

The Law Enforcement in Indonesia: Progressive Legal Perspectives and Islamic Law

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Abstract. *Many law enforcement in Indonesia adhere to a positivistic legal paradigm, namely interpreting the law textually from articles written in statutory regulations only. Meanwhile, in society, there are positive values and religious norms that are often ignored and violated in law enforcement. This normative juridical legal research aims to find out and analyze how law enforcement in Indonesia is viewed from the perspective of progressive law and Islamic law. The research results show that progressive law can be a solution and alternative for law enforcement that can reflect society's values of justice. To uphold the values of justice in society, law enforcement officials must have a progressive perspective that frees them from the shackles of legal formalities. Meanwhile, from the perspective of Islamic law, law enforcement is carried out using the Ijtihad method to resolve the cases faced fairly and to satisfy the parties seeking justice. Ijtihad must be carried out by a mujtahid who has fulfilled the requirements and has the authority and competence to uphold Islamic law. Ijtihad is also a way to make Islamic law have the same characteristics as progressive law so that its existence can be accepted in every era, regardless of place.*

Keywords: *Enforcement; Islamic; Law; Progressive.*

1. INTRODUCTION

The adage "*ubi societas ibi ius*" means "where there is society, there is law".¹ The presence of law in people's lives is none other than the need of society itself to create a peaceful, orderly, and safe life.² In other words, the law has a sacred duty to uphold

¹ Teguh Prasetyo, "Hukum Dan Sistem Hukum Berdasarkan Pancasila," *Volkgeist: Jurnal Ilmu Hukum Dan Konstitusi* 1, no. 1 (2018): 40, <https://doi.org/10.24090/volkgeist.v1i1.1731>.

² Oktavia Sekar Hermarani and Kuswardani Kuswardani, "Sistem Keamanan Dan Ketertiban Masyarakat Swakarsa Sebagai Upaya Penanggulangan Kejahatan Di Kecamatan Ngargoyoso,

social reality in society so that it remains intact. However, when the law is the basis, it often creates conflict with various levels of organization. Procedures for how law enforcement is carried out will always appear when discussing legal issues. Meanwhile, the form of law can be seen through explicitly written rules. Legal rules or regulations contain actions that must be implemented, such as law enforcement.³

Based on the idea that humans can carry out the will of the law, humans who carry out law enforcement have an essential and decisive position.⁴ What the law says and promises will eventually come true through the hands of these people. So, it is also true that law enforcement officials will see legal work in interpreting the law itself.⁵ The existence of friction in society can a priori be said to be due to differences in the interpretation of the law by law enforcement officials.⁶

Previous research on progressive law enforcement in Indonesia has been widely conducted. Among them is research conducted by Siroj & Marzuki⁷ showing that progressive legal orientation is how to ground natural justice (substantive justice) based on the main idea that law is for humans, not the other way around. Apart from that, progressive law considers that the truth of the law is not always judged by the implementation of the rule formulated in the law but rather by the extent to which the law responds to developments occurring in society. Meanwhile, Kholiq⁸ shows that it is essential to understand the legal culture of a judge, considering that the judge's beliefs have a dominant role in deciding a case in court. Judges' behavior and legal culture in upholding law and justice use the values of progressive law, thereby creating a progressive legal culture as well.

Furthermore, Ansori⁹ explained that in the context of reforming law enforcement institutions, ideal institutional reform must refer to three main orientations, namely democratic principles, rule of law, and human rights. This institutional reform must be accompanied by a paradigm shift from a textual legal way of thinking to a progressive

Karanganyar," *DiH: Jurnal Ilmu Hukum* 18 (2022): 212–22, <https://doi.org/10.30996/dih.v0i0.6962>.

³ M. Yasin Al Arif, "Penegakan Hukum Dalam Perspektif Hukum Progresif," *Undang: Jurnal Hukum* 2, no. 1 (2019): 169–92, <https://doi.org/10.22437/ujh.2.1.169-192>.

⁴ Aisyah Sukses MP Siburian, Atika Sunarto, "Tindakan Hukum Terhadap Anggota DPR-RI Karena Terlibat Kasus Korupsi," *Jurnal Mutiara Hukum* 4, no. 2 (2021): 1–14.

⁵ Noor Rahmad and Wildan Hafis, "Hukum Progresif Dan Relevansinya Pada Penalaran Hukum Di Indonesia," *El-Ahli: Jurnal Hukum Keluarga Islam* 1, no. 2 (2021): 34–50, <https://doi.org/10.56874/el-ahli.v1i2.133>.

⁶ Al Arif, "Penegakan Hukum Dalam Perspektif Hukum Progresif."

⁷ H A Malthuf Siroj and Ismail Marzuki, "Penegakan Hukum Progresif: Upaya Mewujudkan Keadilan Substantif," *HAKAM, Volume 1 Nomor 2, Desember 2017* 1 (2017): 24.

⁸ Abdul Kholiq, "Kajian Budaya Hukum Progresif Terhadap Hakim Dalam Penegakan Hukum Pada Mafia Peradilan (Judicial Corruption) Di Indonesia," *Jurnal Justisi Hukum* 2, no. 1 (2017): 26–44.

⁹ Lutfil Ansori, "Reformasi Penegakan Hukum Perspektif Hukum Progresif," *Jurnal Yuridis* 4, no. 2 (2018): 148, <https://doi.org/10.35586/.v4i2.244>.

legal one. The paradigm shift from a way of thinking of textual law to progressive law can be realized if the reform of law enforcement institutions consistently brings about changes in cultural aspects, which are the estuary of changes in structural and instrumental elements. On the other hand, Setiawan¹⁰ shows that the laws enforced in Indonesia are still partly the product of Dutch law, even though many of the rules created by Indonesia itself are still not based on progressive legal thinking. However, most are still based on positivistic-legalistic review.

This research complements previous research on law enforcement in Indonesia, which is viewed from the perspective of progressive law and Islamic law. This research also aims to determine the relationship between progressive law and Islamic law, especially regarding the similarities in the values and characteristics of the two laws in the law enforcement process. Thus, it can be said that this research study contains novelty or novelty in research related to progressive law enforcement and Islamic law from previous progressive legal research.

This research was conducted based on the argument that current law enforcement needs and it is highly recommended to consider implementing progressive law. Judges today need to understand progressive law in deciding a case¹¹ so that they don't get trapped in the confines of article by article in the law but rather consider the positive values in society to create substantial justice.¹² Likewise, in Islam, law enforcement refers to the principle of the necessity of law in books and law in action; namely, the Al-Qur'an and Hadith are used as the basis for fundamental law, while their explanation in the form of effort has been regulated in *fiqh*, namely the provisions governing behavior and the reality of life in society through the *Ijtihad* method.¹³ *Ijtihad* is a way to make Islamic law appropriate to every era, wherever it is.

2. RESEARCH METHODS

The method used in this study is qualitative socio-legal. In socio-legal research, law is always associated with social problems. This research uses two approaches: the social and normative juridical approaches. The social method is used to analyze the issues of the socio-political situation to explain the values of justice and the reality of existing law enforcement. The normative juridical approach analyzes the norms of laws and

¹⁰ Bayu Setiawan, "Penerapan Hukum Progresif Oleh Hakim Untuk Mewujudkan Keadilan Substantif Transendensi," *Kosmik Hukum* 18, no. 1 (2018): 159–79, <https://doi.org/10.30595/kosmikhukum.v18i1.2338>.

¹¹ Yanto Sufriadi, "Penerapan Hukum Progresif Dalam Penegakan Hukum Di Tengah Krisis Demokrasi," *Jurnal Hukum Ius Quia Iustum* 17, no. 2 (2010): 233–48, <https://doi.org/10.20885/iustum.vol17.iss2.art3>.

¹² Salasti Faridatun Hasanah, A. Khumaidi Ja'far, and Muhammad Iqbal Fasa, "Konstruksi Hukum Progresif; Urgensinya Dalam Penyelesaian Sengketa Ekonomi Syari'ah," *Jurnal Program Studi Ekonomi Syariah STAIN Madina* 2, no. 2 (2021): 88–100.

¹³ Tri Handayani, "Alternatif Penegakan Hukum Dalam Perspektif Islam," *Iqtisad* 4, no. 1 (2018): 1–16, <https://doi.org/10.31942/iq.v4i1.1996>.

regulations and judges' decisions concerning welfare and justice in society. Legal materials are classified into two parts: first, primary legal material in the form of laws and Islamic legal sources in the form of the Quran and related hadiths, and second, secondary legal material in the form of expert views or doctrines obtained from legal literature or articles from law journals or proceedings or books and research results related to the issues raised. Data is processed by inventorying and identifying laws and regulations following the research problem. Data analysis in this writing uses qualitative description, describing the results obtained and fully explained in the discussion.¹⁴

3. RESULT AND DISCUSSION

3.1. Law Enforcement in Indonesia

Criticism of the law is always aimed at the inadequacy of the law as a means of change and to realize substantive justice.¹⁵ Legal justice anxieties remain, but new records repeatedly point back to the issue of legitimacy. Conservative warnings against eroding authority, abuse of legal activism, and disintegration of "law and order" were shouted by radical legal reform movements focused on the barren and corrupt rule of law.¹⁶

Criticism of law can be seen in the neo-Marxist complaint, which states that there are two dominant themes: first, that legal institutions have been polluted from within, contribute to the deterioration of social order as a whole, and act primarily as servants of power. Here, all the strong evidence of the misappropriation of the law, which benefits the rich and harms the poor, is praised as irrefutable evidence. Second, there is a critique of "liberal legalism" itself regarding the idea that the goal of justice can be achieved through a system of rules and procedures that it recognizes as objective, impartial, and autonomous.¹⁷

The above expression also occurs in Indonesia, considering that the goal of justice can be achieved through a system of rules and procedures. As a result, law enforcement in Indonesia still tends to be formalistic legal, and law enforcement uses horse glasses to enforce the law in society. The level of development of the community in which the law is enforced affects the pattern of law enforcement because, in modern society, it is

¹⁴ Mukti Fajar and Yulianto Achmad, *Dualisme Penelitian Hukum Normatif Dan Empiris*, VI (Yogyakarta: Pustaka Pelajar, 2022).

¹⁵ U Sholahudin, "Pembangunan, Ketimpangan Sosial, Dan Kebutuhan Hukumnya: Menuju Penegakan Hukum Yang Berkeadilan," *Al'Adalah*, 2019, 265–302, <http://ejournal.iain-jember.ac.id/index.php/aladalah/article/view/744>.

¹⁶ Al Arif, "Penegakan Hukum Dalam Perspektif Hukum Progresif."

¹⁷ Nadir, "Filsafat Hukum Dan Dekonstruksi Critical Legal Studies: Sebuah Paradigma Pembaruan Hukum Dalam Menggugat Eksistensi Dominasi Asumsi Kemapanan Hukum," *Jurnal YUSTITIA* 20, no. 2 (2019): 15–171, <http://ejournal.unira.ac.id/index.php/yustitia/article/view/690>.

rational, has a high degree of specialization and differentiation in law enforcement organizations, and is also increasingly complex and highly bureaucratic.¹⁸

In Indonesian law, judges generally only focus on legal certainty (*rechtszekerheid*) and do not prioritize justice (*justisia*). Even though the law is essential in realizing community welfare,¹⁹ this role will only be recognized if the substance of the law is genuinely in favor of the interests of the wider community and in law enforcement by law actors, prioritizing the values of justice because the essence and core of the law is justice (*gerechtigheid*).²⁰

Law enforcement is part of a nation's efforts to maintain its existence by organizing resources to realize the ideals and image of society in its legal system.²¹ Therefore, the discussion of law enforcement issues deals with several factors, namely, the values maintained in society. Society or state is not a typical life that runs without containing appreciation of specific values. In dealing with these values, the Indonesian people live in the form of a particular structure, namely Pancasila. It is this system of values that cybernetically directs activities in society. Second, institutional structures or systems in society are created to organize resources to maintain order. Order in Indonesia has characteristics due to its cybernate relationship with the value system, namely Pancasila, as mentioned in the first point. Third, other activities are carried out to maintain the community's vital existence through economic and political activities.

These activities also have a cybercity relationship with the law enforcement system in the sense that the law enforcement system controls the operation of these activities. Since economic and political movements have more incredible energy, they determine how law enforcement can be carried out. We have often seen how the politics and power of a country impact how laws are practiced.²² The influence of economic activity can have significance for the course of law enforcement in a country, as in its negative form, namely in the form of bribery.

The application of positivism in law is in the form of releasing meta-juridical thinking about the law so that the existence of each legal norm is determined by its existence objectively as positive norms that are manifestations of concrete contractual agreements among citizens of society or through their representatives. Law is not

¹⁸ Moch Choirul Rizal, "Membaca Hukum Pidana Progresif," *Opini Hukum Dan Hak Asasi Manusia* 15 (2021): 5–10, <http://repositori.lshp.or.id/index.php/opini/article/view/26>.

¹⁹ Iin Ratna Sumirat, "Penegakan Hukum Dan Keadilan Dalam Bingkai Moralitas," *Al Qisthas: Jurnal Hukum Dan Politik Ketatanegaraan* 11, no. 2 (2020): 85–99, <http://jurnal.uinbanten.ac.id/index.php/alqisthas/article/view/3827>.

²⁰ M. Zen Abdullah, "Arah Dan Perkembangan Politik Hukum Di Indonesia," *Jurnal Hukum Pro Justisia* 25, no. Arah dan perkembangan politik hukum di indonesia (2017): 1–18.

²¹ Azriel Pualillin, "Implementasi Law Enforcement Dalam Tugas Dan Fungsi Kepolisian Sebagai Penegak Hukum," *Mandar: Social Science Journal* 1, no. 2 (2022): 86–99.

²² Yogi Prasetyo, "Transformasi Nilai-Nilai Islam Dalam Hukum Positif," *Al-Ahkam Jurnal Ilmu Syari'ah Dan Hukum* 5, no. 1 (2020): 91–106, <https://doi.org/10.22515/alahkam.v5i1.1943>.

conceived as abstract meta-juridical moral principles concerning the nature of justice but merely to ensure certainty about what is and is not law.

In the tradition of legal-positivist thought, widely held in democracies today, the law is conceptualized as a product of legislation. Law is legislation produced through the national legislation process. The law is valid because it has been established in legislation, regardless of whether the content is fair or unfair. In this system, legal actors (bureaucracy and judges), following the doctrine of analytical jurisprudence, only serve as mouthpieces of the law.

3.2. Law Enforcement from a Progressive Legal Perspective

Law enforcement in Indonesia has been seen as pragmatic, meaning that the law will be implemented following specified requests and conditions. In other words, to obtain justice, justice seekers must undergo a series of unfair procedures; the law exists precisely to make it difficult for society to get justice.²³ Obtaining justice requires going through a series of unfair procedures, which causes people to be "phobic" when dealing with the law because, for them, if everything is done based on the law, then what will emerge is an injustice that they will experience.²⁴

Apart from that, the law enforcement crisis in Indonesia can be seen from its primary orientation, which prioritizes aspects of legal certainty rather than aspects of benefit and justice for society. When legal norms have been implemented, it means justice has been provided. Such assumptions indicate that justice is the same as applying statutory regulations.²⁵ Enforcing the law by only relying on aspects of legal certainty causes the rule to lose its true meaning, namely, a law that makes people happy, provides benefits and justice, and guarantees the fulfillment of human rights (HAM).

An Indonesian legal expert, Prof. Dr. Satjipto Rahardjo, SH, coined Progressive Law. Satjipto believes that the law should give happiness to the people and nation. The aim of the law is not only certainty, expediency, or justice but also happiness. Satjipto formulated Progressive law with four main characteristics, namely:

- a. The Progressive legal paradigm is the law for humans;
- b. Progressive Law refuses to maintain the status quo or established state of law;
- c. Written legal civilization will give rise to consequences and risks, so legal methods should also anticipate how to overcome obstacles and use written law; and
- d. Progressive Law paid great attention to the role of human behavior in law.

²³ Siroj and Marzuki, "Penegakan Hukum Progresif: Upaya Mewujudkan Keadilan Substantif."

²⁴ Yul Ernis, "Implikasi Penyuluhan Hukum Langsung Terhadap Peningkatan Kesadaran Hukum Masyarakat," *Jurnal Penelitian Hukum De Jure* 18, no. 4 (2018): 477, <https://doi.org/10.30641/dejure.2018.v18.477-496>.

²⁵ Ernis.

In law enforcement, progressive legal thinking provides expansive space for law enforcers, in this case the police and prosecutors, to exercise discretion.²⁶ As explained above, control is exercised with deep consideration with three conditions, namely in the public interest involving pressing essential issues, within the limits of the area of authority, and not violating the General Principles of Good Government. Furthermore, it is to obtain substantive justice.

Progressive law enforcement is implementing the law not just according to the black-and-white words of the law but according to the spirit and deeper meaning of the statute or law. The application of progressive law directing the law produced by the legislative process, which tends to be elitist, aims at the interests of justice and people's welfare. There are many entry points for applying progressive law in court practice in Indonesia, formally provided by Law Number 48 of 2009 concerning power. The judiciary emphasizes that judicial power is tasked with upholding law and justice. Progressive law is different from positive law. Legal progressivism teaches that law is not king but a tool for explaining the basics of humanity, which functions to provide grace to the world and humans. The assumptions underlying legal progressivism are, firstly, the law exists for humans and not for themselves; secondly, the law is always in the status of law in the making and is not final; thirdly, the law is an institution with human morals.²⁷

Progressive law requires that law enforcement be carried out not only by looking for conformity between the formulation of the text and the criminal act that occurred but also by being able to explore and further understand the moral message behind the laws and regulations.²⁸ In the view of progressive law, it can be said that law is open and fluid to capture and digest every change that occurs. Progressive law is the type of law that always thirsts for truth and never stops seeking justice.

Thus, progressive law always strives to create law enforcement, which leads to the creation of substantive justice. Realizing progressive law is how to provide heavy legal sanctions to corruptors because it is in line with the ideals of progressive law, which is responsive and fulfills substantial justice, rather than punishing the case of theft of 3 cocoa pods by Grandma Minah, which procedurally righteousness is fulfilled, but hurts the value of social justice.

Progressive law requires that the method of law is not enough to carry out statutory regulations and logic alone but needs to involve spiritual and emotional aspects so that law enforcement is no longer known as the mouthpiece of the law but rather the voice of social justice. Progressive law enforcement emphasizes two things: 1). the law

²⁶ Ernis.

²⁷ Aminullah Ibrahim, "Kajian Hak Asasi Manusia Dalam Negara the Rule of Law: Antara," *LEx Scientia Law Review* 2, no. 2 (2018): 123–38.

²⁸ Eko Hartoyo, *Penegakan Hukum Dalam Putusan Hakim Pada Perkara Pidana Yang Berkeadilan Berbasis Hukum Progresif*, 2022, <http://repository.unissula.ac.id/26125/>.

cannot work alone because it requires institutions or people to move it. In the law enforcement process, an organization is needed that can apply or concretize the law in society because the law cannot be implemented without an organization that embodies or realizes the law in society, such as the courts, police, etc.; 2). The law should not maintain the status quo in the law. Progressive law enforcement is implementing the law not just according to the words of the regulations but according to the spirit and deeper meaning of the law.²⁹

3.3. Law Enforcement from an Islamic Law Perspective

The law in action is necessary to fulfill society's sense of justice. In this case, "legal certainty" is a prerequisite in a rule of law. Thus, the precondition for realizing the supremacy of law is consistency between law in books and law in action. Islamic law has become a mandatory principle that there is law in books and law in action; the Al-Qur'an and Hadith are used as the fundamental legal basis. In contrast, their explanation in the form of effort has been regulated in *fiqh*, namely the provisions that regulate behavior and life's realities. Society through the method of *Ijtihad*.³⁰

Technically, court decisions are referred to as al-qadla' or al-hukm, which is the law derived from the determination or decision of the judiciary (al-wilayah al-qadha'). Some define al-qadla' or al-hukm as Islamic law derived from the administration/decision of judges in charge of resolving a case in court.³¹ According to ideal parameters, the position of a judge is equal to that of a mujtahid or mufti because they both establish and enforce Islamic law, which can be used as a reference for other judges in deciding the same case or cases.

The role of judges is crucial in the enforcement of Islamic law, and judges are inseparable from *Ijtihad*, especially *Ijtihad* tatbiqi, which is *Ijtihad* derived from the judge's efforts in applying Islamic law, to resolve the cases he faces fairly and satisfactorily to the justice-seeking parties. Every Muslim should not do *Ijtihad* of Islamic law, but it should be done by mujtahid, who has met the requirements and has authority and competence in establishing Islamic law. In addition, Islamic law must also be established following procedures or rules allowed by shari'a. Generally, *Ijtihad* includes directions without restrictions in the Nash and regulations that are dhanni (uncertain and require interpretation). While the laws have been designated by the Nash qath'i (definite and clear), it is not permissible to do *Ijtihad*. According to Abdul Wahhab Khallaf explained that the spirit of *Ijtihad* on nash qath'i has been crystallized

²⁹ Markus Marselinus Soge, "Kajian Hukum Progresif Terhadap Fungsi Pemasyarakatan Dalam Rancangan Undang-Undang Pemasyarakatan," *Legacy: Jurnal Hukum Dan Perundang-Undangan* 2, no. 2 (2022): 79–101.

³⁰ Handayani, "Alternatif Penegakan Hukum Dalam Perspektif Islam."

³¹ Ery Agus Priyono, Dewi Hendrawati, and Achmad Arief Budiman, "Law , Development & Justice Review Eksistensi Yurisprudensi Mahkamah Agung (MA) Dalam Law , Development & Justice Review," *Law, Development & Justice Review*, 2020, 1–14.

in a rule of *fiqh*, namely, *La masagha lil Ijtihad fima fih nash sharih qath'i*, meaning that no attempt is allowed to *Ijtihad* from what has been explained in a definite and clear proposition (*qath'i*). Thus, judges can *Ijtihad* or issue jurisprudence on dhanni issues, which are not clearly defined in the law and require interpretation.

Ijtihad hakim is an effort by judges to determine the cases they handle based on the meaning or interpretation of the law because of the characteristics of an issue, where a patient must have specific features. The result of this *Ijtihad* is called jurisprudence, meaning that it has permanent legal force and can be used as a legal basis for other judges when handling the same case. The background of judges conducting *Ijtihad* or jurisprudence is as explained in Law No. 4 of 2004 Article on Judicial Power, namely; "The court shall not refuse to examine, adjudicate and decide a case brought under the pretext that the law does not exist or is unclear, but is obliged to examine and try it". The article above explains the position of judges as enforcers of justice, not allowed to reject cases submitted by the community because the rules are incomplete and unclear. However, the judge must be able to find the law of every case brought against him. Therefore, what the judge should do in resolving issues in court is:

- a. The judge positions the case in the correct proportions.
- b. Further, the judge confirmed by looking at the rules in the legislation:
 - 1) If there are laws and regulations, the case shall be tried according to the laws and regulations.
 - 2) If the law is unclear or imperfect, the judge conducts the interpretation behind the sound of the text of the law.
 - 3) If there is no law or regulation, the judge shall carry out legal construction, *rechtsverfijning*, or argumentum a *contrario*.
- c. Other efforts of judges can confirm the case being tried by looking at the jurisprudence and legal propositions of religious texts, customary law, or local law applicable in the community.

Ijtihad hakim is an effort by judges to reform Islamic law to synchronize the teachings of *fiqh* with the development of the condition of Indonesian society because the law will always accompany human life. *Fiqh*, the result of Islamic legal thinking from ancient scholars, also needs to be actualized and reconstructed to solve the problems of Islamic law today so that the law can be enforced and follow its purpose: to provide peace, order, order, and community happiness.

4. CONCLUSION

Progressive law never stops seeking truth and justice, so it is always appropriate and adapts to society's development and changing conditions. Progressive law is responsive

and can make legal breakthroughs (rule-breaking) because it always tries to break through the deadlock of formal legality. Law enforcement officials can go outside the truth of formal legitimacy to achieve justice as the law's primary goal. Thus, the process of law enforcement from a progressive legal perspective is more of a method of seeking true justice (substantial justice), not just a function of matching / adjusting the truth of behavior with the formulation of the text of the law alone. For this reason, it takes the courage of law enforcement officials not to be constrained by the truth of formal legality by constantly listening and using conscience in law. In Islamic law, law enforcement uses the *Ijtihad* method to resolve cases faced fairly and satisfy the parties seeking justice. *Ijtihad* must be performed by a qualified mujtahid with the authority and competence to establish Islamic law. The research succeeded in obtaining findings on law enforcement studies in Indonesia, which were viewed from the point of view of progressive law and Islamic law. Both laws place progressive law enforcement and Islamic law as the implementation of law enforcement that can meet the sense of justice in society. Furthermore, from its relevance, progressive law enforcement and Islamic law have similar characteristics in developing and seeking fair laws for society. Their application is broader and more flexible in presenting laws providing peace, order, and happiness to the community.

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