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The Role of State Institutions Inlegal Reform

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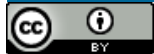
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ABSTRACT

Legal reform in Indonesia is a long process that aims to create a democratic, accountable, and fair legal system through regulatory reform, institutional restructuring, and the strengthening of legal culture. This paper discusses the strategic role of state institutions—the House of Representatives, the President, the Supreme Court, the Constitutional Court, the Judicial Commission, the Attorney General's Office, the Police, the Corruption Eradication Commission, and supervisory institutions such as the Supreme Audit Agency, the Ombudsman, and the National Human Rights Commission—in promoting the effectiveness of legal reform after 1998. The analysis shows that the success of reform is largely determined by the quality of legislation, judicial independence, the integrity of supervisory institutions, and coordination between institutions. Structural, political, and legal cultural barriers remain major challenges in the implementation of reform. Therefore, strategies to strengthen institutional synergy, improve human resource capacity, digitize the legal system, and internalize the values of Pancasila are necessary to create an effective, responsive, and sustainable national legal system

INTRODUCTION

Legal reform is an integral part of the democratization and modernization of the Indonesian government system. Within the framework of national legal development, legal reform is not merely understood as the renewal of legislation, but also institutional and legal culture reform, which are the main pillars of law enforcement and social justice.

As a constitutional state (*rechtstaat*), Indonesia places law as the basis for state administration. However, historical experience shows that the national legal system still faces various problems: overlapping regulations, weak law enforcement, structural corruption, and low public trust in legal institutions.

After the 1998 reform, various efforts have been made to strengthen state institutions so that they function in accordance with the principle of checks and balances. The establishment of new institutions such as the Constitutional Court, the Judicial Commission, the Corruption Eradication Commission (KPK), and the Ombudsman of the Republic of Indonesia demonstrates the need to redesign a more transparent and accountable legal institutional architecture.

According to Mochtar Kusumaatmadja, law should function as a means of social renewal (law as a tool of social engineering), not merely as an instrument of power. This idea emphasizes that legal reform requires the active role of state institutions in creating a legal system that is progressive and adaptive to social dynamics [Kusumaatmadja, 1986.

Meanwhile, Soetandyo Wignjosubroto (2002) emphasizes that the transition from colonial law to national law requires consistent institutional restructuring so that the law can truly become a manifestation of the will of the people, rather than merely a reproduction of the elitist colonial legal system.

State institutions, whether legislative, executive, or judicial, have a moral and constitutional responsibility to promote legal reform oriented towards substantive justice. The House of

Representatives and the President play a role in the formation of legislation, the Supreme Court and the Constitutional Court play a role in maintaining the rule of law, while supervisory institutions such as the Corruption Eradication Commission, the National Human Rights Commission, and the Ombudsman are tasked with ensuring the integrity and accountability of state administrators.

However, reality shows that coordination between state institutions is often suboptimal. Overlapping authorities, sectoral egos, and weak integration of the legal system have caused legal reform to proceed slowly. This condition is exacerbated by the continuing strong influence of politics on law enforcement agencies.

Therefore, a study of the role of state institutions in legal reform is important to understand how these institutional functions can work together to build an effective and fair legal system that is in line with the ideals of Pancasila.

METHODS

The research method in this paper uses a legal-normative approach supported by historical and institutional analysis. The legal-normative approach is used to examine legislation, legal doctrine, and court decisions related to legal reform in Indonesia. The historical approach is applied to understand the development of the national legal system from the colonial period to the reform era, so that the role of state institutions can be comprehensively analyzed in the context of socio-political change. Meanwhile, the institutional approach is used to assess the performance, functions, and authority of state institutions in carrying out their constitutional duties.

Data collection was conducted through a literature study of academic books, legal journals, laws and regulations, annual reports of state institutions, and other relevant official documents. Data analysis was conducted qualitatively by identifying the relationship between structure, substance, and legal culture as proposed by Lawrence M. Friedman. This analysis process enabled researchers to evaluate the effectiveness of state institutions' roles in legal reform and identify

obstacles and institutional strengthening strategies needed to support the realization of a democratic and just legal system.

RESULTS AND DISCUSSION

Legal reform is part of a process of structural change in the national legal system that aims to adapt the law to the social, political, and economic dynamics of society. According to Mochtar Kusumaatmadja, law has two main functions: as a tool of order and as a tool of social engineering.¹ This means that law should not be static but must be able to adapt to the evolving needs of society.

Meanwhile, Sudargo Gautama explains that the development of law in Indonesia cannot be separated from the history of colonial law, which formed the foundation of the national legal system.² The legacy of colonial law has resulted in the Indonesian legal system having a dualistic character and often being incompatible with local values. Therefore, legal reform must be directed at eliminating the influence of colonialism in law and building an independent national legal system.

Soetandyo Wignjosebroto added that legal reform in Indonesia is not enough to simply replace laws, but must be accompanied by legal institutional restructuring that guarantees the realization of the principles of the rule of law and checks and balances.

According to Lawrence M. Friedman, the legal system consists of three elements: legal structure, legal substance, and legal culture.⁴ Effective legal reform can only occur if these three elements are updated simultaneously. In the Indonesian context, the renewal of legal structure is carried out through the strengthening of state institutions; the renewal of legal substance is carried out through the revision of legislation; and the renewal of legal culture is carried out through increasing public awareness of the law.

Thus, the theoretical framework for legal reform in Indonesia must include three main dimensions: structural (institutional), substantive (regulatory), and cultural (legal culture). These three dimensions form the basis for understanding how state institutions play a role in realizing a democratic and just legal system.

Legal reform is not only understood as the activity of replacing old rules with new ones, but rather a comprehensive process that includes changes in values, structures, and legal behavior in society. In the Indonesian context, legal reform is a historical and moral necessity to break away from the legacy of a colonial legal system that tends to be elitist and discriminatory

Understanding legal theory is important in explaining the direction of legal reform. Law must be viewed as a social product that coexists with society. It does not stand alone in an ivory tower, but rather grows out of social, economic, and cultural dynamics. In this context, law is not merely text written on paper, but also the practices and behaviors carried out by officials and society.

Concept and Scope of Legal Reform in Indonesia

Legal reform in Indonesia was born out of the collective desire of the people to build a more just and democratic legal system. The multidimensional crisis that struck at the end of the New Order era fostered the awareness that the law should no longer be a tool of the rulers but must be a protector of the people.

The scope of legal reform in Indonesia covers three main dimensions: regulatory reform, institutional reform, and legal culture reform. Regulatory reform includes the revision of laws that are no longer relevant and the formulation of new regulations that are in line with human rights principles.

Legal reform in Indonesia began to gain prominence after the fall of the New Order regime in 1998. The crisis of public trust in legal institutions, rampant corruption, and abuse of power were the main drivers of the reform movement.⁵ Since then, various institutional and legislative initiatives have emerged to strengthen the rule of law, including:

1. Amendments to the 1945 Constitution that reinforce the principle of the rule of law (Article 1 paragraph (3) of the 1945 Constitution).
2. The establishment of new state institutions such as the Constitutional Court, the Judicial

Commission, and the Corruption Eradication Commission.

3. Reform of legislation through Law No. 12 of 2011 on the Formation of Legislation.
4. Increased transparency and accountability of the judiciary through the e-court and e-litigation systems.

The main objective of legal reform is to create a national legal system that is fair, efficient, transparent, and free from political intervention.⁶ However, the success of reform depends heavily on the synergy between state institutions in carrying out their respective constitutional functions.

Institutional reform means strengthening the independence and accountability of legal institutions, such as the Supreme Court, the Judicial Commission, and the Corruption Eradication Commission. Meanwhile, changing the legal culture requires a change in the mindset of the bureaucracy and society to have more respect for the law, not only because of fear of punishment, but also because of moral and social awareness.

In addition, legal reform in Indonesia also includes efforts to build an inclusive legal system. This means that the law must be accessible and understandable to all levels of society, including those who have been marginalized by bureaucracy and rigid legal language.

Legal reform cannot stand alone. It must go hand in hand with political, economic, and social reform. Without strong political support and widespread public awareness, legal reform will only be a symbol without substance.

Therefore, legal reform needs to be managed as a long-term process, not just a short-term project. It requires consistency, moral courage, and a shared commitment between state institutions and civil society.

The Role and Function of State Institutions in Legal Reform

The role of state institutions in legal reform is very strategic because these institutions are the driving force behind the national legal system. Each institution has different but interrelated authorities. The House of Representatives plays a role in

lawmaking, the President in law enforcement, the Supreme Court and the Constitutional Court in testing and enforcing the law, while other institutions such as the Corruption Eradication Commission (KPK) and the National Human Rights Commission (Komnas HAM) function as supervisors and counterbalances.

Synergy between institutions is the key to successful legal reform. If coordination between institutions runs smoothly, legal reform can be implemented comprehensively, from policy formulation to implementation in the field. However, if these institutions work independently, legal reform will only be ineffective discourse.

State institutions also serve as a reflection of democratic values. In the context of legal reform, state institutions are not only administrators of the law, but also guardians of the values of justice, truth, and humanity.

1. House of Representatives (DPR)

The DPR represents the people in a democratic system. In the legal field, the role of the DPR is not limited to the formation of laws, but also to the supervision of their implementation. The success of legal reform is highly dependent on the quality of legislation produced by the DPR.

As a legislative body, the DPR has a fundamental role in legal reform through its law-making function. Based on Article 20 of the 1945 Constitution, the DPR holds the power to enact laws together with the President. In the context of reform, the DPR is expected to produce regulations that reflect the aspirations of the people, not short-term political interests.

The legislative process in the House of Representatives should be an intellectual arena, not merely a political debate. In an ideal context, every draft law should be prepared based on in-depth research, public input, and academic feasibility tests. However, in practice, laws are often made in a short period of time without adequate public consultation.

In this era of reform, the public expects the DPR to be an open and transparent institution. Public participation in the drafting of laws must be guaranteed so that the resulting laws truly represent

the aspirations of the people. Without participation, legislation becomes merely a product of the political elite that is far from social justice.

In addition, the DPR has an important supervisory function over the implementation of laws. Through the rights of interpellation, inquiry, and expressing opinions, the DPR can ensure that government legal policies do not deviate from constitutional principles and democratic values.

However, in many cases, the DPR has actually become part of the problem. Corruption scandals within the legislature, low discipline among members, and the tendency to politicize the law pose serious challenges to the image of this institution. Therefore, legal reform in the legislative sphere is not only a matter of improving procedures, but also of improving the morality and integrity of lawmakers.

According to Peter Mahmud Marzuki, legislation is a concrete form of legal policy that describes the direction of a country's legal development.⁸ Therefore, the DPR not only functions as a lawmaker but also as a designer of the desired value system in state life. However, the implementation of the DPR's legislative function still faces various obstacles, such as:

1. The low quality of academic papers and empirical studies prior to the passing of bills.
2. The dominance of political party interests the legislative process.
3. Overlapping regulations between sectors due to weak coordination between commissions.

These weaknesses indicate that legal reform at the legislative level requires an increase in technical capacity, transparency in the legislative process, and public participation in law formation.

The President and the Ministry of Law and Human Rights

As head of government, the President has a major responsibility in directing national legal policy. The role of the President is not only as the executor of laws, but also as the determinant of the direction of legal reform in the future.

The President holds the highest executive power as stipulated in Article 4 of the 1945

Constitution. In the legal field, the President plays a role in shaping national legal policy, ratifying laws, issuing implementing regulations, and appointing law enforcement officials.

Through the Ministry of Law and Human Rights, the President has the instruments to harmonize regulations, strengthen human rights protection, and improve the quality of correctional institutions and national legal administration. The Ministry of Law and Human Rights is at the forefront of the regulatory reform process to ensure that laws and regulations in Indonesia do not overlap or conflict with each other.

Through the Ministry of Law and Human Rights (Kemenkumham), the government carries out strategic functions in legal reform as follows:

1. Drafting bills (RUU) and harmonizing regulations.
2. Managing the national regulatory information system database.
3. Developing correctional institutions and notary offices.
4. Strengthening human rights policies and legal bureaucratic reform.

CONCLUSION

Legal reform in Indonesia is a long process that aims to reorganize the national legal system in accordance with the principles of democracy, social justice, and the rule of law. This reform is not only related to changes in legislation but also includes institutional restructuring and the reconstruction of the legal culture within society.

The role of state institutions in the legal reform process is very significant. Each institution has different functions and responsibilities, but they are interrelated in creating an ideal legal system. The House of Representatives acts as the lawmaker, the President through the Ministry of Law and Human Rights is responsible for the implementation of legal policies, while the Supreme Court and the Constitutional Court carry out supervisory and review functions regarding the constitutionality of legal norms.

Independent institutions such as the Judicial Commission, the Corruption Eradication Commission, the Ombudsman, the National Human Rights Commission, and the Audit Board strengthen the system of checks and balances that is characteristic of a modern constitutional state. The existence of these institutions demonstrates Indonesia's commitment to building a legal structure that is open, accountable, and oriented towards the public interest.

However, legal reform in Indonesia still faces various challenges. Structural obstacles, weak coordination between institutions, political intervention in law enforcement, and low public awareness of the law are the main obstacles. Many legal policies have not been implemented consistently, while the legal culture of society still tends to be permissive towards violations of the law.

From the various discussions that have been presented, it can be concluded that the success of legal reform is highly dependent on three main pillars, namely:

1. Strong and independent institutions that are able to carry out their functions without political interference.
2. High-quality and fair regulations that are formulated through a participatory process and based on academic research.
3. A legal culture of integrity, which grows from the moral awareness of society and the exemplary behavior of public officials.

If these three pillars can be implemented synergistically, then legal reform in Indonesia will not only be a short-term political agenda, but a national movement towards a legal system that is just and civilized.

Recommendations

Based on the analysis and discussion in this paper, several recommendations can be made as follows:

1. Strengthening the Capacity and Integrity of State Institutions. Every state institution must strengthen its internal and external oversight systems to ensure that the law is implemented in accordance with the principle of the rule of

law. The recruitment of public officials needs to be conducted transparently and based on competence, so that state institutions are truly filled with professional and integrity-driven individuals.

2. Harmonization and Synchronization of Regulations. The government and the House of Representatives need to improve the legislative process to make it more planned, open, and based on the needs of the community. Every new law must be accompanied by a legal impact analysis and comprehensive public testing to avoid overlapping regulations.
3. Enhancing Synergy Among Law Enforcement Agencies. A more effective coordination mechanism is needed between the police, the attorney general's office, the Corruption Eradication Commission, and the courts. This synergy should be aimed at speeding up legal proceedings without compromising the independence of each agency.
4. Strengthening Legal Education and Culture. Public awareness of the law needs to be built from an early age through formal and informal education.

The government needs to work with educational institutions and the mass media to disseminate legal values that are fair, ethical, and humanistic.

5. Consolidating Pancasila Values as the National Legal Paradigm. Every legal reform must always be based on Pancasila values so that the law does not lose its national identity. Pancasila as a legal ideal must be translated into legal policies that prioritize the balance between rights and obligations, freedom and responsibility, as well as justice and humanity.
6. Strengthening Independent Supervisory Institutions. Institutions such as the Ombudsman, the National Human Rights Commission, and the Supreme Audit Agency need to be given broader authority so that their recommendations have binding legal force.

Thus, the principle of public accountability can be realized in concrete terms.

7. Digitization and Modernization of the Legal System. The government needs to expand the application of information technology in the legal system, both in the areas of the judiciary, legislation, and public services. This step is important to improve transparency, efficiency, and accessibility of the law for all citizens.

Overall, legal reform in Indonesia is a national project that must not stop at the normative level. Legal reform must be carried out consistently, sustainably, and with a focus on the welfare of the people. The success of legal reform is not only measured by the number of laws that have been amended, but also by the extent to which the law can deliver justice, certainty, and benefits to all Indonesian people.

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