

# The Model of Law Enforcement Based on Pancasila Justice



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## ABSTRACT

The development of the current flow of law in Indonesia in the context of law enforcement is unquestionably still evident in the application of positivism in law enforcement, which, of course, with the application of legal positivism is enforced the law that is more important, if one considers that the philosophical goal of the law is the creation of justice, and so on. This is a declaration of Pancasila values in law enforcement in the Indonesian state. In some instances, it appears that the flow of positivism continues to exert a strong influence on law enforcement in Indonesia, which, of course, can affect the values of justice in law enforcement. As stated in Article 24 paragraph 1 of the Constitution of the Republic of Indonesia, in order to realize the Indonesian state as a rule of law, both law enforcement and justice must be properly enforced in the context of judicial power.



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## 1. Introduction

The 1945 Constitution of the Republic of Indonesia affirms that the State of Indonesia is the State of Law. These are contained in Article 1, paragraph (3) of the 1945 Third Amendment of the 1945 Constitution of the Republic of Indonesia. Because the primary purpose of the law is justice, a state of law must uphold the values of justice. As a legal state based on Pancasila and the 1945 Constitution of the Republic of Indonesia, Indonesia aims to realize a prosperous, safe, sovereign, just, and prosperous state and nation by upholding human rights and guaranteeing equal status before the law and government. This is declared in Article 27, paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which reads as follows: "All citizens are equal before the law and government and are obliged to uphold the law and government without exception".

The law enforcement in the current state of Indonesia is, of course, carried out with the paradigm of a legal school; therefore, it is necessary to review the paradigm of the law school in law enforcement in Indonesia; it is essential to know in order to be able to provide a view in law enforcement, which certainly expected

in law enforcement. Law enforcement must, of course, prioritize the values of justice.

Law enforcement authorities are agents for elected governments and are responsible for detection, apprehension, and conviction activities<sup>1</sup>. Law enforcement could be a key in controlling crime<sup>2</sup>. The primary duties of law enforcement in crime, include the investigation, apprehension, and detention of individuals suspected of criminal offenses<sup>3</sup>. This article discusses the development of the flow of law in Indonesia in the context of law enforcement, where of course, this law school is very important in law enforcement. At this time, the Indonesian state is still very much dominated by the flow of positivism in law enforcement, where legal positivism is a stream that prioritizing positive law in law enforcement, whereas if only prioritizing positivism certainly does not rule out the possibility that the values of justice cannot be created properly, therefore as a state of law, of course, it must prioritize the values of social justice in law enforcement in order to reflect the values of justice.

Therefore, in order to create social justice, then of course this flow of law must be addressed properly. Law enforcement today is, of course, still very much dominated by the paradigm of legal positivism, of course in order to implement the values of justice, it is necessary to fix the paradigm in law enforcement which of course, is not only a paradigm of positive law in law enforcement. Therefore there is a need for reform in the context of law enforcement for the better.

## 2. Research Method

This study uses a normative type of research, focusing on the law as a reference for analyzing this article. Therefore, this study uses a statutory research approach. This article uses a statutory approach by reviewing the Indonesian constitution, namely the 1945 Constitution of the Republic of Indonesia. This article uses a statutory approach because answering the problems in this article is carried out by linking the 1945 Constitution of the Republic of Indonesia, especially about law enforcement, and also looking at the implementation of Pancasila values as the ideology of the Indonesian state in the context of law enforcement.

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<sup>1</sup>KenYahagi. Law enforcement with motivated agents. *International Review of Law and Economics*. Volume 66, June 2021, 105982. <https://doi.org/10.1016/j.irle.2021.105982>

<sup>2</sup>Manoj Kumar. Et.Al. Modelling and prevention of crime using age-structure and law enforcement. *Journal of Mathematical Analysis and Applications*.(2022), 126849. <https://doi.org/10.1016/j.jmaa.2022.126849>

<sup>3</sup>Stephanie Schweitzer Dixon. Law enforcement suicide: The depth of the problem and best practices for suicide prevention strategies. *Aggression and Violent Behavior*. Volume 61, November–December 2021, 101649. <https://doi.org/10.1016/j.avb.2021.101649>

### 3. Results and Discussion

The State of Indonesia is a state of law. This is stated in article 1, paragraph 3 of the 1945 Constitution of the Republic of Indonesia, which is the constitution of the state of Indonesia. As a state of law, of course, law enforcement must be appropriately upheld in order to create order in society. Law enforcement in Indonesia is currently, in some cases, still implementing the teachings of positivism. This theory of positivism was introduced by Hans Kelsen, namely Pure Legal Theory, where theory put forward by Hans Kelsen; it is explained that the law must be freed from non-juridical elements, or in other words, the law contained no non-juridical elements. Law is a rule that contains related obligations, prohibitions, sanctions, and orders.

Public security and law enforcement have a crucial<sup>4</sup>. Law enforcement is conducted by an authority<sup>5</sup>. Local law enforcement reduces the local level of crime<sup>6</sup>. Law enforcement in the State of Indonesia is still strongly influenced by legal positivism, where law enforcement is prioritized, sometimes justice is not enforced correctly, but law enforcement is appropriately implemented; this means that law enforcement does not necessarily enforce justice, as well as enforce justice also does not necessarily enforce the law according to the rules of the law alone.

Law enforcement matters for the value of legal rights, and, particularly<sup>7</sup>. Law enforcement and security forces are the two appropriate measures to control the crime<sup>8</sup>. A critical factor determining the size of the deterrent effect of law enforcement is its salience among potential offenders<sup>9</sup>. The role of human rights ought to keep law within morally acceptable bounds<sup>10</sup>. Human right, freedom of opinion, expression, association, and assembly, all guaranteed by the

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<sup>4</sup>Auke Jvan Dijk. Et.Al. Law enforcement and public health: recognition and enhancement of joined-up solutions. *The Lancet*. Volume 393, Issue 10168, 19–25 January 2019, Pages 287-294. [https://doi.org/10.1016/S0140-6736\(18\)32839-3](https://doi.org/10.1016/S0140-6736(18)32839-3)

<sup>5</sup>Berno Buechel. Et.Al. Optimal law enforcement with sophisticated and naïve offenders. *Journal of Economic Behavior & Organization*. Volume 177, September 2020, Pages 836-857. <https://doi.org/10.1016/j.jebo.2020.07.004>

<sup>6</sup>Tim Friehe. Et.Al. Law enforcement in a federal system: Endogenous timing of decentralized enforcement effort. *International Review of Law and Economics*. Volume 56, December 2018, Pages 134-141. <https://doi.org/10.1016/j.irl.2018.09.002>

<sup>7</sup>GishanDissanaike. The Economics of Law Enforcement: Quasi-Experimental Evidence from Corporate Takeover Law. *Journal of Corporate Finance*. Volume 67, April 2021, 101849. <https://doi.org/10.1016/j.jcorpfin.2020.101849>

<sup>8</sup>Jai PrakashTripathi. Et.Al. Dynamical analysis and effects of law enforcement in a social interaction model. *Physica A: Statistical Mechanics and its Applications*. Volume 567, 1 April 2021, 125725. <https://doi.org/10.1016/j.physa.2020.125725>

<sup>9</sup>RobertDur. Et.Al. Salience of law enforcement: A field experiment. *Journal of Environmental Economics and Management*. Volume 93, January 2019, Pages 208-220. <https://doi.org/10.1016/j.jeem.2018.11.011>

<sup>10</sup>Tom Campbell. Law and Morality: An Analytical Perspective. *International Encyclopedia of the Social & Behavioral Sciences* (Second Edition). 2015, Pages 483-488. <https://doi.org/10.1016/B978-0-08-097086-8.63044-1>

constitution<sup>11</sup>. Legal culture and legal consciousness are used analytically to identify the meanings of law that circulate in social relations, referring to what people do as well as say about law<sup>12</sup>.

See constitution state; it be stated in Article 24 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, it is explained that judicial power is the power of an independent state to administer justice to uphold law and justice. Based on the article's sound, it can be seen that in exercising judicial power, of course, what is enforced is not only the law, but justice must also be appropriately enforced. The development of law in Indonesia is often the same as the development of legal positivism theory in its implementation in society. According to positivism, every legal norm must exist objectively as positive norms and be confirmed as a concrete contractual agreement between community members or their representatives.

The existence of the flow of positivism is certainly very influential on the judiciary in Indonesia, especially in criminal justice, where positive law is prioritized over social interests. According to this positivism paradigm, the law can be said to be saklek or rigid, where every judicial process always refers to positive law regardless of the values that live in society. As a state of law, Indonesia guarantees its citizens get justice by applicable law through judicial power through judicial intermediaries. Article 24, paragraph (1) of the 1945 Constitution of the Republic of Indonesia affirms that judicial power is an independent power to administer the judiciary to uphold law and justice. The spirit of Article 24 paragraph (1) of the 1945 Constitution of the Republic of Indonesia was later revealed in the Law of the Republic of Indonesia Number 48 of 2009 concerning Judicial Power.

In order to realize a just law, Indonesia, as a country that predominantly adheres to legal positivism. Legal positivism is an inseparable part of the influence of the development of positivism (science). Positivism indeed views the actions committed by someone (criminal acts) only in terms of the articles contained in the law; in other words, if someone has fulfilled the elements of an article, he can be punished, regardless of other aspects. Even though not all criminal acts are criminal, some are civil acts; for example, in the case of default, sometimes the person committing this default is reported as a case of fraud so that what was originally a civil case becomes a criminal case. Most of the time, the practice of law by law enforcers that occurs in Indonesia tends to always rely on thinking of

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<sup>11</sup>Abdul Kadir Jaelani. Et.Al. The Crime Of Damage After the Constitutional Court's Decision Number 76/PUU-XV/2017. Journal of Human Rights, Culture and Legal System, Volume 1, No. 1, 2021. <https://doi.org/10.53955/jhcls.v1i1.5>

<sup>12</sup>Susan S.Silbey. Legal Culture and Legal Consciousness. International Encyclopedia of the Social & Behavioral Sciences (Second Edition). 2015, Pages 726-733. <https://doi.org/10.1016/B978-0-08-097086-8.86067-5>

legalism as the main characteristic of legal positivism<sup>13</sup>. Something becomes a norm if it is desired to become the norm<sup>14</sup>.

In Indonesia, legal positivism in the judicial process is prioritized, especially in criminal justice. Not only in the judicial process in court institutions that are based on positive law, but in the police investigation process, investigators in determining the status of a suspect in a person also rely on positive law. If someone is judged to have fulfilled the elements of an article, it is said that the person is wrong, regardless of the factors behind the person having committed a crime. Not only that, even someone who accidentally knows anything can be punished if this has fulfilled the elements of an article.

In cases that often occur, such as the example of someone using land belonging to someone else, often referred to as "Magersari", it is often processed in criminal justice because this has fulfilled the elements of Article 167 of the Criminal Code. However, this step of the criminal process should not need to be carried out. It should not be processed, especially regarding this magersari case, because this is a civil case against the law, so the criminal step should not be carried out because, in this case, what is violated is more private law. Namely civil law; because this is a matter regarding the land owner and the people who occupy the land, it is better to use a civil case process. It would be even better if cases like this were resolved in a mediation or negotiation process where the parties agreed to make peace in order to create a win-win solution so that the law could benefit the community without causing disputes that involved many people.

On the other hand, in civil default cases, it often happens that this default civil case is turned into a criminal case. In contrast, this default case is often turned into a fraud case, even though it is evident that this is a civil case where one party breaks a promise. However, it fulfils the elements of article 378 of the Criminal Code about fraud. This article is often used as an alternative for parties harmed as a result of a breach of contract if the person committing the default cannot perform at all. From some of these things, it is seen that crime is an alternative to punish someone who has violated civil rights by referring to positive law related to criminal law. In criminal law, there is an *ultimum remidium*. *Ultimum remedium* is a legal paradigm that places criminal law as the last tool in law enforcement.

Given that the application of this criminal sanction is an *ultimum remedium*, then this criminal sanction is the final sanction in law enforcement; if they look at the theory of legal positivism, then when an activity meets the elements of law, the person can be subject to criminal sanctions, regardless of what the reason behind

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<sup>13</sup>A. Sukris Sarmadi. Membebaskan Positivisme Hukum ke Ranah Hukum Progresif. Jurnal Dinamika Hukum Vol. 12 No. 2 Mei 2012. <http://dx.doi.org/10.20884/1.jdh.2012.12.2.58>

<sup>14</sup>FX. Adji Samekto. Menelusuri Akar Pemikiran Hans Kelsen Tentang Stufenbeautheorie Dalam Pendekatan Normatif Filosofis. Jurnal Hukum Progresif, Vol. 7, No. 1, April 2019. <https://doi.org/10.14710/hp.7.1.1-19>

the person doing such an act. The judicial system in Indonesia is strongly influenced by the positivism paradigm, as this positivism is the leading guide in the law enforcement process carried out through the judicial process in court. The application of positivism in the Indonesian state certainly impacts the justice system in Indonesia, including in the process of law enforcement in the judiciary; of course, the law becomes more bound, regardless of other aspects, such as social aspects.

Positivism indeed views the actions committed by someone (criminal acts) only in terms of the articles contained in the law; in other words, if someone has fulfilled the elements of an article, he can be punished, regardless of other aspects. Even though not all criminal acts are criminal, several criminal acts are civil acts; as discussed earlier, default cases are often turned into criminal acts of fraud as legal remedies. This certainly does not seem right because civil cases must be resolved by civil law, which is private law, not public law. This often happens when the person in default is considered unable to perform his or her achievements as if criminal law is used as an alternative to law enforcement. However, of course, it is seen again whether the reason for the person's default is purely an act that violates civil law or a criminal act because if the person commits an act that is not regulated in an agreement and can be said to have fulfilled the elements of a criminal act of fraud, the act can be included in the crime. So basically, the act said to be in default or included in the crime of fraud was previously reviewed in the agreement made and agreed upon by both parties.

In Indonesia, law enforcers, in general, still adhere to the flow of positivism because law enforcers in Indonesia are still too fast with the existing laws and regulations. Law enforcers assume that justice can be enforced only by statutory regulations. The application of positivism in Indonesia has also drawn several debates. As a state of law, Indonesia uses the law as one of the primary laws. Suppose law enforcement in this judicial process does not see the other side or other aspects in terms of why people commit a criminal act and also the consequences of that act. In that case, it is not easy to obtain justice as the law's primary goal. Indeed, the indicators of justice are difficult to ascertain. However, at least justice can be created if it instils morals and ethics and looks at aspects other than the law, such as social and the background of a person committing acts that violate the law. Not only that, if they violate the law, they will be immediately punished without looking at the background of the person doing the act. If the goal is to seek legal certainty within the law's scope, it cannot be separated from the positivism paradigm.

The primary purpose of the law is not only justice or even legal certainty; what is more important than the purpose of the law is that the law can provide benefits to humans; of course, the law exists to create order in society, not only as a tool that exists to force society, which the law must be able to protect the community. In Indonesia, law enforcers, in general, still adhere to the flow of positivism because law enforcers in Indonesia are still too fast with the existing laws and

regulations. Law enforcers assume that justice can be enforced only by statutory regulations. The influence of positivism on law enforcement in Indonesia is enormous; every law enforcer always uses the law as a reference in law enforcement without looking at other aspects. On the other hand, not all legal cases are resolved using positivism.

By the constitutional mandate, the administration of the judicial process helps uphold law and justice. Therefore the law must be adequately enforced. This, indeed, cannot be separated from the application of legal positivism. However, on the other hand, law enforcement must also look at other aspects, such as social aspects in the law enforcement process, so that legal goals can be created, namely achieving legal certainty and justice, and the most important thing is that the law can provide benefits for humans. The law must be adequately enforced so that the law can achieve its legal goals. However, the law enforcement process does not only look at the juridical aspect but sees several other aspects of the law enforcement process. Indeed, the Indonesian state adheres to the paradigm of positivism, where positive law enforcement is prioritized. Law enforcement always refers to the act.

In its development, the application of legal positivism in law enforcement and justice in the State of Indonesia must also be appropriately addressed in order to realize the values of justice, which means that what is enforced is not only law but justice must also be appropriately enforced, by the mandate of the constitution of the Republic of Indonesia. Indonesia, in order to create social justice for all Indonesian people. Law enforcement and justice must also declare the values of Pancasila as the ideology of the Republic of Indonesia. In essence, the purpose of the law is to protect the community from creating justice. Here it is seen that law enforcement is still based on the object. You will be found guilty if you violate an article without any reason. However, on the other hand, the law must also be helpful for humans, not ensnare humans; an act is done, there must be a reason; law enforcers should see the reason a person commits an act and also the consequences of the act as a consideration in resolving cases.

In Indonesia, law enforcers, in general, still adhere to the flow of positivism because law enforcers in Indonesia are still too fast with the existing laws and regulations. Law enforcers assume that justice can be enforced only by laws and regulations without looking at social values. This has an impact on the justice system in Indonesia because if there is a case where the case is only trivial or can even be resolved amicably if the case is deemed to have fulfilled the elements contained in a statutory provision, even if it was done out of necessity or because if you have fulfilled the elements in regulation, you will still be found guilty regardless of what causes someone to do that.

According to Soerjono Soekanto, five factors contribute to the influence of law enforcement mechanisms: first, the legal factor (substance) or legislation. Second, the factor of law enforcement officers, namely the parties involved in making and

applying the law, is related to mentality issues. The third is the factor of facilities supporting the law enforcement process. Fourth, community factors, namely the social environment in which the law applies or is applied, reflect people's behaviour. Fifth, cultural factors, namely work, creativity and taste, are based on the human initiative in social life.

Most of this time, the practice of law by law enforcement in Indonesia, such as the practice of court institutions, police, prosecutors and legal practitioners (the pillar group of the criminal justice system) tends to always rely on the footing of thinking legalism as the main characteristic of legal positivism. In this case, the legal point of view is seen from a mere statutory telescope to judge the events. This kind of practice does not mean that it must always be misinterpreted because legalism itself has and has always provided the meaning of legal certainty. Meanwhile, legal certainty is an absolute necessity in the practice of law<sup>15</sup>. In passing the judge's decision, he does not look at the social aspect, only races in positive law in law enforcement. So it does not reflect justice. In addition, it is also necessary to look at the causes of people violating the law, whether because of pressure they are forced to or because of deliberate elements. It is also necessary to see the consequences of their actions.

It often happens that in law enforcement, the judges only rely on positive law without considering human values and the causes and consequences of committing the act. This needs to be discussed in the context of legal development in Indonesia, where, of course, law enforcers do not only view the rule of law but also prioritize the values of social justice in society. The development of the positivism paradigm in law enforcement in Indonesia is indeed visible because the Indonesian state in law enforcement often only views the law only, therefore if you only look at the law, then, of course, what is enforced is the law, even though it is by the law. The mandate of the constitution of the Republic of Indonesia is that what is enforced is not only law but justice must also be appropriately enforced in law enforcement because justice is one of the goals of the law.

Given that by the state ideology, namely Pancasila, this social justice must be implemented properly, which is also implemented in the context of law enforcement in Indonesia. The application of Pancasila in law enforcement in the State of Indonesia is indeed critical, where Pancasila is not only in law enforcement but also in law-making, which is carried out in a deliberation democracy. Law enforcement based on Pancasila must prioritize the values of social justice in society and, of course, view not only positive law but also other laws that live in society, such as those relating to customary law. Law enforcement is an essential thing in law; from the process of law enforcement and the application of sanctions, it is seen whether law enforcers only look at the written rule of law or also look at the values of social justice in law enforcement; this is

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<sup>15</sup>A. Sukris Sarmadi.

critical because in order to can optimize the principles of social justice in the context of law enforcement in the Indonesian state.

Law enforcement in Indonesia should also adhere to the sociological jurisprudence flow. This flow of Sociological Jurisprudence essentially focuses on law about society. In law enforcement, of course, it does not only look at the juridical aspect; it is based on the law, but it must also look at the social aspect. Of course, one has to look at the cause of a person committing an act and also see that the consequences of the person committing the act must be considered in law enforcement. The impact of the development of positivism on Indonesia is the emergence of legal rigidities, which are considered that the law in Indonesia is not able to create justice which is a consequence of the domination of positivism<sup>16</sup>. Seeing the application of positivism in law enforcement in Indonesia today, along with the development of law in Indonesia, an Indonesian state law expert, Prof. Satjipto Rahardjo, then proposed a legal theory, namely progressive legal theory, which is intended to provide the best solution for law enforcement in Indonesia. Indonesian country.

According to Satjipto Rahardjo, progressive law enforcement is carrying out the law not just with black-and-white words from regulations (according to the letter) but according to the spirit and more profound meaning (to very meaning) of the law or law in a broad sense. Law enforcement is not only intellectual intelligence but also spiritual intelligence. In other words, law enforcement is carried out with complete determination, empathy, dedication, and commitment to the nation's suffering and the courage to find other ways than what is usually done<sup>17</sup>.

This progressive law illustrates that the law is for humans, not humans for the law; therefore, the law must be helpful in the community because the law is made to regulate society to create peace and tranquillity; indeed, all human actions are limited by law. However, it is necessary to know more regarding the act and if there are regulations that limit it, but also need to be seen regarding what causes humans to do such an act; for example, stealing bread because of hunger indeed violates Article 362 of the Criminal Code and fulfils the elements in that article. However, it is necessary to know. First, the person steals bread because he is hungry, what the law needs to see is not only his actions, but the law must also look at the social justice side in society, where it certainly does not need to be enforced by law by imposing criminal sanctions, especially the consequences of these actions also do not need to be enforced. Cause a significant loss.

Progressive law provides a breakthrough for justice enforcement in Indonesia, which provides a view that the law is for humans, so the law must be helpful for

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<sup>16</sup>Faissal Malik. Tinjauan Terhadap Teori Positivisme Hukum Dalam Sistem Peradilan Pidana Indonesia. Jurnal Pendidikan Kewarganegaraan Undiksha. Vol. 9 No. 1 (Februari, 2021) <https://doi.org/10.23887/jpku.v9i1.31488>

<sup>17</sup>Deni Nuryadi. Teori Hukum Progresif Dan Penerapannya Di Indonesia. Jurnal Ilmiah Hukum De'Jure. Volume 1. Nomor 2. September 2016 <https://doi.org/10.35706/dejure.v1i2.515>

humans; therefore, to apply progressive legal theory in law enforcement, Indonesia is currently applying a restorative justice approach in law enforcement. With the restorative justice approach in law enforcement in Indonesia, law enforcement is not necessarily indoctrinated by positivism, which can minimize the values of justice in law enforcement.

Restorative justice is expected to be one of the ways or alternatives for handling criminal acts or crimes that prioritize restoring the balance of relations between perpetrators of crimes and victims<sup>18</sup>. The restorative justice approach in enforcing criminal law is, of course, intended so that it does not only enforce the law but is more focused on upholding justice. Of course, it prioritizes that the law must be beneficial to the community and not only be something that forces the community so that the law can be enforced. Provide benefits to people's lives in the nation and state.

The development of the current legal school in Indonesia is, of course, not only based on the paradigm of positivism; although there are still very many law enforcers who have a paradigm of legal positivism, currently, law enforcement is also required to be able to apply social justice in the context of law enforcement and justice. With the restorative justice approach in law enforcement and justice, it is hoped that laws can be created that can benefit the community. The flow of law in the legal system is indeed significant, especially about law enforcement in a country, because from this, it is seen how to enforce the law in a country, whether to protect its people or even force its people to make people have a view of the law that forces, without looking at other aspects such as the social aspect of humanity.

Based on Article 24, paragraph (1) of the 1945 Constitution of the Republic of Indonesia, judicial power is independent to administer justice to uphold law and justice. View articles, law and justice, must be enforced properly. The article states that the implementation of the judiciary is to enforce the law. According to the Indonesian constitution, the law must be enforced properly; this is an application of the positivism paradigm, but on the other hand, based on the constitutional mandate, not only must the law be enforced, but justice must also be upheld so that it is not only based on the law or the law, but in the context of law enforcement, one must also prioritize the values of justice so that the law can benefit the community.

Law enforcement in the current state of Indonesia must, of course, prioritize the values of Pancasila. This can be seen in the Court's Decision which in "irah-irah" contains writings For Justice Based on the One Godhead. This is a reflection of the values of the Pancasila First Precepts. Also, law enforcement must reflect the values of social justice for all Indonesian people, which is also the 5th Precept of Pancasila. The implementation of Pancasila values in law enforcement is indeed

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<sup>18</sup>Ulang Mangun Sosiawan. Perspektif Restorative Justice Sebagai Wujud Perlindungan Anak Yang Berhadapan Dengan Hukum. Jurnal Penelitian Hukum De Jure. Vol. 16 No. 4, Desember 2016. <http://dx.doi.org/10.30641/dejure.2016.V16.425-438>

essential, which of course, the implementation of Pancasila values is intended to promote the values of social justice in law enforcement where justice is the primary goal, to achieve justice, not only the law is enforced, but the law must reflect the values of justice, which of course does not only look at an action in terms of the law but how the act is seen from the social aspect of society, which with this is certainly intended to create social justice for all people of Indonesia.

#### 4. Conclusion

Law enforcement is an essential thing in the legal system of a country, given that the country's legal system is different in each country; then, as a legal basis in law enforcement, it is also essential, this is of course, in order to prioritize the principles of law enforcement. Justice in law enforcement. In order to realize the values of social justice for the people of Indonesia, of course, law enforcement is not only based on positive law, but in the context of law enforcement in this country, Indonesia must also prioritize the values of social justice for all Indonesian people where this is a declaration Pancasila values in law enforcement in the State of Indonesia. In law enforcement in Indonesia, in some cases, it seems that it is still strongly influenced by the flow of positivism, which of course, can affect the values of justice in law enforcement. Therefore, to realize the Indonesian state as a state of law, in the context of exercising judicial power, of course, not only law enforcement but justice must also be appropriately enforced, which is as stated in Article 24 paragraph (1) of the Constitution of the Republic of Indonesia. Indonesia Year 1945.

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