



## Challenging for law practitioner as the law enforcer in achieving reformation objectives in Indonesia

Dr. Wahyono

Professor, Panca Sakti University Tegal, Indonesia

### Abstract

Human Resources in law at present is experiencing a slump professionalism, powerless against what is commonly called "anomic trend." They often perform actions that deviate from the values of *Pancasila* as the national identity that has become a philosophy and way of life of the Indonesian nation. The action does not reflect the civilized nations, such as slanderous, defamatory, looting, killing and anarchistic movements. In fact, such measures seem easy at all to do in the midst of the typical definition that we are a civilized nation while in reality to say that we are living and turned lawlessness in the country of Indonesia. Seeing this, it is necessary to Human Resource of law as a law enforcer to make serious efforts in order to achieve objectives of the reformation. Areas need improvement are intellectual, emotional, social relations, tenacity, moral and health. Furthermore, the necessary policies, strategies, and efforts should be made in the application.

**Keywords:** human resources management, law, law enforcement, Indonesia

### 1. Introduction

Man is one of the creatures of The Almighty, which features perfect organs than any other living creature. Creativity, taste, and intention are features of a universal human characteristic. Inherent in a human being or a ratio of a mind control the way of behaving and relating among humans in this world, which is commonly called the community. HR legal profession is a human as part of the city, especially modern society in which the characteristic form has reasoning power law, can play an active role in the legal field, sensitive to the actual problems of law, including being the inventor of legal issues, capable of being problem solvers law. This profession gains a paramount importance in Indonesia as the country is a state based on law<sup>[1]</sup> and not a state based on power.

This implies that the law as a significant cornerstone of the living state, nation, and society. The HRs in law are probably educated, even highly educated in formal law. The problem is, how far is the contribution of this professional human resource management for law enforcement in the context of achieving the reformation goals? This article is highlighting the current empirical condition in a developing country of Indonesia, then based on the condition, the recommendation is made what should the HRs in law should do.

### 2. Literature Review of

#### 2.1 Empirical condition in Indonesia

As a servant of the Almighty, we fully realize that we should seek to carry out humanitarian tasks at the same time with the work of divinity, including thinking about the phenomenon of life of the people who were being herded towards anomie, whether personal, social, and institutional. Anomie is a condition where humans are no longer serves the standards of behavior that should be applied in the life of society, nation and state, or commonly known in the state of normlessness<sup>[2]</sup>. On a personal level, the human person is natural to suspect

another man. They are so easy to behave on own wishes as if there are no more rules guiding truth alive and guidelines. They often perform actions that deviate from the values of *Pancasila* as the national identity that has become a philosophy and also the outlook of the nation of Indonesia. At the social level, it seems the nation is currently developing and implementing cooperative blind homogenous society. The sentiment to someone is often viewed as a sentiment to a group. A personal offense is equated with a group offense. As a result, conflicts between groups or conflict in the society will quickly occur.

At the institutional level, there is the inability of law and law enforcement to prevent conditions such anomic trend. This means that both institutions that directly serve to uphold the law such as the police, prosecution, and courts, as well as institutions that do not directly help to enforce the law as non-governmental organizations and others cannot perform the function correctly. They all seemed powerless to carry out the duties of law enforcement and not only able to create formal justice, but also substantial justice. We must admit that in matters of law enforcement more struggling create significant than the official judgment. As a result, the law only dealt with technical issues just. A touch of spiritual and moral values, as well as costs of justice and truth for the sake of humanity, almost disappeared. This means that the benefits of *Pancasila* as an instrument that is set up, as well as supervise and even crack, as the state is no longer guided. *Pancasila* values ought to be taught/disseminated further for example, and law enforcement community will implement it as daily behavior that gradually becomes a habit<sup>[3]</sup>.

#### 2.2 Proactive Roles of Law Practitioners

Institutional, legal existence is not in a vacuum but is in a space that contains various another side of life, namely the economic, socio-cultural and political interplay with the law

sides of the political, economic and socio-cultural. This is in line with the statement of Michael Hager that institution or legal institutions are a "precondition for economic change, crucial to the viability of the new political system and the agency of social change" <sup>[4]</sup>. The role of the legal profession as a pro-active is the real functioning of the intellectual power in response to the facts or legal phenomena in the environment based on the law for the sake of education and the enactment of laws beneficial to the community. We should not be passive and do not care about whether or not the legal function for the welfare of the people.

The means used by the intellectual property law in responding to change and the development of law, both at the national, regional and international should be adequately and politely. That is, we were anywhere, at any life sector, both public and private sectors, both private and public should act rational and factual in ways that procedural, wise, moral, ethical and beneficial for the sake of the proper functioning of the law for the people.

The legal profession should not just spin and struggle on positive law but should look at and develop law contextually. Thus 'if we see the law, we must see not only textually, but also contextually.' Pro-active role of the legal profession as a lawyer should be based on the philosophy of law, jurisprudence and legal theory, combined with the fact in social, economic and political functionally and proportionately.

A theoretician but a law would otherwise never see the fact that there are in society. Otherwise, a practitioner is deaf if not ever understand the general rule. Aspects of practical and theoretical aspects of law must be synergized and utilized for the realization of justice, certainty, the legal benefit for society, nation and state.

### 3. Results & Discussion

Indonesia is virtually the state law patterned welfare state. In fact, what is the Republic of Indonesia, through the government has done to prosper the people. What strategic steps that can be chosen to perform by the law practitioners?. It is not easy to search and find the answer quickly and accurately. Law graduate, law, and legal institutions have the very strategic role in today's era of reform. This is due to change and development along and in line with the law of the developing and changing society where a positive result could be detrimental.

The Indonesian nation is not possible to live without the assistance and cooperation with other countries, either developing country or developed countries. The flow of technology, information, and communication continue to evolve, then the lawyers should be able to accommodate it.

The legal profession should be able to demonstrate the identity and professionalism, both in legitimate enforcer, namely judges, prosecutors, police and lawyers, as well as the roles of the others, including as a member of parliament, notaries, teachers / professors, workers, bureaucrats, soldiers, artisans, traders / businessmen, entrepreneurs, etc. Profession or occupation that we played as intellectuals law must not forget or ignore the rules of religion, morals, values, truth, and decency in society. We, then properly utilize our intellectual power rather than rely more on physical strength.

Social unrest, mass fighting, trafficking of people, drugs, and corruption occur because we as intellectuals do not act in a moral law, anarchic even immoral. It is often suggested that people who know and educated in law, precisely because it may be unlawful to understand how and opportunities for breaking the law. Finally, awareness of internal and external conditions in themselves may have a significant effect in action. Hopefully, the positive influence of intellectuals flows through the law, so that we can together contribute pro-actively to make the country of Indonesia prosperous.

### 4. Conclusions

In Indonesia, the expert in-laws still struggle in law so fundamentally positive contribution in the reformation achieving objectives is always not optimized to the fullest yet.

### 5. References

1. Undang - Undang Dasar. Amandemen Keempat, Bagian Penjelasan, 1945.
2. Cohen D, Prusak L. In Good Company, Boston, Harvard Business School Press, 2001.
3. Wahyono. Makna Sosial Hukum Dalam Pengelolaan Dosen Perguruan Tinggi, UBHARA Surabaya, 2002.
4. Michael Hager L. The Role of Lawyers in Developing Countries Oxford University, 1998.