

## Strategy for Strengthening the Implementation of Progressive Law in the Republic of Indonesia National Police

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### Keywords

Progressive law, police, law enforcement, strategy, substantive justice.

### ABSTRACT

Law enforcement in Indonesia today faces serious challenges, especially in maintaining a balance between procedural justice and substantive justice. The Indonesian National Police as one of the law enforcement institutions has a strategic role in realizing a legal system that is not only based on normative legality, but also upholds the values of humanity, morality, and social justice. In this context, the progressive legal approach introduced by Satjipto Rahardjo is very relevant to be adopted and implemented by the Indonesian National Police. Progressive law offers a new paradigm in law enforcement that sides with the people, rejects procedural rigidity, and prioritizes humanitarian values as the substance of law. This study aims to normatively examine the concept of progressive law about the role and function of the Indonesian National Police and to formulate strategies that can be used to strengthen the implementation of the progressive legal approach within the Indonesian National Police. This study uses a normative juridical method, with a statutory regulatory approach and a conceptual approach. The legal materials used consist of primary legal materials such as the 1945 Constitution of the Republic of Indonesia, Law Number 2 of 2002 concerning the Indonesian National Police, and other related regulations. In addition, secondary legal materials are also used in the form of legal literature, scientific journals, and the views of legal experts on progressive law. This study is expected to provide theoretical contributions to the development of progressive legal discourse and provide a conceptual basis for institutional renewal within the National Police to create just and humanistic law enforcement.

## INTRODUCTION

Law enforcement in Indonesia is never free from the ever-changing social dynamics. Society is becoming increasingly critical of justice—not only in the sense of *black-and-white* law, but also in how the law is implemented in real life (Waluyo, 2022). The Indonesian National Police, as the vanguard of law enforcement, is often in a complicated position—between implementing the rules as written and facing social realities that demand sensitivity and a deeper sense of justice (Zahira et al., 2024). In such a context, there is a need to revisit the legal approach used, to respond to complex legal problems that cannot always be resolved simply by citing legal articles (Lusia Sulastri, 2023).

The legal approach, which has so far been predominantly legalistic and procedural, often creates a gap between what should be done humanely and what is required by written law (Ismoyo, Abas, et al., 2025). There are many cases in which the actions of authorities are considered legally valid but are still deemed unfair by society (Arif & Sulaiman, 2025). When the law is enforced solely through technical instruments without considering the social context,

it loses its essence as a protector of human life. In situations like this, it becomes clear that the law cannot continue to be treated as a cold and neutral tool—it must be able to touch the human side in every application.

Within this framework, the idea of *progressive law* developed by Satjipto Rahardjo finds its relevance (Rahmad, 2020). *Progressive law* was born out of anxiety about a legal system that is stagnant—concerned only with preserving certainty while ignoring justice (Noho & Dzikirullah, 2020). Satjipto asserted that the law should not be frozen and mechanistic (Rondonuwu, 2014). Law must be alive, must be able to follow the pulse of an ever-changing society, and most importantly, the law must side with humans. This idea is not meant to reject rules, but to remind us that rules are only tools, while the ultimate goal is human welfare.

*Progressive law* does not begin with the text but with the context. It does not merely preserve order, but also strives for substantive justice (Aulia, 2018). In *progressive law*, humans are not rigidly subject to outdated laws; on the contrary, the law must adapt to meet the needs of contemporary society (Salle, 2020). This paradigm encourages legal breakthroughs, provided that these breakthroughs are grounded in good intentions, concern for the public good, and a strong desire to create a more civilized social order (INDRIATI, 2023).

The main principle of *progressive law* is to reverse the traditional relationship between law and humans (Sarumpaet et al., 2024). In a legalistic approach, humans are subject to the law, whereas in *progressive law*, the law is subject to human values. This means that law enforcement should not be assessed solely based on the successful application of legal provisions, but also by how much it humanizes individuals (Indirati, 2023). The emphasis on substantive justice is a hallmark of this approach. It is not enough for legal actions to be correct in a technical sense—they must also be morally and ethically fair (Sony et al., 2024).

Ethics and morality are fundamental pillars of *progressive law*. In practice, law enforcement officers are expected not only to perform their duties normatively but also to consider humanitarian values, empathy, and *local wisdom* (Suherman, 2024). Ethical legal actions do not always align with technical legality, and this is where the strength and challenge of *progressive law* lie. It opens space for critical thinking, questioning, and even reforming regulations if they are no longer relevant or if they harm the public's sense of justice (Narwadan et al., 2025).

However, the implementation of *progressive law* faces significant challenges. A bureaucratic and conservative legal culture is often the main obstacle. Law enforcement officers are trained within a system that upholds procedures and hierarchies, making it difficult to embrace a flexible and empathy-based approach (Soge, 2022). Additionally, the national legal system remains deeply entrenched in a *positivist* tradition, which evaluates law based on certainty and compliance rather than its justness in practice (Sinaga et al., 2025).

The presence of *progressive law* in Indonesia's law enforcement practices—particularly within the National Police—requires a fundamental shift in perspective (Siregar, 2024). Law must no longer be understood solely as a normative text but as a tool for achieving social justice (Soge & Sitorus, 2022). Meaningful law enforcement requires the courage to think beyond the existing rules, the willingness to reflect, and the readiness to fight for a broader concept of justice—not just justice for the state, but for all people (Mansur et al., 2024).

Previous studies have examined law enforcement and its legalistic approaches, but they have yet to fully explore the transformative potential of *progressive law*, especially in the

Indonesian context. For example, Ismoyo, Apriyanto, et al. (2025) highlights the gap between legal formalism and social justice, emphasizing the rigidity of traditional enforcement practices. However, the study does not delve deeply into how *progressive law* could address this issue in practical terms, particularly within the Indonesian National Police. Similarly, Rahmad & Hafis (2020) discusses the relevance of *progressive law*, but without applying it directly to law enforcement, leaving a gap in understanding its real-world implementation.

This study aims to explore how *progressive law* can be applied in law enforcement practices in Indonesia—particularly within the Indonesian National Police—to ensure that legal actions are not only technically correct but also morally and ethically just. The benefits of this research include providing a framework for law enforcement officers to integrate humanistic values into their decision-making, enhancing the fairness and effectiveness of the legal system, and contributing to the broader pursuit of social justice.

## METHOD

The research method employed in this study is the *normative legal method*, which is an approach that relies on the study of applicable legal norms as the primary basis for analyzing legal problems. This research does not depend on empirical data from the field but instead focuses on the examination of written legal materials. The approaches used in this research include the *statute approach* and the *conceptual approach*. The *statute approach* is carried out by analyzing various legal provisions that govern the functions and roles of the Indonesian National Police, particularly those related to law enforcement and professionalism within the police institution. Meanwhile, the *conceptual approach* is utilized to explore a deeper understanding of the *progressive legal* ideas developed by Satjipto Rahardjo, including the principles and fundamental values embedded in them.

The sources of legal materials consist of *primary legal materials*, namely laws and regulations such as the *1945 Constitution of the Republic of Indonesia*, *Law Number 2 of 2002 concerning the Indonesian National Police*, and other implementing regulations. In addition, *secondary legal materials*—in the form of legal textbooks, scientific journals, and writings by *progressive law* scholars—are also employed. *Tertiary legal materials*, such as relevant legal dictionaries and encyclopedias, are used to reinforce conceptual understanding.

Through this approach, it is expected that a systematic understanding can be developed regarding how *progressive legal* strengthening strategies can be effectively implemented within the National Police.

## RESULT AND DISCUSSION

### A. The Indonesian National Police as Law Enforcers in the Context of Progressive Law

The Indonesian National Police is one of the main pillars of the law enforcement system in Indonesia. Its position is constitutionally regulated in Article 30 paragraph (4) of the 1945 Constitution of the Republic of Indonesia, which states that the Indonesian National Police as a state apparatus that maintains public security and order, is tasked with protecting, serving, and enforcing the law (Tamrin, 2023). This provision is further clarified through Law Number 2 of 2002 concerning the Indonesian National Police, especially in Article 2 which emphasizes that the function of the police is one of the functions of the state government in the field of maintaining public security and order, law enforcement,

protection, protection, and service to the community. This means that the Police do not merely have a repressive role, but also carry out a strong social mission in maintaining social harmony through a just and humane legal approach (Yutrawanto & Pualillin, 2022).

The law enforcement function carried out by the Police is inseparable from the increasingly complex social context and expectations of society. When society faces injustice, they expect the Police to be a protector, not just an implementer of rigid legal procedures. Unfortunately, there are still many practices that show a gap between ideal expectations and reality on the ground. In practice, the Police are often trapped in an approach that is too legalistic and procedural. The investigation and legal action processes are often carried out by emphasizing administrative aspects alone, without considering the value of substantive justice. This is a serious concern because it can cause a crisis of public trust in police institutions.

The challenges faced by the Police in carrying out their law enforcement functions are not only internal but also external. On the one hand, there is a pragmatic tendency in carrying out legal duties, where procedural efficiency is prioritized over the quality of justice. On the other hand, political pressure and intervention of power often overshadow the legal process, especially in major cases involving elite or corporate interests. This kind of pressure interferes with the independence of the Police in making fair and proportional decisions. As a result, legal action can be misinterpreted as a form of power, not a dignified public service.

Not infrequently, the Police also receive sharp criticism from the public for repressive actions and abuse of authority that harm the sense of justice. Several cases of excessive use of force, discriminatory actions, and manipulation in the investigation process have worsened the image of the Police as protectors of the public. This criticism shows that there is a fairly wide gap between the idealism of just law and the reality of implementation in the field. In such a situation, a progressive legal approach becomes very relevant, because it offers a model of law enforcement that is more on the side of victims, based on humanitarian values, and not trapped in narrow procedures.

In the spirit of progressive law introduced by Satjipto Rahardjo, law enforcement must not be separated from common sense and common sense. One of the main principles of progressive law is that law is created for humans, not humans for the law. If translated into the context of the work of the Police, then every investigation, arrest, or interrogation should not only be assessed from its administrative legality but also from the extent to which the action considers the dignity of the humans involved. For example, in the investigation process, investigators should not only focus on collecting evidence formally, but also consider the social background, vulnerability of the perpetrator or victim, and the potential for restorative justice.

Progressive legal values can be integrated into the work of the Police by strengthening the humanistic approach in every stage of law enforcement. The principle of law enforcement that does not harm, avoids excessive criminalization, and prioritizes fair resolution for all parties, needs to be used as the basis for ethics in acting. The ethics of the police profession as stated in the Regulation of the Chief of the Republic of Indonesia National Police Number 14 of 2011 concerning the Code of Ethics of the Police Profession also provides space to enforce the law with full moral responsibility, not just following the

technical flow of the law. Progressive law enforcement is born from an attitude of concern and sensitivity to the conditions of the community being served.

To achieve sustainable implementation of progressive law, a strong commitment is needed in the internal reform of the National Police. This reform does not only touch on structural aspects but also cultural ones. An overly bureaucratic organizational culture must be transformed into an adaptive and empathetic service culture. Ethics training, dialogue between members, and strengthening the values of professionalism can be a way to form a collective awareness that law enforcement is not a tool of power, but a way to create social justice. It is where progressive law works as an inspiration in practice, and as an ethical foundation in exercising power.

The implementation of progressive legal values in the performance of the National Police is not just discourse, but a real need in society that continues to demand more meaningful justice. When the public sees that the law is carried out with the heart, not just with the head, trust in the National Police will grow. This trust is a very valuable asset in the law enforcement process because only with trust, the public is willing to cooperate, be open, and feel protected. Progressive law, in this sense, is not a shortcut, but a long road that leads to respect for the humanity and dignity of every citizen.

#### **B. Strategy for Strengthening the Implementation of Progressive Law in the Police**

The strategy to strengthen the implementation of progressive law within the Indonesian National Police requires steps that touch the roots of the process of forming the way of thinking and acting of police members. One crucial starting point is the reorientation of the Polri education and training system. So far, the orientation of education tends to focus on technical and procedural aspects, while the social, humanistic, and ethical dimensions have not received adequate portions. By incorporating progressive legal values into the academic curriculum and field training, the Polri can shape the character of members who are not only competent in law enforcement but also sensitive to the social and humanitarian dynamics faced by society every day.

This reorientation must touch on materials that encourage restorative justice, an understanding of the sociology of law, and a social psychological approach to dealing with conflict. Training that emphasizes the ability to listen to victims, community mediation, and dialogue-based resolution can broaden the horizons of Polri members' thinking in dealing with legal cases more fairly. When training no longer emphasizes command dominance alone, but instead opens space for empathy and reflection, a new perspective will grow that is in accordance with the spirit of progressive law. This transformation needs to be carried out not only in the initial education stage but also in advanced training and routine refresher courses for active members.

In addition to reforms on the educational side, the internal regulatory aspects of the National Police also need to be updated to be in line with the principles of substantive justice. Many standard operating procedures (SOPs) and internal regulations are still designed to serve administrative mechanisms, not the real needs of justice felt by the community. A comprehensive review needs to be carried out on regulations that have the potential to limit the creative space of members in implementing laws that are oriented toward humanity. When SOPs can provide flexibility to act based on the values of justice, the legal process will not be trapped in merely fulfilling a procedural checklist.

Adjustments to these regulations must also consider the ever-evolving social context. Today's society is much more critical, responds more quickly to the actions of officers, and is more aware of its rights. With this reality, the internal regulations of the National Police can no longer be closed and elitist. There needs to be space for participation from the community and legal experts in formulating technical police policies that reflect the aspirations for justice that live in the community. A living regulation (living law) within the police force will be better able to present an order that is dialogical, not coercive.

On the other hand, strengthening professional ethics is a pillar that must not be ignored. The code of ethics that has been drafted not only needs to be enforced but must also become the daily breath of police practice. Integrity will not grow only with the threat of sanctions but must be instilled as a basic value from the beginning of the formation of the member's identity. Institutions such as the Division of Profession and Security (Propam) and the National Police Commission (KOMPOLNAS) play an important role in ensuring that these ethical values do not stop on paper. The supervisory function needs to be expanded and collaborated with civil society to create a healthy and transparent accountability space.

The organizational culture in the police must also be consciously built towards a culture that prioritizes integrity and moral responsibility. A culture that rewards members who are fair, patient, and dialogue will have a much greater impact in the long term than a reward system based solely on performance statistics. A culture like this requires exemplary behavior from leaders, not just administrative appeals. When integrity becomes a shared norm that is collectively maintained, violations are no longer seen as commonplace, but as a betrayal of public trust.

Another strategy that has a long-term impact is strengthening cooperation and collaboration with the community and academics. Society is no longer just an object of security, but a partner in creating order. The community policing approach based on active citizen participation can be a gateway to absorbing progressive legal values in everyday life. The police are present not as controllers, but as facilitators in resolving social conflicts. In this way, law is understood to build social relations, not just as an instrument of punishment.

Academics also make a major contribution to this process. Open discussion forums on the concept of progressive law, studies on police practices, and collaborative research can be a bridge between the world of theory and practice. When the Indonesian National Police opens up space for dialogue with campuses, legal study centers, and civil organizations, new ideas will emerge that can enrich institutional strategies. In a world that is constantly changing, the law must be present adaptively. Only with a collaborative spirit can progressively values in the law be translated concretely into the daily lives of Indonesian National Police members who are directly involved in the pulse of community life.

## CONCLUSION

*Progressive law* emerges as a response to the imbalance between legal norms and the real need for justice in society. In the context of the duties and functions of the Police as a law enforcement institution, *progressive law* holds high relevance. A society that continues to evolve socially, culturally, and technologically demands a legal approach that is not solely based on rigid procedures and *legalistic* doctrines, but one that also prioritizes substantive justice and human values. The Police are not only required to act as guardians of order but must

also serve as an institution capable of offering solutions to social conflicts through *restorative*, empathetic, and ethical approaches.

Within this framework, the strategy to strengthen the implementation of *progressive law* within the Police cannot be fragmented. A comprehensive approach is needed—one that addresses structural aspects through the renewal of institutional and managerial systems; cultural aspects through the transformation of professional values and ethics; and regulatory aspects through the adjustment of policies and *SOPs* to reflect society's actual demands for justice. The transformation process toward a *progressive* law enforcement institution can proceed effectively and sustainably only with strong political commitment from policymakers—both at the executive and legislative levels—to provide full support for institutional reform within the Police.

Regulations that align police practices with *progressive legal* principles must be drafted and implemented without delay. Furthermore, the continuity between theory and practice in *Polri* education and training must be maintained and enhanced. Legal education must not stop at the cognitive level but must also shape the moral and social sensitivity of personnel. In doing so, *Polri* can transform into an institution that is not only structurally robust but also morally dignified—capable of bridging the gap between law and justice in its truest sense.

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