*living law*) throughout, without contradiction with Pancasila, the rights of basic humans, and general principles of law. Recognition: This demands a professional apparatus, an enforcer of more laws, because the implementation of criminal law is not mechanical

---

<sup>24</sup> Ahmad M et al., "Problematizing Law Enforcement in Indonesia: A Study from the Perspective of the Sociology of Law," *Journal of Legal Contemplation* 1, no. 1 (2025): 16–26, <https://doi.org/10.63288/jlc.v1i1.2>.

<sup>25</sup> Fitri Aliva Rachmarani, Anita Afriana, and Rai Mantili, "Small Claims Court Procedure in The Framework of Indonesian Law Reform: An Analysis of Community Legal Needs and Lawrence M. Friedman's Three Legal Sub-Systems Theory," *Jurnal Poros Hukum Padjadjaran* 6, no. 1 (2024): 48–66, <https://doi.org/10.23920/jphp.v6i1.1930>.

<sup>26</sup> Richard Anggi Pamungkas, Muhamad Muktafin Farchan, and Dan Samsul Arifin, "Keadilan Hukum Dalam Praktik: Menguji Idealisme Terhadap Realitas," *Integrative Perspectives of Social and Science Journal* 2, no. 3 (2025): 4324.

<sup>27</sup> Kania Dewi Putri Putri and Ridwan Arifin, "The Theoretical Review of Justice and Legal Certainty in Indonesia," *Mimbar Yustitia : Jurnal Hukum Dan Hak Asasi Manusia* 2, no. 2 (2018): 142–58.

<sup>28</sup> Bagus Satrio Utomo Prawiraharjo, "Implementasi Ide Keseimbangan Monodualistik Dalam Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana," *Jurnal Hukum Progresif* 11, no. 2 (2023): 159–71, <https://doi.org/10.14710/jhp.11.2.159-171>.

in nature, but rather requires sensitivity to the social context and values that develop in society.

At the level of criminal procedure law, the professionalism-enforcer law is reflected in the normative provisions of Constitution Number 20 of 2025 concerning the Criminal Procedure Code (KUHAP), which regulates the authority apparatus and sets time limits for the use of forced action. Article 7, paragraph (1) of the Criminal Procedure Code provides authority to the investigator to arrest, detain, search, and confiscate. However, the authority is strictly regulated by Articles 16 and 17 of the Criminal Procedure Code, which provide that an arrest may be made only on proof of a valid reason. Besides that, Article 18 of the Criminal Procedure Code requires an existing letter of arrest to ensure accountability and transparency within the apparatus.

Professionalism, the apparatus was also tested through fulfillment and protection of the rights of suspects and defendants as arranged in Article 90 paragraph (3) letter c. Criminal Procedure Code. Provisions. This ensures the right to know the reason for arrest, the right to receive legal assistance, and the right to be treated humanely. Thus, professionalism in enforcing the law is measured not only by enforcement success but also by the apparatus's ability to ensure a fair and respectful legal process for ordinary people. Article 142 letter p of the Criminal Procedure Code even gives the right to change the loss and rehabilitation for the injured party as a consequence of the enforcement of laws that are not valid, which shows the existence of a consequence law on action officers who are not professional.

From a sociological perspective, norms of existence show that criminal procedure law functions not only as a repressive instrument but also as a mechanism for social balance, interest enforcement, and the protection of citizens' rights. Satjipto Rahardjo emphasizes that law should be understood as the social purpose of human beings.<sup>29</sup> Therefore, professionalism has become the key to the law that has been formulated progressively, and it has not lost its meaning in practice.

---

<sup>29</sup> Azka Afdhalul Rizqullah, Andre Fernando Situmorang, and Fraja Mulya Dwi Bakti, "Peran Hukum Progresif Dalam Mencari Keadilan Menurut Satjipto Rahardjo," *Nusantara: Jurnal Pendidikan, Seni, Sains Dan Sosial Humaniora* 3, no. 1 (2025): 1–12.

Professionalism-enforcer law is also closely related to evolving laws governing institutional enforcement.<sup>30</sup> Soerjono Soekanto identified the law's enforcer as one of the main determinants of the law's effectiveness in society.<sup>31</sup> A strong law compels the apparatus to exercise authority in an ethical, proportionate, and responsible manner. In contrast, weak laws can give rise to formalistic, deviant enforcement practices that deviate from objective justice.<sup>32</sup>

The low level of professionalism in the law has a significant sociological impact. Unprofessional enforcement laws can create a negative perception of the law among the public, ultimately influencing public trust and the law's legitimacy. Therefore, from a sociological perspective on law, law enforcers occupy a strategic position as a connector between normative law and social reality, and, at the same time, as a prerequisite for the effective realization of the system's enforcement of just law.

### **Professionalism, Law Enforcement, and Problems: Implementation of Law in Practice**

Professionalism in law enforcement is reflected not only in the direct actions of officers in the field but also in the methods and apparatus used to respond to, assess, and process incidents involving the public. In the Lots situation, the criminal event began with a public civil action, while the law enforcement apparatus plays a role in enforcing the law.<sup>33</sup> At this point, here it is: the professionalism apparatus is tested, especially in the use of authority, the exercise of discretion, as well as the construction of fair and proportional law.

In certain contexts, the pursuit of a perpetrator is carried out by the community as a form of spontaneous criminal action. The action is outside the formal authority

---

<sup>30</sup> Haekal Amalin Firdany Putra et al., "Membangun Budaya Hukum Yang Kuat Untuk Mendukung Supremasi Hukum," *Al-Zayn : Jurnal Ilmu Sosial & Hukum* 3, no. 2 (2025): 983–90, <https://doi.org/10.61104/alz.v3i2.1256>.

<sup>31</sup> Aunur Huda, Muhammad Miftakhul dan Rofiq, "Implementasi Tanggung Jawab Negara Terhadap Pelanggaran HAM Berat," *IN RIGHT: Jurnal Agama Dan Hak Azazi Manusia* 11, no. 1 (2022): 125.

<sup>32</sup> Elvira Jorovlea, "Examining Ethical Culture Among Legal Professionals: Factors Influencing Integrity and Decision-Making in the Judicial System," *European Science* 42, no. 06 (2023): 236–45, <https://doi.org/10.30890/2709-2313.2025-42-06-011>.

<sup>33</sup> Iwan Rasiwan, *Penegakan Hukum Pidana Di Indonesia: Perspektif Sosiologis* (Jakarta Selatan: DRA Cipta Kreasi, 2025).

of law enforcement and cannot be equated with an official state apparatus.<sup>34</sup> However, when incidents lead to serious consequences, including loss of life, the apparatus enforcer of the law has an obligation to perform a professional evaluation of the law in an objective, accurate, and unbiased manner. Professionalism is at the stage. This reflected the ability to clearly differentiate among the public, the civil, and the responsibility to uphold state law.

Problems with the implementation of the law arise when the apparatus enforcing it fails to situate the incident within the proper legal framework. Construction accountability criminal offenses that are not proportional, good with expanding and narrowing down, not quite enough answers for certain parties without a strong law, reflecting weakness in professionalism in understanding facts and norms of law in a way intact.<sup>35</sup> From the perspective of sociological law, the condition. This shows that the implementation of law depends not only on the normative text but also on the apparatus's ability to read the social context and the dynamics at play objectively.

Besides that, the use of discretion by law enforcement in determining how cases are handled often becomes a source of problems. Unauthorized discretion, accompanied by considerations of ethics and accountability, can create an impression of injustice, especially when the apparatus places greater emphasis on speed of completion or stability in situations than on the search for justice.<sup>36</sup> In certain cases, differences in how the law is applied between the parties involved are reflected in public perceptions of discrimination.

Other problems are also visible in practice: settlement matters that come to the fore, non-litigation approaches, such as a request, an apology, or an informal agreement. However, events that occurred in their own dimensions are serious crimes. When the approach is implemented without unambiguous laws, and in light

---

<sup>34</sup> Mahrus Ali, Andi Mulyono, and Syarif Nurhidayat, "The Application of a Human Rights Approach toward Crimes of Corruption: Analyzing Anti-Corruption Regulations and Judicial Decisions," *Laws* 12, no. 4 (2023): 68, <https://doi.org/10.3390/laws12040068>.

<sup>35</sup> Sigrid Nikka, "Exploring Punitiveness, Exploiting Proportionality: Discursively Reverse-Engineering Punitive Proportionality as an Approach Towards Contemporary Criminal Law and Criminal Justice Policy," *German Law Journal*, 2025, 1–22, <https://doi.org/10.1017/glj.2025.10174>.

<sup>36</sup> Benjamin Levin, "Disentangling Safety and Accountability in Criminal Justice Policy," *Iowa Law Review* 110 (2025): 1–54, <https://doi.org/10.2139/ssrn.5189433>.

of the principle of equality before the law, the professional enforcers of the law are questionable. Practice the potential cause assumption that the law is implemented in a way that is selective and position-dependent, social, or proximity institutional parties.

From the perspective of sociological law, the condition of the existence gap between law as norms (*law in the books*) and law as practiced (*law in action*). Apparatus enforcer law, as a social actor, plays a central role in determining whether the law functions as a means of justice or precisely strengthens the public's trust in the system of law. Weaknesses in professionalism in evaluating facts, using authority, and maintaining ethical professionalism increase the risk of implementing laws that are disproportionate and insensitive to the public's sense of justice.

Thus, the problems with the law's implementation in practice are not always due to direct action by officers in the field, but rather often arise at the stages of handling, assessment, and construction of the law in relation to certain events. Professionalism in law enforcement is a determining factor in whether the law can be enforced fairly and objectively, or can instead give rise to social consequences such as distrust in society and the weakening of the legitimacy of institutions' enforcement of the law.

### **Consequence Professionalism Law enforcement against Legitimacy Institution Law enforcement**

Enforcement of professionalism laws is closely linked to legitimate institutions in the public sphere.<sup>37</sup> From the perspective of sociological law, legitimacy is not only derived from formal authority conferred by regulations and legislation but also shaped through ongoing social processes in the practice of law enforcement.<sup>38</sup> How the authorities exercise their authority, act on society, and interpret and apply the law becomes the main determining factor in whether the public accepts or precisely questions the institutions' enforcement of the law.

---

<sup>37</sup> Najwa Syabina Aulia, Ayu Nurhaliza Tasimia, and Betriilia, "Pengaruh Profesionalisme Penyidik Terhadap Efektivitas Penegakan Hukum Dalam Proses Penyidikan Tindak Pidana," *Jurnal Kajian Hukum Dan Pendidikan Kewarganegaraan* 02, no. 1 (2025): 160–68, <https://jurnal.globalscients.com/index.php/jkhp>.

<sup>38</sup> Vannessa Mayliana Christiani and Catharina Dewi Wulansari, "Dinamika Penegakan Hukum Di Indonesia: Analisis Dari Perspektif Sosiologi Hukum," *Jurnal Impresi Indonesia* 4, no. 12 (2025): 5641–51, <https://doi.org/10.58344/jii.v4i12.7214>.

Enforcement action laws that do not impose professional consequences directly on the decline in trust in public institutions' enforcement of laws.<sup>39</sup> When the authorities apply the law disproportionately or inconsistently or ignore ethical principles, society will conclude that the law is not executed fairly. In that condition, the institution's enforcement law has lost its authority and morals, even though, in a way, it still retains formal authority. The loss of this moral authority begins with weakening institutional legitimacy.

Furthermore, declining public trust results in weaker compliance with the law.<sup>40</sup> Compliance with the law is not solely built through threat sanctions, but rather through the belief that the law is enforced in a fair and dignified way. If the public looks at the apparatus enforcer law, professional compliance with the law tends to be minimal and instrumental. From a sociological perspective, the evidence shows that law fails to serve as a guide to effective social behavior.

Besides that, the low professionalism of the law enforcers also gives rise to a skeptical and apathetic public attitude towards the enforcement of the law. Skepticism appears when the public doubts the objectivity and integrity of officers; meanwhile, an apathetic attitude is reflected in the public.<sup>41</sup> To participate in the formal law, both as reporters, witnesses, and seekers of justice. Consequences. This nature is cumulative because every negative public experience interacting with the apparatus, enforcer, or law enforcement will strengthen the collective perception that law enforcement institutions are not working fairly.

From the perspective of sociological law, legitimacy, institutional enforcement, and law are shaped by the fit between normative law (law on the books) and the practice of law enforcement (*law in action*).<sup>42</sup> When there is a wide gap between the

---

<sup>39</sup> Rifky Zaenal Mukhsinin, "Moral Degradation of Police Agencies in the Perspective of Public Trust," *Eastasouth Proceeding of Humanities and Social Sciences* 1, no. 01 (2023): 25–31, <https://asj.eastasouth-institute.com/index.php/ephss>.

<sup>40</sup> Duncan Purves and Jeremy Davis, "Public Trust, Institutional Legitimacy, and the Use of Algorithms in Criminal Justice," *Public Affairs Quarterly* 36, no. 2 (2022): 136–62, <https://doi.org/10.5406/21520542.36.2.03>.

<sup>41</sup> Karimullah, "The Role of Law Enforcement Officials: The Dilemma Between Professionalism and Political Interests."

<sup>42</sup> Musmuliadin, Eryln Indarti, and Nur Rochaeti, "Revolutionizing Justice: Law Enforcement Through the Lens of Progressive Law," *Indonesia Law Review* 14, no. 3 (2024): 57–75, <https://doi.org/10.15742/ilrev.v14n3.3>.

two, the result is low professionalism within the apparatus, and the law's legitimacy will gradually erode. On the other hand, the professionalism reflected in fair, transparent, and accountable actions will strengthen the acceptance of social institutions' enforcement of the law.

Another consequence of low professionalism in the enforcement of law is the emergence of institutionalized structural delegitimization.<sup>43</sup> Delegitimization. This is not only related to individual apparatuses but can also extend to a general distrust of institutions' enforcement of the law overall. In the long term, it delegitimizes the potentially bothersome function of the justice and criminal law system, because law is no longer viewed as a means of effective and fair conflict resolution.

Furthermore, low-legitimacy institutions' enforcement of the law can push the public to seek a mechanism for settling external conflicts through formal law.<sup>44</sup> Phenomenon: This shows a decrease in the role of law as an instrument of social control and guardian order. In the context of the rule of law, conditions are a serious consequence because weakening the legitimacy of the law ultimately hinders the achievement of the law's objectives, namely justice, certainty, and social order.

Therefore, the professionalism-enforcer law must be understood as a fundamental prerequisite for establishing the legitimacy of institutions' enforcement of sustainable law. High professionalism enables the law to be implemented in a consistent, proportionate, and sensitive manner, fostering a sense of justice in society and thereby strengthening trust in the law and compliance with it. On the other hand, the low professionalism of the apparatus weakens the legitimacy of institutions' enforcement of the law, which ultimately erodes public trust in the rule of law.

#### IV. CONCLUSION

Professionalism enforcer law is a fundamental element in system enforcement laws that not only relates to the ability of technical apparatus in applying regulatory

---

<sup>43</sup> Steven Debbaut and Sofie De Kimpe, "Police Legitimacy and Culture Revisited through the Lens of Self-Legitimacy," *Policing and Society* 33, no. 6 (2023): 690–702, <https://doi.org/10.1080/10439463.2023.2183955>.

<sup>44</sup> Dymytrii Hrytsyshen et al., "State Regulation in the Law Enforcement System Sphere as a Tool for Resolution of a Conflict of Interest in Society," *Society and Security* 1, no. 1(2) (2024): 84–90, [https://doi.org/10.26642/sas-2024-1\(2\)-84-90](https://doi.org/10.26642/sas-2024-1(2)-84-90).

legislation, but also includes integrity, ethical professionalism, independence, and sensitivity to the mark of living justice in society. From the perspective of sociological law, the professional apparatus strategically positions itself as a connector between normative law (law in the books) and law enforcement practice (*law in action*). Discussion results show that low professionalism among law enforcers leads to problems with the implementation of the law in practice, especially in the exercise of authority and discretion. Although norm law has clearly arranged the tasks and boundaries of the authority apparatus, quality enforcement law is largely determined by the apparatus's ability to understand the social context and implement the law proportionally. Failure in guard professionalism not only triggers errors in the implementation of the law in individual cases, but also reveals a gap between the normative law and social reality.

Furthermore, lower professionalism-enforcer law consequences are directed at legitimate law-enforcement institutions. Actions by officers that are unprofessional erode trust in society, weaken compliance with the law, and give rise to a skeptical and apathetic attitude towards the enforcement process. From the perspective of sociological law, legitimacy law is not derived solely from formal state authority but rather from the reception of social method law that is implemented in a fair, transparent, and dignified way. Therefore, strengthening professionalism among law enforcers becomes a prerequisite for awakening the legitimacy of institutions' enforcement of sustainable law. Efforts to improve professionalism cannot be limited to updating the normative law alone; they must also strengthen the culture of law, ethics, and the profession, as well as mechanisms for effective supervision. With strong professionalism, the enforcement of the law is expected not only to create legal certainty but also to realize substantive justice and to earn the public's trust in the law as a social force.

## REFERENCES

- Adams, N P. "Institutional Legitimacy." *Journal of Political Philosophy* 26, no. 1 (2018): 84–102.
- Ahadi, Lalu M Alwin. "Efektivitas Hukum Dalam Perspektif Filsafat Hukum : Relasi Urgensi Sosialisasi Terhadap Eksistensi Produk Hukum The Effectiveness of Law in Legal Philosophical Perspective : The Relation of the Urgency of

- Socialization to the Existence of Legal Products.” *Jurnal USM Law Review* 5, no. 1 (2022): 110–27.
- Ahmad M, Afifa Eka Putri, Amin Yasin, Alifandi Rizky Cahya Putra, Arfius Nurdin, and Fahri Arfa. “Problematizing Law Enforcement in Indonesia: A Study from the Perspective of the Sociology of Law.” *Journal of Legal Contemplation* 1, no. 1 (2025): 16–26. <https://doi.org/10.63288/jlc.v1i1.2>.
- Ali, Mahrus, Andi Mulyono, and Syarif Nurhidayat. “The Application of a Human Rights Approach toward Crimes of Corruption: Analyzing Anti-Corruption Regulations and Judicial Decisions.” *Laws* 12, no. 4 (2023): 68. <https://doi.org/10.3390/laws12040068>.
- Ancely, Natasha. “Sempat Jadi Tersangka Karena Bunuh Begal, Fiki Harman Akhirnya Dibebaskan.” *Kompas.Tv*, 2024. <https://www.kompas.tv/video/507944/sempat-jadi-tersangka-karena-bunuh-begal-fiki-harman-akhirnya-dibebaskan>.
- Aulia, Najwa Syabina, Ayu Nurhaliza Tasimia, and Betri Lia. “Pengaruh Profesionalisme Penyidik Terhadap Efektivitas Penegakan Hukum Dalam Proses Penyidikan Tindak Pidana.” *Jurnal Kajian Hukum Dan Pendidikan Kewarganegaraan* 02, no. 1 (2025): 160–68. <https://jurnal.globalscients.com/index.php/jkhp>.
- Cahyani, Siti Fatimah Aliza, Syahrul Borman, and Wahyu Prawesthi. “Judge’s Consideration of Ronald Tannur’s Exempt Vote in the Crime of Murder (Study of Decision No. 454/Pid. B/2024/PN. SBY).” *Requisitoire Law Enforcement* 17, no. 1 (2025): 93–102. <https://doi.org/10.59651/relae>.
- Debbaut, Steven, and Sofie De Kimpe. “Police Legitimacy and Culture Revisited through the Lens of Self-Legitimacy.” *Policing and Society* 33, no. 6 (2023): 690–702. <https://doi.org/10.1080/10439463.2023.2183955>.
- Diefenbach, Thomas. “Are Case Studies More than Sophisticated Storytelling?: Methodological Problems of Qualitative Empirical Research Mainly Based on Semi-Structured Interviews.” *Quality & Quantity* 43, no. 6 (2009): 875–94.
- Farbadi, Mayla Putri, Mouna Suez Sianturi, Sekar Marchayu Setiawan, Rheyna Wisnu Puteri, Priscila Hosiana Deandra Sirait, Nastiti Respati Sedyo, and Mulyadi. “Pelanggaran Etika Dan Profesi Hukum Kasus Suap Hakim Ronald Tannur : Analisis Kritis Terhadap Integritas Penegakan Hukum Di Indonesia.” *Media Hukum Indonesia (MHI)* 2, no. 6 (2025): 128–34.
- Hadi, Naufal Akbar Kusuma. “Penegakan Hukum Di Indonesia Dilihat Dari Perspektif Sosiologi Hukum.” *Jurnal Hukum Dan Pembangunan Ekonomi* 10, no. 2 (2022): 227–40. <https://doi.org/10.20884/1.jdh.2008.8.3.74>.
- Haekal Amalin Firdany Putra, Jeremy Arnold Christian Bangun, Firwanda Sandi Pradipta, and Elsi Kartika Sari. “Membangun Budaya Hukum Yang Kuat Untuk Mendukung Supremasi Hukum.” *Al-Zayn : Jurnal Ilmu Sosial & Hukum* 3, no. 2 (2025): 983–90. <https://doi.org/10.61104/alz.v3i2.1256>.
- Hijriani, Adinda Nurrizkia, and Nandang Sambas. “Integritas Aparat Penegak

- Hukum Dan Implikasinya Terhadap Kepercayaan Publik.” *JOSH (Journal of Sharia)* 5, no. 1 (2026): 120–32.
- Hrytsyshen, Dymytrii, Vitalii Butuzov, Valentyna Ksendzuk, Kostiantyn Malyshev, and Iryna Suprunova. “State Regulation in the Law Enforcement System Sphere as a Tool for Resolution of a Conflict of Interest in Society.” *Society and Security* 1, no. 1(2) (2024): 84–90. [https://doi.org/10.26642/sas-2024-1\(2\)-84-90](https://doi.org/10.26642/sas-2024-1(2)-84-90).
- Huda, Muhammad Miftakhul dan Rofiq, Aunur. “Implementasi Tanggung Jawab Negara Terhadap Pelanggaran HAM Berat.” *IN RIGHT: Jurnal Agama Dan Hak Azazi Manusia* 11, no. 1 (2022): 125.
- Hukum, Jurnal Ilmiah Dunia. “Socio-Legal Research: Integration of Normative and Empirical Juridical Research in Legal Research.” *Noor, Afif* 7, no. 2 (2023): 94–112.
- Jorovlea, Elvira. “Examining Ethical Culture Among Legal Professionals: Factors Influencing Integrity and Decision-Making in the Judicial System.” *European Science* 42, no. 06 (2023): 236–45. <https://doi.org/10.30890/2709-2313.2025-42-06-011>.
- Karimullah, Suud Sarim. “The Role of Law Enforcement Officials: The Dilemma Between Professionalism and Political Interests.” *Jurnal Hukum Dan Peradilan* 13, no. 2 (2024): 365. <https://doi.org/10.25216/jhp.13.2.2024.365-392>.
- Kumar, Paisal. “Polda Jambi Akhirnya Hentikan Kasus Korban Begal Bunuh Pelaku Di Tanjab Barat, Ini Penjelasan Dirreskrimum.” *Jambione.Com*, 2024. <https://www.jambione.com/hukrim/1364651481/polda-jambi-akhirnya-hentikan-kasus-korban-begal-bunuh-pelaku-di-tanjab-barat-ini-penjelasan-dirreskrimum>.
- Levin, Benjamin. “Disentangling Safety and Accountability in Criminal Justice Policy.” *Iowa Law Review* 110 (2025): 1–54. <https://doi.org/10.2139/ssrn.5189433>.
- M, Mohd. Yusuf Daeng, Putri Noviana, Yandri Mardi, Reno Putra, and Amir Hasan. “Peran Sumber Daya Manusia Aparat Penegak Hukum Dalam Mewujudkan Penegakan Hukum Yang Efektif.” *Andrew Law Jurnal* 4, no. 2 (2025): 984–97.
- Mayliana Christiani, Vannessa, and Catharina Dewi Wulansari. “Dinamika Penegakan Hukum Di Indonesia: Analisis Dari Perspektif Sosiologi Hukum.” *Jurnal Impresi Indonesia* 4, no. 12 (2025): 5641–51. <https://doi.org/10.58344/jii.v4i12.7214>.
- McClellan, Sara E., and Bryon G. Gustafson. “Communicating Law Enforcement Professionalization: Social Construction of Standards.” *Policing: An International Journal of Police Strategies & Management* 35, no. 1 (2012): 104–23.
- Mukhsinin, Rifky Zaenal. “Moral Degradation of Police Agencies in the Perspective

- of Public Trust.” *Eastasouth Proceeding of Humanities and Social Sciences* 1, no. 01 (2023): 25–31. <https://asj.eastasouth-institute.com/index.php/ephss>.
- Musmuliadin, Erlyn Indarti, and Nur Rochaeti. “Revolutionizing Justice: Law Enforcement Through the Lens of Progressive Law.” *Indonesia Law Review* 14, no. 3 (2024): 57–75. <https://doi.org/10.15742/ilrev.v14n3.3>.
- Nikka, Sigrid. “Exploring Punitiveness, Exploiting Proportionality: Discursively Reverse-Engineering Punitive Proportionality as an Approach Towards Contemporary Criminal Law and Criminal Justice Policy.” *German Law Journal*, 2025, 1–22. <https://doi.org/10.1017/glj.2025.10174>.
- Oshodi, John Egbeazien. “The Oshodi Law Enforcement Practices Inventory (OLEPI): Toward a Culturally Responsive Measure of Policing Perceptions in Africa, the Caribbean, and Beyond.” *European Journal of Humanities and Social Sciences* 5, no. 5 (2025): 35–44. <https://doi.org/10.24018/ejsocial.2025.5.5.620>.
- Pamungkas, Richard Anggi, Muhamad Muktafin Farchan, and Dan Samsul Arifin. “Keadilan Hukum Dalam Praktik: Menguji Idealisme Terhadap Realitas.” *Integrative Perspectives of Social and Science Journal* 2, no. 3 (2025): 4324.
- Prawiraharjo, Bagus Satrio Utomo. “Implementasi Ide Keseimbangan Monodualistik Dalam Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana.” *Jurnal Hukum Progresif* 11, no. 2 (2023): 159–71. <https://doi.org/10.14710/jhp.11.2.159-171>.
- Purves, Duncan, and Jeremy Davis. “Public Trust, Institutional Legitimacy, and the Use of Algorithms in Criminal Justice.” *Public Affairs Quarterly* 36, no. 2 (2022): 136–62. <https://doi.org/10.5406/21520542.36.2.03>.
- Putri, Kania Dewi Putri, and Ridwan Arifin. “The Theoretical Review of Justice and Legal Certainty in Indonesia.” *Mimbar Yustitia : Jurnal Hukum Dan Hak Asasi Manusia* 2, no. 2 (2018): 142–58.
- Putri, Nasywa Awalia, and Kayus Kayowuan Lewoleba. “Peranan Kode Etik Jaksa Pada Pengawasan Dan Pertanggungjawaban Dalam Menjaga Integritas Penegakan Hukum Di Indonesia.” *Media Hukum Indonesia (MHI)* 3, no. 3 (2025): 366–72. <https://doi.org/10.5281/zenodo.15612312>.
- Rachmarani, Fitri Aliva, Anita Afriana, and Rai Mantili. “Small Claims Court Procedure in The Framework of Indonesian Law Reform: An Analysis of Community Legal Needs and Lawrence M. Friedman’s Three Legal Sub-Systems Theory.” *Jurnal Poros Hukum Padjadjaran* 6, no. 1 (2024): 48–66. <https://doi.org/10.23920/jphp.v6i1.1930>.
- Rasiwan, Iwan. *Penegakan Hukum Pidana Di Indonesia: Perspektif Sosiologis*. Jakarta Selatan: DRA Cipta Kreasi, 2025.
- Rizqullah, Azka Afdhalul, Andre Fernando Situmorang, and Fraja Mulya Dwi Bakti. “Peran Hukum Progresif Dalam Mencari Keadilan Menurut Satjipto Rahardjo.” *Nusantara: Jurnal Pendidikan, Seni, Sains Dan Sosial Humaniora* 3, no. 1 (2025): 1–12.

- Sahbania, Rizka, Edzky Satria Zulkarnain, Sandy Maulana Putra, Reni Anjelena, and Ghondur Alamsyah. "Korupsi Dan Lemahnya Penegakan Hukum: Analisis Ketidakadilan Dan Dampaknya Bagi Kepercayaan Publik [Corruption and Weak Law Enforcement: An Analysis of Injustice and Its Impact on Public Trust]." *Journal of the Research Center for Digital Democracy* 1, no. 1 (2025): 31–38. <https://journal.idede.org/index.php/IDEDE/article/view/175>.
- Sanjaya, Dimas. "Perjalanan Kasus Fiki Habisi Begal, Jadi Tersangka Hingga Dibebaskan." *Detik.Com*, 2024. <https://www.detik.com/sumbagsel/hukum-dan-kriminal/d-7340302/perjalanan-kasus-fiki-habisi-begal-jadi-tersangka-hingga-dibebaskan>.
- Sekti Pahlevi, Farida. "Revitalisasi Pancasila Dalam Penegakan Hukum Yang Berkeadilan Di Indonesia." *Justicia Islamica* 13, no. 2 (2016): 173–98.
- Shahriza Ilyana Ramli. "Bridging the Trust Gap: A Review of Public Perception Studies on Police Integrity." *International Journal of Research and Innovation in Social Science (IJRISS)* IX, no. XI (2025): 1700–1712. <https://doi.org/10.47772/IJRISS>.
- Suhendar, Suhendar, Virgiawan Cikal Permana, and Rengga Kusuma Putra. "Beyond Impunity: Reconstructing Criminal Accountability for Torture by Law Enforcement Officials." *Reformasi Hukum* 29, no. 3 (2025): 272–87.
- Tyler, Tom R., Phillip Atiba Goff, and Robert J. MacCoun. "The Impact of Psychological Science on Policing in the United States: Procedural Justice, Legitimacy, and Effective Law Enforcement." *Psychological Science in the Public Interest* 16, no. 3 (2015): 75–109. <https://doi.org/10.1177/1529100615617791>.
- Yasin, Muhammad, Ali Gea, Magister Ilmu Hukum, Fakultas Hukum, and Universitas Sumatera Utara. "Analisis Sosiologi Hukum Atas Penyalahgunaan Wewenang Tindak Pidana Korupsi Dalam Perspektif Anomie Dan Realisme Hukum." *Jurnal Ilmiah Penegakan Hukum* 12, no. 2 (2025): 395–402.