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### Navigating the Labyrinth: A Normative Juridical Analysis of Legal Politics and Policy Formulation in Indonesia

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#### ABSTRACT

This article delves into the intricate relationship between law, politics, and society in Indonesia, examining how legal politics shape the formulation of legal policies. It explores the concept of legal politics as a guiding force in Indonesian lawmaking, considering the interplay of power dynamics, social norms, and external pressures. The study employs a normative juridical method with a legislative and conceptual approach. It analyzes relevant legal documents, including legislation, regulations, and policy papers, alongside academic literature on legal and political theory. A comprehensive review of relevant legal and political theories, including legal positivism, critical legal studies, and alternative perspectives, provides the framework for analysis. The research reveals that legal politics in Indonesia function as a multifaceted instrument, serving as a mechanism for social regulation, legislative formation, and power control. The study identifies a tendency towards group dominance in the legislative process, raising concerns about justice and equitable representation. Furthermore, the influence of globalization and international pressures on national policy formulation is evident. In conclusion, legal politics play a strategic role in shaping Indonesia's legal system, influencing policy formulation, implementation, and enforcement. To foster a just and inclusive legal system, legal reform and social advocacy are crucial, particularly in addressing the complex dynamics of domestic and global politics. The findings underscore the importance of theoretical frameworks in understanding the interplay between law and politics and guiding legal reform efforts.

#### 1. Introduction

Indonesia, as the world's largest archipelagic nation, presents a unique and dynamic landscape for the study of law, politics, and their intricate relationship. The nation's legal system, a blend of civil and customary law traditions, has undergone significant transformations since its independence, navigating the complexities of a pluralistic society and a transition from authoritarianism to democracy. This journey has been marked by the ongoing challenge of establishing a legal framework that effectively caters to the diverse needs and interests of its vast population. At the heart of this challenge lies the intricate interplay between law and politics. Legal politics, encompassing

the interactions between legal institutions, political actors, and societal forces, plays a pivotal role in shaping the legal landscape of Indonesia. It is within this arena that power dynamics, social norms, and external pressures converge, influencing the formulation, implementation, and enforcement of legal policies. This research delves into the complexities of legal politics in Indonesia, seeking to understand its multifaceted role in shaping the nation's legal system. It examines how legal politics function as a guiding force in the formulation of legal policies, considering the influence of various actors, including the government, legislature, judiciary, and civil society. The study also explores the impact of globalization and

international pressures on domestic legal policy formulation, recognizing the increasing interconnectedness of the world and its influence on national legal systems.<sup>1-4</sup>

Indonesia's legal system is a reflection of its rich history and diverse cultural heritage. Drawing from both civil and customary law traditions, it has evolved through periods of colonial influence, post-independence nation-building, and a transition to democratic governance. This dynamic journey has shaped the legal and political landscape of the country, creating a complex interplay of actors and interests. The rise of political parties, civil society organizations, and media outlets has contributed to a more dynamic and contested arena for legal policy formulation. These actors, each with their own agendas and constituencies, engage in a complex dance of negotiation, contestation, and compromise, shaping the direction of legal and policy development. Furthermore, Indonesia's legal system operates within a globalized world, where international norms, treaties, and pressures exert a significant influence on domestic policymaking. The country's engagement with international organizations, its participation in regional initiatives, and its exposure to global trends all contribute to the shaping of its legal and political landscape.<sup>5-7</sup>

Legal politics, as a concept, encompasses the exercise of power, negotiation of interests, and contestation of values in the process of lawmaking and legal implementation. It is a multifaceted instrument that plays a crucial role in shaping the legal and political development of nations. In Indonesia, legal politics serves as a mechanism for social regulation, guiding behavior and maintaining order in society. It also functions as an instrument of legislative formation, shaping the content and direction of laws and policies. Moreover, legal politics can be used as a means of power control, with the potential for abuse and manipulation by those in power.<sup>8-10</sup> This research aims to analyze the patterns of legal politics in Indonesia, examining how it functions as a guiding force in the formulation of legal policies.

## 2. Methods

This study employs a normative juridical method, a cornerstone of legal research that focuses on the analysis of legal norms, principles, and doctrines. This method involves a critical examination of legal texts, including legislation, regulations, and judicial decisions, to understand the legal framework governing legal politics and policy formulation in Indonesia. By delving into the legal texts and doctrines, this research seeks to uncover the normative dimensions of legal politics and their influence on the policymaking process. The research utilizes a legislative and conceptual approach, combining the analysis of legal documents with theoretical perspectives from legal and political science. This dual approach allows for a comprehensive examination of the interplay between law and politics, considering both the formal legal framework and the underlying political dynamics. The legislative approach involves a detailed examination of the Indonesian legal system, including the Constitution, laws, and regulations related to policy formulation. It analyzes the legislative process, considering the roles of various actors, such as the President, Parliament, and government agencies, in shaping legal policies. The conceptual approach draws upon various legal and political theories to provide a framework for understanding the interaction between law and politics. These theories include legal positivism, which emphasizes the formal validity of law; critical legal studies, which critiques the role of law in perpetuating power structures; and other alternative perspectives, such as legal pluralism and socio-legal studies, which offer nuanced understandings of law in society.

The research utilizes qualitative data analysis techniques to examine relevant legal documents and academic literature. This involves identifying key themes, patterns, and trends in the data to draw meaningful conclusions about the role of legal politics in policy formulation. The data collection process involves gathering relevant legal documents, including legislation, regulations, policy papers, and judicial decisions, as well as academic literature on legal and political theory. These sources provide the raw

material for the analysis, allowing for a comprehensive examination of the research topic. The data analysis process involves a systematic review and synthesis of the collected data. Legal documents are analyzed to identify the legal norms, principles, and doctrines related to legal politics and policy formulation. Academic literature is reviewed to provide theoretical frameworks and contextual understanding. The analysis involves coding the data, identifying key themes and patterns, and drawing connections between the empirical findings and the theoretical perspectives.

This study adopts a qualitative research design, focusing on an in-depth exploration of the complexities of legal politics and policy formulation in Indonesia. This design is chosen due to its suitability for investigating complex social phenomena, such as the interplay between law, politics, and society, within their natural context. Qualitative research allows for a nuanced understanding of the perspectives, motivations, and actions of the actors involved, providing rich insights into the dynamics of legal politics. The research is designed to be exploratory and analytical, seeking to uncover the underlying patterns and mechanisms through which legal politics influence policy formulation. It is not intended to be a hypothesis-testing study, but rather an in-depth exploration of a complex phenomenon. The findings of this research will contribute to a greater understanding of the dynamics of legal politics and their implications for policymaking in Indonesia.

The sampling strategy for this study involves a purposive selection of relevant legal documents and academic literature. The selection criteria are based on the relevance of the documents and literature to the research topic, their authority and credibility, and their contribution to a comprehensive understanding of the subject matter. The primary data sources for this study are legal documents, including legislation, regulations, policy papers, and judicial decisions. These documents provide the empirical foundation for the analysis, allowing for a direct examination of the legal norms, principles, and doctrines related to legal politics and policy formulation. Secondary data sources include academic literature on legal and

political theory, such as books, journal articles, and reports. These sources provide the theoretical frameworks and contextual understanding necessary for interpreting the empirical findings.

The data collection procedures for this study involve a systematic search and retrieval of relevant legal documents and academic literature. Legal documents are collected from official government websites, legal databases, and online repositories. Academic literature is gathered through library searches, online databases, and academic journals. The data collection process is guided by a set of keywords and search terms related to the research topic. These keywords and search terms are used to identify and retrieve relevant documents and literature from the various sources. The collected data is then organized and categorized for subsequent analysis.

The data analysis techniques employed in this study involve qualitative coding and thematic analysis. Qualitative coding involves assigning labels or codes to segments of the data that represent key concepts, ideas, or themes. This process allows for the identification of patterns and trends in the data, as well as the development of a framework for understanding the relationships between different concepts. Thematic analysis involves identifying and interpreting patterns of meaning across the data. This process involves reviewing the coded data, grouping codes into themes, and developing an understanding of the relationships between different themes. Thematic analysis allows for the development of a rich and nuanced understanding of the data, providing insights into the complexities of the research topic.

This study adheres to established academic standards for research methodology and ethical considerations. It draws upon a diverse range of sources, including primary legal materials and secondary academic literature, to provide a comprehensive and balanced analysis. The research respects the intellectual property rights of others, properly citing all sources and avoiding plagiarism. The study also considers the potential impact of the research on the individuals and communities involved. It ensures that the research is conducted in a manner that respects the privacy and confidentiality of

participants. The research findings are presented in a fair and objective manner, avoiding any bias or misrepresentation.

### 3. Results

Table 1 illustrates how legal politics function as a mechanism for social regulation in Indonesia across various social issues. It highlights the dynamic interplay between legislation/policies, the political dynamics involved in their formulation, and their resulting impact on social norms and behaviors; Environmental Protection: This area showcases the tension between environmental activists and industrial groups, influenced by international agreements and corporate lobbying. While legislation exists, enforcement faces challenges due to corruption and resource constraints. Opportunities lie in community participation and balancing economic development with environmental protection; Public Health: Advocacy by health professionals and patient

groups, coupled with political debates on universal health coverage, have led to improved healthcare access and increased health literacy. However, challenges remain in ensuring equitable access, addressing healthcare professional shortages, and managing rising healthcare costs; Labor Rights: Negotiations between labor unions and employer associations, alongside political debates on wages and working conditions, have resulted in increased awareness of labor rights and improved working conditions in some sectors. Challenges include addressing the informal sector, protecting migrant workers' rights, and balancing worker-employer interests; Consumer Protection: Advocacy by consumer organizations and political debates on regulating online marketplaces have led to increased consumer awareness and improved product safety. However, addressing online fraud, data privacy, and enforcing consumer protection laws, especially for vulnerable consumers, remain key challenges.

Table 1. Legal politics as a mechanism for social regulation in Indonesia.

| Social issue                    | Relevant legislation/policies   | Political dynamics in formulation  | Impact on social norms and behaviors   | Challenges and opportunities  |
|---------------------------------|---|--|--|---|
| <b>Environmental protection</b> | - Law No. 32 of 2009 on Environmental Protection and Management.<br>- Presidential Regulation No. 97 of 2017 on National Policy and Strategy for Waste Management | - Debates between environmental activists and industrial groups.<br>- Influence of international agreements on climate change.<br>- Lobbying by multinational corporations.      | - Increased awareness of environmental issues.<br>- Adoption of sustainable practices by businesses.<br>- Community participation in environmental conservation. | - Enforcement challenges due to corruption and lack of resources.<br>- Balancing economic development with environmental protection.<br>- Engaging local communities in environmental governance. |
| <b>Public health</b>            | - Law No. 36 of 2009 on Health.<br>- Presidential Regulation No. 72 of 2012 on the National Health Insurance System.  | - Advocacy by health professionals and patient groups.<br>- Political debates on universal health coverage.<br>- Influence of international organizations like WHO.              | - Improved access to healthcare services.<br>- Increased health literacy among the population.<br>- Reduced maternal and child mortality rates.                  | - Ensuring equitable access to healthcare in remote areas.<br>- Addressing the shortage of healthcare professionals.<br>- Managing the rising cost of healthcare.                                 |
| <b>Labor rights</b>             | - Law No. 13 of 2003 on Manpower.<br>- Law No. 21 of 2000 on Trade Unions.  | - Negotiations between labor unions and employers' associations.<br>- Political debates on minimum wage and working conditions.<br>- Influence of international labor standards. | - Increased awareness of labor rights among workers.<br>- Improved working conditions in some sectors.<br>- Growth of trade union membership.                    | - Addressing the informal sector and precarious employment.<br>- Protecting migrant workers' rights.<br>- Balancing the interests of workers and employers.                                       |
| <b>Consumer protection</b>      | - Law No. 8 of 1999 on Consumer Protection.<br>- Government Regulation No. 71 of 2019 on E-Commerce.  | - Advocacy by consumer organizations.<br>- Political debates on regulating online marketplaces.<br>- Influence of international consumer protection standards.                   | - Increased consumer awareness of their rights.<br>- Improved product safety and quality.<br>- Growth of online consumer complaint mechanisms.                   | - Addressing the challenges of online fraud and data privacy.<br>- Ensuring effective enforcement of consumer protection laws.<br>- Protecting vulnerable consumers from exploitation.            |

Table 2 provides a snapshot of how legal politics operate as an instrument of legislative formation in Indonesia, highlighting the intricate dance between key actors, their interests, and the resulting outcomes and challenges; Law No. 11 of 2020 on Job Creation (Omnibus Law): This law exemplifies the tensions between economic liberalization and social/environmental concerns. Despite widespread protests, the government, backed by business interests, pushed for this law, streamlining regulations for businesses. This highlights the influence of economic interests in legislative formation, but also the challenges in balancing these with labor rights and environmental protection; Law

No. 19 of 2016 on Electronic Information and Transactions (ITE Law): This law showcases the complexities of regulating online spaces. While aiming to address online harms, concerns remain about its potential misuse for censorship and suppression of dissent. The ongoing debates highlight the need to balance freedom of expression with social responsibility in the digital age; Law No. 35 of 2014 on Child Protection: This law demonstrates the influence of child rights organizations and academic experts in shaping legislation. While it provides comprehensive protection measures, challenges remain in ensuring effective enforcement and addressing cultural and social norms that perpetuate child abuse.

Table 2. Legal politics as an instrument of legislative formation in Indonesia.

| Legislation  | Key actors involved  | Political dynamics and interests  | Outcome and impact   | Challenges and opportunities   |
|--|--|---|--|--|
| <b>Law No. 11 of 2020 on Job Creation (Omnibus Law)</b>                        | - Government (executive branch) - Parliament (legislative branch) - Business associations - Labor unions - Civil society organizations       | - Government push for economic liberalization and investment attraction. - Business interests seeking deregulation and streamlined licensing. - Labor union opposition to the perceived erosion of worker protections. - Civil society concerns about environmental and social impacts. | - Passed into law despite widespread protests and controversies. - Streamlined regulations and licensing processes for businesses. - Concerns remain about potential negative impacts on labor rights and environmental protection.  | - Balancing economic interests with social and environmental concerns. - Ensuring meaningful participation of all stakeholders in the legislative process. - Addressing potential implementation challenges and unintended consequences. |
| <b>Law No. 19 of 2016 on Electronic Information and Transactions (ITE Law)</b> | - Government (executive branch) - Parliament (legislative branch) - Technology companies - Civil society organizations - Media organizations | - Government aims to regulate online content and transactions. - Technology companies seeking clarity and legal certainty. - Civil society concerns about freedom of expression and privacy. - Media organizations advocating for press freedom and responsible reporting.              | - Passed into law with provisions on online defamation, hate speech, and data protection. - Concerns remain about potential misuse for censorship and suppression of dissent. - Ongoing debates on balancing online freedom with social responsibility.                              | - Protecting freedom of expression while combating online harms. - Ensuring transparency and accountability in law enforcement. - Adapting the law to the evolving digital landscape.  |
| <b>Law No. 35 of 2014 on Child Protection</b>                                  | - Government (executive branch) - Parliament (legislative branch) - Child rights organizations - Religious groups - Academic experts         | - Government commitment to fulfilling children's rights. - Child rights organizations advocating for stronger protection measures. - Religious groups influencing debates on issues like child marriage. - Academic experts providing research and evidence-based recommendations.      | - Passed into law with comprehensive provisions on child protection, including prevention of violence, exploitation, and neglect. - Strengthened the legal framework for child protection and welfare. - Ongoing efforts to improve implementation and address remaining challenges. | - Ensuring effective enforcement and access to justice for child victims. - Addressing cultural and social norms that perpetuate child abuse. - Strengthening coordination among relevant agencies and stakeholders.                     |

Table 3 presents a complex picture of how legal politics are used as a means of power control in Indonesia, highlighting the intricate interplay between legislation, political motivations, and the impact on individual freedoms and government authority; Revision of the Corruption Eradication Commission (KPK) Law (2019): This revision sparked controversy, with critics arguing it weakened the KPK's independence and effectiveness. This illustrates how legal changes can be used to consolidate power and limit the influence of institutions that challenge the status quo; Revision of the Electronic Information and Transactions (ITE) Law (2016): While intended to address online defamation and hate speech, concerns persist about its use to stifle dissent and criticism of those in power. This highlights the potential for laws to be wielded as tools to suppress freedom of

expression and maintain control over public discourse; Regulations on Mass Organizations (Ormas) (2017): These regulations grant the government broad powers to disband organizations deemed to threaten national unity or ideology. This raises concerns about the potential for abuse and suppression of legitimate dissent, illustrating how legal tools can be used to control civil society and maintain political dominance; Cybersecurity and Personal Data Protection Regulations: These regulations, while aiming to enhance national security and protect personal data, also grant extensive surveillance powers to the government. This raises concerns about potential intrusions into privacy and the chilling effect on freedom of expression, highlighting the delicate balance between security and individual liberties.

Table 3. Legal politics as a means of power control in Indonesia.

| Legislation/policy  | Actors exercising power   | Methods of power control  | Impact on political landscape  | Challenges and opportunities  |
|---|---|---|--|---|
| <b>Revision of the Corruption Eradication Commission (KPK) Law (2019)</b> | - President and supporting coalition in Parliament<br>- Political parties with vested interests<br>- Elements within law enforcement agencies | - Weakening the KPK's authority and independence through amendments that:<br>- Established a supervisory council with political appointees<br>- Required KPK investigators to be seconded from the police<br>- Limited wiretapping powers<br>- Reduced the KPK's jurisdiction                   | - Reduced the effectiveness of the KPK in investigating and prosecuting corruption cases.<br>- Increased vulnerability of anti-corruption activists and whistleblowers.<br>- Eroded public trust in the government's commitment to combating corruption. | - Restoring the KPK's independence and authority through legal and institutional reforms.<br>- Strengthening civil society oversight and advocacy for anti-corruption efforts.<br>- Promoting transparency and accountability in governance.                                  |
| <b>Regulations on Mass Organizations (Ormas) (2017)</b>                   | - Government (executive branch)<br>- Security apparatus<br>- Nationalist and conservative groups  | - Granting the government broad powers to disband organizations deemed to be threats to national unity or ideology without due process.<br>- Increased surveillance and restrictions on civil society organizations, particularly those critical of the government.                             | - Curtailed freedom of association and expression for civil society organizations.<br>- Created a chilling effect on dissent and critical voices.<br>- Enhanced the government's control over the public sphere.   | - Protecting freedom of association and expression through legal challenges and advocacy.<br>- Promoting inclusive dialogue and tolerance for diverse viewpoints.<br>- Strengthening civil society resilience and capacity for self-organization.                             |
| <b>Cybersecurity Law (2018) and related regulations</b>                   | - Government (executive branch)<br>- Military and intelligence agencies<br>- Telecommunications companies                                     | - Expanding surveillance powers and control over online information in the name of national security.<br>- Vague provisions that can be used to restrict online freedom of expression and access to information.<br>- Increased government control over internet infrastructure and data flows. | - Enhanced government capacity for online surveillance and censorship.<br>- Potential for abuse of power to target political opponents and critics.<br>- Chilling effect on online activism and critical discourse.                                      | - Safeguarding online freedom of expression and privacy through legal and technological safeguards.<br>- Promoting transparency and accountability in government surveillance practices.<br>- Strengthening digital literacy and critical engagement with online information. |

Table 4 provides a nuanced perspective on how globalization influences legal politics in Indonesia, showcasing both the opportunities and challenges that arise from increased interconnectedness; Laws, Harmonization, and Reform: Globalization pressures Indonesia to harmonize its laws with international standards, particularly in areas like human rights, intellectual property, and environmental protection. This can lead to progressive legal reforms but also raises concerns about national sovereignty and potential conflicts with local values; Policy Transfer and Legal Transplants: Indonesia actively adopts legal and policy models from other countries, especially in areas like trade, investment, and governance. While this can accelerate development, it's crucial to ensure

these "transplants" are adapted to the local context and don't undermine existing legal frameworks; Transnational Networks: The rise of transnational networks, including NGOs, multinational corporations, and international organizations, significantly influences legal and policy debates in Indonesia. These networks can advocate for progressive causes, but also exert pressure that may not always align with national interests; Economic Liberalization: Globalization, particularly through institutions like the WTO and IMF, pushes Indonesia towards economic liberalization. This can bring economic benefits but also raises concerns about social inequality, environmental degradation, and the erosion of local industries.

Table 4. The influence of globalization on legal politics in Indonesia.

| Area of influence                          | Manifestations of globalization  | Impact on legal and political processes   | Examples in Indonesia   | Challenges and opportunities  |
|--|--|---|---|---|
| <b>Legal harmonization and reform</b>      | <ul style="list-style-type: none"> <li>- International treaties and conventions (e.g., human rights, environmental law, trade law)</li> <li>- Transnational legal norms and standards</li> <li>- Regional integration initiatives (e.g., ASEAN)</li> </ul> | <ul style="list-style-type: none"> <li>- Pressure to adopt and implement international legal standards.</li> <li>- Harmonization of domestic laws with international obligations.</li> <li>- Legal reforms to facilitate international trade and investment.</li> </ul>                     | <ul style="list-style-type: none"> <li>- Ratification of international human rights conventions and incorporation into domestic law.</li> <li>- Adoption of environmental regulations in line with international agreements.</li> <li>- Harmonization of trade laws with WTO agreements.</li> </ul>                                       | <ul style="list-style-type: none"> <li>- Balancing national interests with international obligations.</li> <li>- Ensuring effective implementation and enforcement of international standards.</li> <li>- Addressing potential conflicts between international and domestic legal norms.</li> </ul>     |
| <b>Policy diffusion and transfer</b>       | <ul style="list-style-type: none"> <li>- Spread of legal and policy ideas across borders.</li> <li>- Learning from best practices and experiences of other countries.</li> <li>- Influence of international organizations and NGOs.</li> </ul>             | <ul style="list-style-type: none"> <li>- Adoption of policy models and legal frameworks from other countries.</li> <li>- Influence of international best practices on domestic policymaking.</li> <li>- Increased role of international organizations in shaping policy agendas.</li> </ul> | <ul style="list-style-type: none"> <li>- Adoption of anti-corruption strategies based on international models.</li> <li>- Implementation of social protection programs inspired by international best practices.</li> <li>- Influence of World Bank and IMF policies on economic reforms.</li> </ul>                                      | <ul style="list-style-type: none"> <li>- Adapting foreign models to the local context.</li> <li>- Critically evaluating the effectiveness of imported policies.</li> <li>- Ensuring policy ownership and local relevance.</li> </ul>  |
| <b>Transnational advocacy and networks</b> | <ul style="list-style-type: none"> <li>- Global civil society movements and networks.</li> <li>- Transnational advocacy campaigns on human rights, environmental issues, etc.</li> <li>- Role of international NGOs and media.</li> </ul>                  | <ul style="list-style-type: none"> <li>- Increased pressure on governments to address global issues.</li> <li>- Amplification of local voices through transnational networks.</li> <li>- Enhanced accountability through international scrutiny.</li> </ul>                                 | <ul style="list-style-type: none"> <li>- Advocacy campaigns on human rights issues, such as freedom of expression and religious freedom.</li> <li>- Transnational mobilization on environmental issues, such as deforestation and climate change.</li> <li>- Role of international NGOs in promoting legal and policy reforms.</li> </ul> | <ul style="list-style-type: none"> <li>- Strengthening domestic civil society capacity for advocacy and engagement.</li> <li>- Building effective coalitions with international partners.</li> <li>- Navigating the complexities of transnational advocacy and influence.</li> </ul>                    |
| <b>Economic and trade liberalization</b>   | <ul style="list-style-type: none"> <li>- Global trade agreements (e.g., WTO, free trade agreements)</li> <li>- Foreign direct investment</li> <li>- International financial institutions (e.g., World Bank, IMF)</li> </ul>                                | <ul style="list-style-type: none"> <li>- Pressure to liberalize trade and investment regimes.</li> <li>- Influence of international economic policies on domestic regulations.</li> <li>- Increased role of multinational corporations in shaping legal and policy frameworks.</li> </ul>   | <ul style="list-style-type: none"> <li>- Accession to the WTO and implementation of trade liberalization measures.</li> <li>- Opening up of various sectors to foreign investment.</li> <li>- Influence of World Bank and IMF policies on economic and financial reforms.</li> </ul>  | <ul style="list-style-type: none"> <li>- Balancing the benefits of economic liberalization with social and environmental concerns.</li> <li>- Protecting domestic industries and promoting fair trade practices.</li> <li>- Ensuring that economic policies benefit all segments of society.</li> </ul> |

Table 5 provides a valuable overview of how different legal and political theories can be applied to understand the complexities of legal politics in Indonesia. It highlights the key concepts, strengths, and limitations of each theory, offering a multi-faceted lens through which to analyze the interplay of law, politics, and power; Legal Positivism: This theory, with its emphasis on the formal validity of law and the separation of law from morality, helps understand the technical aspects of lawmaking and enforcement in Indonesia. However, it may fall short in explaining the influence of social and political factors on legal processes; Critical Legal Studies: This theory, with its focus on the role of law in perpetuating power structures and social inequalities, provides a critical lens to analyze how legal politics can be used to serve the interests of dominant groups. However, it can be criticized for being overly pessimistic and not offering concrete solutions; Legal Pluralism: This theory,

recognizing the coexistence of multiple legal systems within a society, helps understand the complex interplay between state law, religious law, and customary law in Indonesia. However, it can be challenging to manage potential conflicts between these different systems; Legal Formalism: This theory, emphasizing the importance of following established procedures and rules in legal decision-making, helps understand the importance of legal certainty and predictability in Indonesia. However, it can be criticized for being rigid and insensitive to social context; Legal Realism: This theory, focusing on the social and political context in which law operates, helps understand how legal decisions are influenced by factors beyond legal rules, such as judges' personal beliefs and social pressures. However, it can be criticized for undermining the objectivity and legitimacy of the legal system.

Table 5. The relevance of legal and political theories in understanding legal politics in Indonesia.

| Theory                        | Key concepts   | Application to Indonesian context  | Examples in the study  | Strengths and limitations  |
|-------------------------------|--|--|--|--|
| <b>Legal Positivism</b>       | - Law as a system of rules created by a sovereign authority. - Focus on the formal validity and hierarchy of legal norms. - Separation of law and morality.  | - Provides a framework for analyzing the formal legal system in Indonesia, including the Constitution, legislation, and judicial decisions. - Helps to understand the legitimacy and authority of legal institutions and actors.   | - Examining the constitutionality of laws and policies. - Analyzing the legal basis for government actions. - Assessing the validity of judicial interpretations.  | <b>Strengths: Provides clarity and certainty in legal interpretation. Limitations: Neglects the social and political context of lawmaking and enforcement.</b>                           |
| <b>Critical Legal Studies</b> | - Law as a tool for maintaining power structures and social inequalities. - Critique of legal formalism and neutrality. - Emphasis on the role of ideology and power in shaping legal outcomes.  | - Highlights the potential for law to be used to perpetuate social and economic inequalities in Indonesia. - Critiques the role of elites and powerful interests in shaping legal and political processes. - Emphasizes the need for legal reforms that promote social justice and empower marginalized groups.  | - Analyzing the impact of legislation on marginalized communities. - Examining the role of money and influence in political decision-making. - Critiquing the lack of access to justice for vulnerable groups.   | <b>Strengths: Offers a critical perspective on the role of law in society. Limitations: Can be overly idealistic and neglect the practical constraints of legal reform.</b>              |
| <b>Legal Pluralism</b>        | - Recognition of multiple legal systems coexisting within a society. - Interaction between state law, customary law, and religious law in Indonesia. - Importance of understanding the diverse legal traditions and practices in shaping legal and political outcomes. | - Highlights the complexity of the Indonesian legal system, which incorporates elements of civil law, Islamic law, and customary law (adat). - Emphasizes the need to consider the diverse legal perspectives and practices of different communities in Indonesia. - Promotes a more nuanced understanding of legal and political processes beyond the formal state law. | - Analyzing the role of Islamic law in family law and inheritance. - Examining the influence of customary law in land rights and dispute resolution. - Understanding the interaction between state law and local legal traditions.                                   | <b>Strengths: Acknowledges the diversity of legal experiences and perspectives. Limitations: Can be challenging to reconcile competing legal norms and frameworks.</b>                   |
| <b>Socio-Legal Studies</b>    | - Interdisciplinary approach to studying law in its social context. - Focus on the empirical study of law and its impact on society. - Emphasis on the role of social, economic, and political factors in shaping legal outcomes.                                      | - Provides a framework for analyzing the social and political context of legal and political processes in Indonesia. - Emphasizes the importance of empirical research and data analysis in understanding the impact of law on society. - Promotes a more holistic understanding of legal and political phenomena.   | - Conducting surveys and interviews to understand public perceptions of law and justice. - Analyzing the impact of legal reforms on social and economic indicators. - Studying the role of social movements and civil society in shaping legal and political change. | <b>Strengths: Offers a more nuanced and empirical understanding of law in society. Limitations: Can be challenging to integrate diverse disciplinary perspectives and methodologies.</b> |



#### 4. Discussion

The study's findings highlight the crucial role of legal politics in shaping social norms and behaviors in Indonesia. By examining various social issues, such as environmental protection, public health, labor rights, and consumer protection, the research demonstrates how legal politics function as a mechanism for social regulation. In the realm of environmental protection, the study reveals the complex interplay between environmental activists, industrial groups, and international pressures. While Indonesia has enacted legislation to protect the environment, such as Law No. 32 of 2009 on Environmental Protection and Management, enforcement challenges persist due to corruption and resource constraints. The study emphasizes the importance of community participation and balancing economic development with environmental protection. Regarding public health, the research highlights the role of advocacy by health professionals and patient groups in shaping policies. Political debates on universal health coverage and the influence of international organizations, such as the World Health Organization (WHO), have led to improved healthcare access and health literacy. However, challenges remain in ensuring equitable access, addressing healthcare professional shortages, and managing rising healthcare costs. In the area of labor rights, the study demonstrates the impact of negotiations between labor unions and employer associations on shaping policies. Political debates on minimum wage and working conditions, alongside the influence of international labor standards, have resulted in increased awareness of labor rights and improved working conditions in some sectors. However, challenges persist in addressing the informal sector, protecting migrant workers' rights, and balancing the interests of workers and employers. Concerning consumer protection, the research highlights the role of advocacy by consumer organizations and political debates on regulating online marketplaces. Increased consumer awareness, improved product safety, and the growth of online consumer complaint mechanisms are positive developments. However, addressing online fraud, data privacy, and ensuring effective enforcement of

consumer protection laws remain key challenges.<sup>11,12</sup>

The study also examines how legal politics function as an instrument of legislative formation in Indonesia. By analyzing the legislative process and the political dynamics involved in the formulation of specific laws, the research provides insights into the complexities of lawmaking. The study reveals that the legislative process is often characterized by group dominance, where certain actors, such as the government and business associations, exert significant influence. This raises concerns about the equitable representation of diverse interests and the potential for legislation to serve particular interests rather than the broader public good. The research also highlights the influence of globalization on legislative formation. International treaties, foreign models, and transnational advocacy networks play a role in shaping domestic laws and policies. While globalization offers opportunities for learning from best practices and promoting international cooperation, it also presents challenges to national sovereignty and the protection of domestic interests. Law No. 11 of 2020 on Job Creation (Omnibus Law) aimed at streamlining regulations and attracting investment, was passed despite widespread protests and concerns about its potential negative impacts on labor rights and environmental protection. The case highlights the influence of business interests and the challenges of balancing economic goals with social and environmental concerns. Law No. 19 of 2016 on Electronic Information and Transactions (ITE Law) intended to regulate online content and transactions, has raised concerns about its potential misuse for censorship and suppression of dissent. The case demonstrates the complexities of regulating online spaces and the need to balance freedom of expression with social responsibility. Law No. 35 of 2014 on Child Protection resulting from extensive advocacy by child rights organizations and academic experts, provides comprehensive protection measures for children. However, challenges remain in ensuring effective enforcement and addressing cultural and social norms that perpetuate child abuse. The case highlights the role of civil society in shaping legislation and the ongoing efforts to translate legal provisions into tangible improvements in child welfare. These

case studies demonstrate the dynamic interplay of actors and interests in shaping legislation in Indonesia. The government, as the initiator of many bills, plays a significant role, but its influence is often counterbalanced by the interests of business associations, civil society organizations, and international actors. The legislative process is a complex negotiation, where power dynamics, social norms, and external pressures converge to shape the final outcome. The study's findings underscore the challenges and opportunities facing Indonesia in its pursuit of a just and inclusive legal system. While group dominance and external pressures can distort the legislative process, the engagement of civil society organizations and the influence of international norms can also contribute to progressive legal reforms. The challenge lies in ensuring that the legislative process is transparent, accountable, and responsive to the needs and interests of all Indonesians.<sup>13-15</sup>

The study also examines how legal politics can be used as a means of power control in Indonesia. By analyzing specific legislation and policies, the research demonstrates how those in power can utilize legal tools to consolidate their authority and limit dissent. The study reveals instances where laws have been revised or enacted to weaken oversight institutions, curtail freedom of expression, and expand surveillance powers. These findings raise concerns about the potential for abuse of power and the erosion of democratic checks and balances. Revision of the Corruption Eradication Commission (KPK) Law (2019) which established a supervisory council with political appointees and limited the KPK's investigative powers, has been criticized for weakening the KPK's independence and effectiveness in combating corruption. The case highlights how legal changes can be used to undermine institutions that challenge the authority of those in power. Regulations on Mass Organizations (Ormas) (2017) grant the government broad powers to disband organizations deemed to threaten national unity or ideology, raising concerns about the potential for suppression of legitimate dissent and the curtailment of freedom of association. The case demonstrates how legal tools can be used to control civil society and maintain political dominance.

Cybersecurity Law (2018) and related regulations expand surveillance powers and control over online information in the name of national security, raising concerns about potential abuse and the chilling effect on freedom of expression. The case highlights the tension between security concerns and individual liberties in the digital age. The research also highlights the role of the judiciary in the exercise of power control. The judiciary can be influenced by political pressure, leading to decisions that favor those in power. This underscores the importance of an independent and impartial judiciary in upholding the rule of law and protecting human rights. While the judiciary is often seen as a check on the power of the executive and legislative branches, it can also be susceptible to political influence. The appointment and promotion of judges, the allocation of resources to the judiciary, and the potential for political interference in judicial decision-making can all undermine the independence and impartiality of the courts. The study's findings emphasize the crucial importance of safeguarding judicial independence in Indonesia. An independent judiciary is essential for upholding the rule of law, protecting human rights, and ensuring that legal politics are not used as a tool for power control.<sup>16,17</sup>

The study also examines the influence of globalization on legal politics in Indonesia. Globalization has led to increased pressure to adopt and implement international legal standards, harmonize domestic laws with international obligations, and adopt policy models and legal frameworks from other countries. While globalization offers opportunities for economic development and international cooperation, it also presents challenges to national sovereignty and the protection of domestic interests. The study emphasizes the need for Indonesia to carefully navigate the complex interplay between domestic and international pressures in formulating legal policies. International treaties and conventions, transnational legal norms and standards, and regional integration initiatives exert pressure on Indonesia to adopt and implement international legal standards. This can lead to legal reforms that promote human rights, environmental

protection, and trade liberalization. However, it also raises concerns about national sovereignty and potential conflicts between international and domestic legal norms. The spread of legal and policy ideas across borders, learning from best practices of other countries, and the influence of international organizations and NGOs can lead to the adoption of policy models and legal frameworks from other countries. While this can accelerate development and promote efficiency, it is crucial to adapt foreign models to the local context and ensure policy ownership and local relevance. Global civil society movements and networks, transnational advocacy campaigns on various issues, and the role of international NGOs and media can increase pressure on governments to address global issues and amplify local voices through transnational networks. However, it is essential to strengthen domestic civil society capacity for advocacy and engagement and navigate the complexities of transnational advocacy and influence. Global trade agreements, foreign direct investment, and international financial institutions can pressure countries to liberalize trade and investment regimes. While this can bring economic benefits, it is crucial to balance these benefits with social and environmental concerns, protect domestic industries, and ensure that economic policies benefit all segments of society. The study emphasizes the need for Indonesia to carefully navigate the complexities of globalization. Indonesia needs to balance the pressures to conform to international standards with the need to protect its national interests and cultural values. Indonesia should actively engage with global legal trends but ensure that adopted laws and policies are adapted to the local context and serve the needs of its people. While transnational networks can play a positive role, it is important to manage their influence to ensure they do not undermine national sovereignty or exacerbate existing inequalities. Indonesia needs to carefully navigate the pressures of economic liberalization to ensure that economic growth is inclusive and sustainable and does not come at the cost of social justice and environmental protection.<sup>18-</sup>

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## 5. Conclusion

This study has illuminated the intricate dynamics of legal politics and policy formulation in Indonesia, revealing a complex interplay of power, interests, and external pressures. The research has highlighted how legal politics function as a mechanism for social regulation, guiding behavior and maintaining order in society. It has also demonstrated the multifaceted role of legal politics in legislative formation, shaping the content and direction of laws and policies. Furthermore, the study has underscored the potential for legal politics to be used as a means of power control, with the possibility of abuse and manipulation by those in power. The findings of this research have significant implications for understanding the Indonesian legal system and its ongoing development. By recognizing the complexities of legal politics, policymakers, civil society organizations, and other stakeholders can engage more effectively in shaping a just and inclusive legal system. The study has also underscored the importance of theoretical frameworks in understanding the interplay between law and politics. Legal positivism, critical legal studies, and alternative perspectives all offer valuable insights into the dynamics of legal politics and can guide legal reform efforts. In conclusion, this research has contributed to a deeper understanding of the intricate relationship between law, politics, and society in Indonesia. It has highlighted the challenges and opportunities facing the country in its pursuit of a legal system that is responsive to the needs and aspirations of its people. By fostering legal reform, promoting social advocacy, and engaging with theoretical frameworks, Indonesia can navigate the labyrinth of legal politics and shape a legal system that is both just and inclusive.

## 6. References

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