



## Reconstructin of Law Enforcement in Indonesia Through Strengthening the Embodiment of PancasilaValues of Justice to Realize Humane Law Enforcement

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### Abstract

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#### Abstract

*Globalization has significantly impacted various sectors, including law enforcement in Indonesia, bringing both positive and negative consequences. Current law enforcement practices have often lacked a solid foundation, resulting in persistent injustices. Consequently, there is a need for both preventive and curative measures to enhance the realization of justice based on Pancasila, particularly within the prosecutor's office. This paper employs a normative juridical research method, incorporating philosophical, conceptual, and case approaches. The findings indicate that law enforcement must integrate the noble values of Pancasila with the principles of restorative justice to shape and frame existing policies. This integration aims to create a justice system that fosters fairness for perpetrators, victims, and the public, addressing judicial issues and promoting humane practices within the prosecutorial system. Furthermore, Pancasila's values should be ingrained in law enforcers, including prosecutors, to ensure that their role contributes to a more equitable legal system. While judges adjudicate cases with the principle of "For the Sake of God Almighty," the prosecutor's office must also play a critical role in advancing fairer law enforcement in Indonesia.*



## A. Introduction

In the contemporary era, characterized by globalization and rapid advancements in science and technology, as well as the influence of Western liberal ideologies, both positive and negative impacts on various sectors, including law enforcement in Indonesia, are evident. To address contemporary global legal issues,<sup>1</sup> a thorough filtering process is necessary. This process should reflect and re-examine the ideology of Pancasila, not merely as a legal principle but as a moral foundation. Pancasila serves as both the source of all legal norms and a filter for foreign cultural values that have impacted Indonesian society.<sup>2</sup>

Hans Nawiasky identifies at least 21 fundamental values, including the five core principles of Pancasila, which he refers to as "staatsfundamental norms." These values represent the identity of the Indonesian nation and state constitution, embodying specific values and norms essential for national and state life.<sup>3</sup> The establishment of Pancasila as a staatsfundamentalnorm implies that the creation, application, and enforcement of law must align with Pancasila's values.<sup>4</sup>

Pancasila, as a legal ideal (*rechtsidee*), should guide public awareness and legal culture. This perspective aligns with Lawrence M. Friedman's view that three critical components influence the effectiveness of a legal system: legal structure, legal substance, and legal culture.<sup>5</sup> Hans Kelsen also posits that the purity of law involves separating it from elements such as psychology, sociology, history, politics, and ethics.<sup>6</sup>

Law enforcement remains a central issue within any country. The effectiveness of addressing crime and violence depends on the chosen law enforcement system and its management. Effective law enforcement is supported by five key pillars: 1) legal instruments; 2) legal culture; 3) law enforcement officers; 4) societal adherence to legal regulations; and 5) law enforcement facilities and infrastructure.<sup>7</sup>

Historically, the relationship between justice and law can be traced back to mainland Europe, where the concept of law was characterized by a dichotomy, leading to two fundamental perspectives:<sup>8</sup>

1. Law is justice (*iustitia*). This perspective views the law as a means to achieve fair regulation of people's lives, aligning with ideals of justice.
2. Law as Lex: This perspective sees law as the embodiment of rules intended to realize a just order (Theo Huijbers).

In the context of law enforcement based on Pancasila, the fourth precept, "Deliberation led by wisdom in representative deliberation," provides a philosophical foundation. This precept encompasses five principles: conferencing, searching for solutions, reconciliation, repair, and cycles.<sup>9</sup> These principles align with the concept of Restorative Justice currently applied in Indonesia.

Restorative Justice can be understood in two ways: conceptually and procedurally. Conceptually, it focuses on restoring justice without emphasizing punishment, while

<sup>1</sup>Nathan Jones, "Rediscovering Pancasila: Religion in Indonesia's Public Square," *The Brandywine Review of Faith & International Affairs* 3, no. 1 (2005): 23–30.

<sup>2</sup>Madaskolay Viktoris Dahoklory and Lita Tyesta Addy Listya Wardhani, "Reconstruction of Pancasila Values in Law," *SASI* 26, no. 3 (2020): 297–309.

<sup>3</sup>Jimly Asshiddiqie and Muchamad Ali Safa'at, *Hans Kelsen's Theory of Law* (Indonesian Constitutional Court, Secretariat General and Registrar, 2006).

<sup>4</sup>Jimly Asshiddiqie, "Hierarchical Theory of Legal Norms" (2021).

<sup>5</sup>Anajeng Esri Edhi Mahanani, "Reconstruction of Legal Culture with Pancasila Dimensions in Law Enforcement Efforts in Indonesia," *Yustika Journal: Media Law and Justice* 22, no. 01 (2019): 1–10.

<sup>6</sup>Eugenio Bulygin, "An Antimony in Kelsen's Pure Theory of Law," *Ratio Juris* 3, no. 1 (1990): 29–45.

<sup>7</sup>Santoyo, "Law Enforcement in Indonesia," *Journal of Legal Dynamics* 8, no. 3 (2008): 199–204, <https://bit.ly/2FhMAKf>. hlm.199

<sup>8</sup>*Ibid.*

<sup>9</sup>Strong Puji Prayitno, "RESTORATIVE JUSTICE FOR JUSTICE IN INDONESIA (Philosophical Juridical Perspective in Law Enforcement In Concreto)," *Jurnal Dinamika Hukum* 12, no. 3 (2012): 407–420.

procedurally, it involves resolving cases through engagement between victims and perpetrators.<sup>10</sup>

A common concern with Restorative Justice is whether discontinuing the traditional legal process is appropriate. Prof. Bagir Manan, SH, argues that law enforcement should prioritize a more humane and just approach rather than a rigid, formalistic one that may not achieve true justice. According to him, if the methods employed result in order and peace, then the objectives of the sentencing process have been met, and further legal proceedings may not be necessary.<sup>11</sup>

Previous research on restorative justice from a humanist perspective highlights that this approach does not replace retributive justice but rather complements it by addressing the humanist aspects of legal enforcement. This research emphasizes the humanist concept's relevance to contemporary issues in restorative justice. At its core, restorative justice represents a form of humanist law enforcement aimed at ensuring equal rights and respect among individuals as legal subjects<sup>12</sup>, as reflected in the principles of Pancasila, which represent the Indonesian way of life.<sup>13</sup>

As a "religious nation-state" guided by Pancasila, Indonesia adopts a unique position that is neither strictly religious nor secular.<sup>14</sup> It neither embraces individualism typical of liberalism nor collectivism associated with communism. Instead, Pancasila promotes a balance between individual rights and collective welfare, emphasizing social justice as articulated in its fifth principle, which acknowledges Indonesia's diverse tribes, ethnicities, languages, cultures, customs, and religions. Consequently, Indonesian law enforcement must prioritize the integration of Pancasila's noble values and apply restorative justice in a manner that is both fair and aligned with these values.

This research employs normative juridical methods, or legal research, focusing on secondary data such as legal materials. The aim is to strengthen the application of Pancasila justice within Indonesian law enforcement and to integrate restorative justice to foster a humanist judiciary. The research utilizes both a conceptual approach and a case approach to evaluate how law enforcement aligns with restorative justice principles and Pancasila's philosophical foundations, as well as the *volkgeist* (the national spirit).

A key innovation identified in this paper is the regulation of humanist restorative justice based on Pancasila, which involves recognizing the equal rights and dignity of individuals as legal subjects through existing laws and regulations. It underscores the need to harmonize regulatory instruments to define the meaning, scope, and categories of crimes applicable under restorative justice. This approach provides a framework for law enforcers to apply restorative justice in line with Pancasila's values, ultimately contributing to a more effectively implemented justice system in Indonesia.

## **B. Discussion**

### **1. Reconstruction of Law Enforcement in Indonesia through Strengthening the Manifestation of the Values of Pancasila Justice for the sake of Creating a Humane Prosecutor**

In the contemporary era, global issues increasingly impact multiple countries, and Indonesia is no exception. The absorption of both appropriate and inappropriate external values

<sup>10</sup>Daniel Van Ness and Karen Heetderks Strong, *Restoring Justice: An Introduction to Restorative Justice* (Routledge, 2014).

<sup>11</sup>Bambang Waluyo, *Design of the Prosecutor's Function in Restorative Justice* (PT RajaGrafindo Persada, Higher Education Book Division, 2016).

<sup>12</sup>Supriyono Supriyono and Intan Kusumawati, "Revitalisasi Ideologi Pancasila Dalam Membentuk Konsep Hukum Yang Humanis," *Academy of Education Journal* 11, no. 01 (2020): 36–51, <https://doi.org/10.47200/aoej.v11i01.315.hlm> 40

<sup>13</sup>"Agus Widjojo: Keadilan Restoratif Dan Pendekatan Humanis Tidak Untuk Menggantikan Keadilan Retributif," accessed December 15, 2022, <https://www.lemhannas.go.id/index.php/berita/berita-utama/1230-agus-widjojo-keadilan-restoratif-dan-pendekatan-humanis-tidak-untuk-menggantikan-keadilan-retributif>.

<sup>14</sup>Mark Juergensmeyer, "Religious Nationalism in a Global World," *Religions* 10, no. 2 (2019): 97.

has led to a situation where the Indonesian people seem to be losing touch with their own culture. In this context, Pancasila plays a crucial role as the foundational basis of the state and a way of life. It offers a framework for evaluating and integrating new values, ensuring they align with the noble principles of the Indonesian national character.

Currently, Pancasila's noble values are being integrated into law enforcement practices through Restorative Justice, particularly by the Prosecutor's Office, which is a key component of the Integrated Criminal Justice System. The public prosecutor, known as *dominus litis* (the ruler of the case), holds significant power in determining which criminal regulations to invoke and whether a case should proceed. Without the public prosecutor, criminal cases cannot be prosecuted.<sup>15</sup>

According to Andi Hamzah, the public prosecutor has the discretion to decide on the criminal charges and the continuation of cases. Restorative Justice, as implemented by the Prosecutor's Office, is evident in the decision to halt prosecutions. For instance, in April 2022, the Attorney General of the Republic of Indonesia, through the Junior Attorney General for General Crimes, approved six out of nine requests for case termination based on Restorative Justice.<sup>16</sup> This includes cases involving suspects such as Nurbaya Masang Alias Baya from the Southwest Maluku District Attorney, Husni Thamrin Bin Muhni from the Pesawaran District Attorney, and Ermawati Binti M. Ali Ismail et al. from the Bandar Lampung District Attorney, among others.

The implementation of Restorative Justice requires a thorough examination to ensure that law enforcement in Indonesia can effectively achieve the ultimate goal of law—justice. As Plato famously said<sup>17</sup>, "Justice is the supreme virtue which harmonizes all other virtues." To realize justice, society must be restored to its original structure, elevating justice to the highest virtue. This is the responsibility of the state to ensure that justice transcends individual relationships and encompasses the broader relationship between individuals and the state.<sup>18</sup>

Justice as a concept has various meanings and definitions. Ulpianus defined justice as "a constant and continuous will to give everyone what is due to them" (*iustitia est constant et perpetua voluntas ius suum cuique tribuendi*).<sup>19</sup> Hans Kelsen described justice as "social happiness guaranteed by a social order."<sup>20</sup> John Rawls argued that a society is considered just if it adheres to two principles: fairness and the veil of ignorance, which ensures equitable treatment for all members, regardless of their personal beliefs and values.

In the realm of law enforcement, efforts to address crime can be categorized into preventive and repressive measures. Preventive efforts aim to stop crimes before they occur and may include education, community programs, and legal reforms. Repressive efforts, on the other hand, involve responding to crimes after they have occurred through investigations, prosecutions, and penalties. Understanding and applying these approaches effectively is crucial for aligning law enforcement practices with the principles of justice and enhancing the legal system in Indonesia.

<sup>15</sup>Zainal Abidin and Andi Hamzah, *Introduction to Indonesian Criminal Law* (Yarsif Watampone, 2010).

<sup>16</sup>"The Attorney General of the Republic of Indonesia," accessed July 14, 2022, <https://www.kejaksaan.go.id/siaranpers.php?idu=0&id=3913>.

<sup>17</sup>John M Cooper, "The Psychology of Justice in Plato," *American philosophical quarterly* 14, no. 2 (1977): 151–157.

<sup>18</sup>Wolfgang Friedmann, 1953, *Legal Theory*, Steven and sons Ltd., London, 1953, translated by Mohamad Arifin, 1993, *Legal Theory and Philosophy*, PT Raja Grafindo Persada, Jakarta, p. 17.

<sup>19</sup>Satjipto Rahardjo, 2000, *Legal Studies*, Citra Aditya Bhakti, Bandung, p. 163.

<sup>20</sup>Hans Kelsen, 1957, *What Justice?: Justice, Politicand law in the Mirror of Science*, University

Law enforcement aims to tackle crimes that exist in society, there are at least two efforts that can be made, namely *preventive* efforts and *repressive efforts*, according to Philipus M. Hadjon in the realm of administrative law which, when described based on a pyramid scheme:<sup>21</sup>



In addition to its role as an instrumental recht, administrative law provides mechanisms for legal protection against decisions made by authorities. This protection is linked to both preventive and repressive legal actions. Administrative law allows individuals to file objections (inspraak) to a ruler's legal actions (fraises Armisen/discretion) before a decision is finalized. This principle can be observed in criminal law through the mechanisms of appeal, cassation, and judicial review, which enable defendants to challenge decisions before they become final (inckracht).<sup>22</sup>

The primary objectives of law enforcement are to provide justice, certainty, and benefit. To assess whether Indonesian law enforcement has effectively transitioned from retributive justice to Restorative Justice, a survey was conducted among a group of respondents.<sup>23</sup> The survey aimed to gather opinions on the state of law enforcement in Indonesia throughout 2022<sup>24</sup>, evaluating the extent to which the shift towards Restorative Justice has been realized and its impact on the legal system.

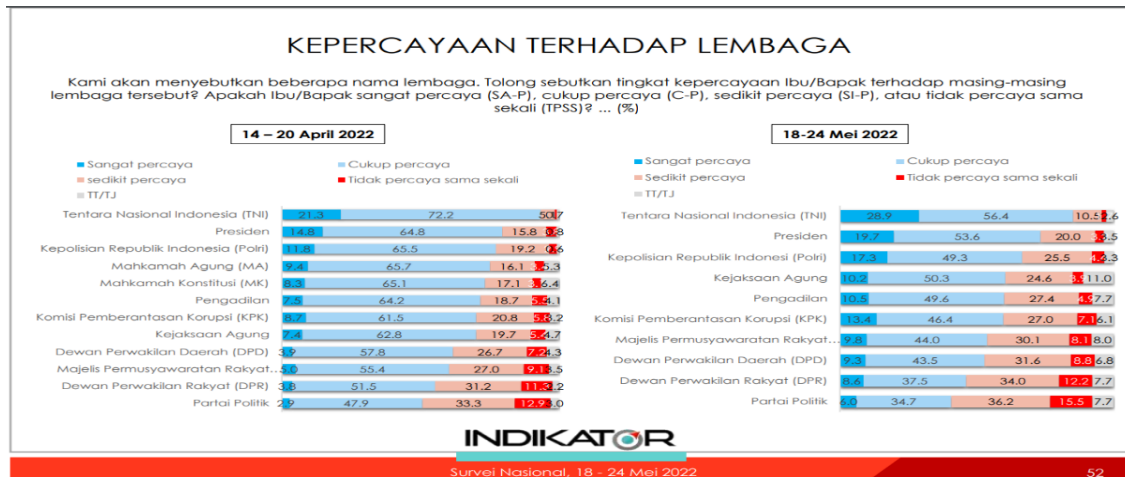
<sup>21</sup> Philipus M Hadjon, Sri Soemantri Martosoewignjo, and Sjachran Basah, "Introduction to Indonesian Administrative Law" (2005).

<sup>22</sup> HR Ridwan, "Revised Edition of State Administration Law," *RajaGrafindo Persada, Jakarta* (2014).

<sup>23</sup> Satjipto Rahardjo, *Legal Studies* (Bandung: PT. Citra Aditya Bakti, 2000).

<sup>24</sup> "Survey Release 08 June 2022," nd, accessed July 16, 2022, <https://indikator.co.id/rilis-survei-08-juni-2022/>.

Figure 1: Indicator Survey



Source: *INDIKATOR*

The survey results indicate that most respondents rate the state of law enforcement as "medium," with public trust in institutions, particularly the Attorney General's Office, at 62.8%. This suggests that law enforcers should focus on justice that resonates with societal values, as embodied in Pancasila, by implementing Restorative Justice. This approach aims to align with societal beliefs, values, and expectations concerning the legal system.<sup>25</sup>

To enhance the Prosecutor's Office's implementation of law enforcement that aligns with Pancasila through Restorative Justice, it is essential to examine the issue from juridical, philosophical, and sociological perspectives. Juridically, the Prosecutor's Office has the authority to override the prosecution of criminal cases and resolve them through non-litigation, based on the principle of opportunity (for the public interest) as stipulated in Article 35 letter c of Law Number 16 of 2004, as amended by Law Number 11 of 2021 concerning the Prosecutor's Office of the Republic of Indonesia.<sup>26</sup>

The Prosecutor's Office has made efforts to resolve criminal cases through Regulation of the Prosecutor's Office of the Republic of Indonesia Number 15 of 2020 concerning Prosecution Based on Restorative Justice (Perja). This regulation allows for the phased submission of cases to the Head of the High Prosecutor's Office, taking into account the articles alleged against the defendant. This process aims to ensure that justice is not solely focused on punishment but also on legal certainty and balance between perpetrators and victims, in line with the values of Pancasila.

Philosophically, the termination of prosecution by the Prosecutor's Office under the Restorative Justice framework is underpinned by a strong philosophical foundation. Prosecutors, who hold the role of dominus litis, are also seen as quasi-judicial officers or quasi-judges. This dual role allows prosecutors to exercise the authority to halt prosecutions based on both technical considerations and public interest.

The *restorative justice* paradigm contains at least philosophical values, namely:<sup>27</sup>

1. Recovery of victims' losses and forgiveness of perpetrators;
2. Rebuild a harmonious relationship between the victim and the perpetrator, including the community;
3. Dispute resolution is fast, simple, and low cost; and

<sup>25</sup> Lutfil Ansori, "Legal Enforcement Reform from a Progressive Legal Perspective," *Juridical Journal* 4, no. 2 (2018): 148–163.

<sup>26</sup> Azwad Rachmat, "Law Enforcement Through a Restorative Justice Approach to Settling Criminal Problems," *Kalabbirang Law Journal* 2, no. 1 (2020): 69–76.

<sup>27</sup> Bayu Ardian Aminullah, "Application of Penal Mediation With a Restorative Justice Approach in Crime Prevention Efforts in Indonesia," *Journal of Meta-Juridical* 3, no. 1 (2020).

4. Benefiting the parties, including perpetrators, victims, or the community ( *win-win solution* ).

The values of justice encapsulated in Pancasila, particularly the principle of "Popularity led by wisdom in representative deliberation," resonate deeply with the principles of Restorative Justice. This alignment highlights the philosophical foundation of implementing Restorative Justice by the Prosecutor's Office, as it harmonizes with the justice values that have evolved within Indonesian society. Thus, the application of Restorative Justice principles through out-of-court settlements is supported both philosophically and legally.

From a sociological perspective, Restorative Justice reflects the cultural roots of Indonesian society, which emphasizes family values, deliberation, and consensus in resolving conflicts. To integrate modern criminal law practices with these cultural values, the Prosecutor's Office has established "House of Restorative Justice" initiatives. According to available data, the Prosecutor's Office of the Republic of Indonesia has inaugurated 410 Restorative Justice houses across 33 regions, which play a crucial role in upholding local wisdom and maintaining societal balance.

For the values of Pancasila justice to be effectively manifested in law enforcement, concrete efforts are required. Contemporary law enforcement must embody the spirit of Pancasila and be part of an integrated legal system that fully embraces Pancasila's principles, rather than applying them in a fragmented manner. This comprehensive approach is essential for achieving the legal goals of certainty, justice, and expediency.

## **2. Justice-Based Law Enforcement Efforts Through Harmonized Restorative Justice Regulations**

According to Werner Menski's "Triangular Concept," Indonesia must develop a responsive legal system by harmonizing state, social, moral, and religious elements.<sup>28</sup> A responsive law seeks to uncover the underlying values embedded in regulations and policies. This concept is akin to Roscoe Pound's notion of law as a tool of social engineering<sup>29</sup> or Mochtar Kusumaatmadja's idea of law as a means to facilitate societal change. Responsive law is characteristic of a democratic society where the law is not merely an end in itself, nor is it intended solely for the benefit of legal practitioners or the government. Instead, it exists to serve the needs and interests of the people.

The pursuit of responsive law is crucial for the advancement of modern legal theory. Jerome Frank's perspective on legal realism emphasizes making the law more attuned to social needs. This involves expanding the scope of legal fields and understanding the social contexts that influence legal actions. Similarly, sociological jurisprudence aims to enable institutions to thoroughly and intelligently consider social facts in the application of law<sup>30</sup>

Responsive legal theory, when associated with the triangular concept of legal pluralism, encompasses three main legal approaches: law created by the community, law created by the state, and law arising from values and ethics. These elements reflect the pluralistic nature of the legal system.<sup>31</sup> In the context of globalization, it is crucial to harmonize regulations related to Restorative Justice. While there are existing regulations governing Restorative Justice, there remains a lack of synchronization regarding definitions, scope, and types of criminal acts that can be addressed through restorative measures. This harmonization is essential for ensuring that Restorative Justice can be effectively integrated and applied within the legal framework as presented in the following table.

<sup>28</sup>Werner Menski, *Plural Worlds of Law and the Search for Living Law* (na, 2012).

<sup>29</sup>Roscoe Pound, "Law in Books and Law in Action," *Am. L. Rev.* 44 (1910): 12.

<sup>30</sup> "Hukum Responsif - Philipe Nonet & Philipe Selznick - Google Buku," diakses 26 Oktober 2022, <https://books.google.co.id/hlm.83>

<sup>31</sup> Muhammad Nizar Kherid and Fifiana Wisnaeni, "Pluralism Justice System Dalam Penyelesaian Masalah Kebebasan Beragama," *Masalah-Masalah Hukum* 48, no. 4 (2019): 385, <https://doi.org/10.14710/mmh.48.4.2019.385-392.hlm.388>

<b>Comparison of Restorative Justice Applications</b>	
Regulation of the State Police of the Republic of Indonesia Number 8 of 2021 concerning Handling of Crimes Based on Restorative Justice (PERPOL)	<ol style="list-style-type: none"> <li>1. Does not set out the principles in detail.</li> <li>2. Narcotic crime can be done restorative justice (Article 4)</li> <li>3. There are no restrictions on restorative justice except for those already clearly</li> <li>4. Arranging restorative justice for statutory offenses ITE law</li> <li>5. There is no restorative justice arrangement in this case women in conflict with the law</li> </ol>
Prosecutors' Regulation of the Republic of Indonesia Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice (PERJA)	<ol style="list-style-type: none"> <li>1. Regulate the principles that must be considered before carrying out restorative justice (article 4 paragraphs (1) and (2))</li> <li>2. Narcotics crimes cannot be restorative justice (article 5 paragraph (8) letter c. The guidelines are now changed in Perja Number 18 of 2021</li> <li>3. Exceptions for criminal acts that carry a penalty of more than five years and a loss of more than 2.5 million</li> <li>4. Narcotics crimes cannot be restorative justice (article 5 paragraph (8) letter c. The guidelines are now changed in Perja Number 18 of 2021</li> <li>5. Can be done for ordinary crimes, not just minor crimes</li> <li>6. Focusing on the process of stopping the case if there is already compensation</li> </ol>
Decree of the Director General of the Supreme Court of the Republic of Indonesia Number 1691/DJU/SK/2020 concerning the Implementation of <i>Restorative Justice</i> (SK BADILUM)	<ol style="list-style-type: none"> <li>1. Regulate the principles that must be considered before carrying out restorative justice (article 4, paragraphs 1 and 2)</li> <li>2. Not setting restorative justice for UUTE</li> <li>3. Narcotics can be in restorative justice stages trial (rehab)</li> <li>4. Restorative justice can only be used for criminal acts</li> </ol>



	light in nature (theft, embezzlement, fraud etc., in the Criminal Code) 5. Combining various restorative justice programs such as penal mediation and child diversion.
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Restorative Justice is more than just a program or process; it represents a value within the legal framework. Due to its nature, it cannot be confined to a specific law but should be applied consistently across the legal system. To address the current inconsistencies in the application of Restorative Justice, it is proposed that a comprehensive Government Regulation be developed. This regulation would consolidate various existing rules and provide a unified framework for applying Restorative Justice in law enforcement.

Furthermore, reconstructing the values of Pancasila is essential for integrating Restorative Justice effectively. This integration should be reflected in a roadmap that includes three major aspects: 1) the incorporation of Restorative Justice principles into the Criminal Code and Criminal Procedure Code, 2) the establishment of alternative non-imprisonment punishments and rights fulfillment for narcotics abusers, and 3) the development of various provisions for victim recovery mechanisms.<sup>32</sup>

In addition to regulatory harmonization, Restorative Justice can be advanced through judicial decisions. Courts have begun to reflect Restorative Justice values in their rulings, emphasizing a balance between deterrence and rehabilitation. For example, in Case Number 338/Pid.B/2021/PN.Bls, the judge offered the convict an opportunity to improve themselves and address the crime's impact during the probationary period. Similarly, in Jurisdiction Decision Number 7/Pid.C/2021/PN.Lbs, the judge imposed a probationary sentence with a condition for compensation to the victim, underscoring the Restorative Justice principle of addressing victim needs through compensation, peace, social work, or other agreements.

Based on the above discussion, it can be concluded that contemporary law enforcement must function as an integrated system. Law should serve as a mechanism for societal transformation, providing democratic and egalitarian protections for human rights and ensuring both formal and substantive justice. This aligns with Pancasila, which serves as both the philosophical foundation and the national spirit (*volksgeist*) of Indonesia.<sup>33</sup>

A comprehensive approach to law enforcement is essential, encompassing normative, empirical, and philosophical aspects. If law enforcement officers commit violations during the pursuit of justice, there must be sanctions that effectively deter such misconduct. Contemporary law enforcement should specifically address sanctions for those who lack a commitment to social justice, fail to ensure justice for all groups, disregard human rights, exhibit undemocratic practices, lack transparency in the judicial process, and apply discriminatory measures.

### **C. Conclusion**

The contemporary era, marked by globalization, rapid scientific and technological advancements, and Western liberal ideologies, brings both opportunities and challenges to various sectors, including law enforcement in Indonesia. To address these challenges, a filtering process is essential to balance the influence of global trends with the implementation of Indonesia's foundational values. Law enforcement must prioritize Pancasila's noble values and integrate them with the principles of restorative justice. This approach should frame existing

<sup>32</sup> Keputusan Direktur Jenderal, "Pedoman Restorative Justice di Lingkungan Peradilan Umum," 2020, <https://badilum.mahkamahagung.go.id/index.php>.

<sup>33</sup> "Ilmu Hukum dalam Perspektif Ilmu Pengetahuan Modern," diakses 28 Oktober 2022, <https://ditjenpp.kemenkumham.go.id/index.php>.

policies to ensure that justice is achieved for perpetrators, victims, and the community, ultimately fostering a more humanistic approach within the legal system.

Pancasila's values should be ingrained in the practices of law enforcers, not only judges, who adjudicate cases with the principle of "For Justice Based on the One Godhead," but also prosecutors, whose role is crucial in ensuring fairness within the legal system. This paper highlights a novel approach to regulating humanist restorative justice based on Pancasila, emphasizing the need to harmonize regulations regarding the meaning, scope, and types of crimes applicable to restorative justice. By creating a cohesive regulatory framework, law enforcers can better implement restorative justice in alignment with Pancasila's values, ensuring a more effective and equitable justice system in Indonesia.

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