

The Politics of Law and the Challenges of Achieving Equitable Law Enforcement in Indonesia

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ABSTRACT

The politics of law plays a strategic role in shaping the direction of regulation-making and the effectiveness of law enforcement in Indonesia. However, law enforcement practices continue to face various challenges, such as the dominance of political interests, suboptimal public participation, weak regulatory harmonization, and issues regarding the independence and integrity of law enforcement officials. This study aims to analyze the role of the politics of law in achieving responsive and just law enforcement in Indonesia and to formulate strategies for strengthening it. The research employs a normative-juridical method utilizing statutory, conceptual, and case-based approaches through a literature review of primary, secondary, and tertiary legal materials. Qualitative analysis is conducted using legal interpretation and deductive reasoning. The findings indicate that the effectiveness of law enforcement is significantly influenced by the quality of the politics of law, particularly regarding the implementation of Law Number 48 of 2009 concerning Judicial Power; Law Number 12 of 2011 concerning the Formation of Legislation (as amended by Law Number 13 of 2022); and Law Number 30 of 2002 concerning the Corruption Eradication Commission (as amended by Law Number 19 of 2019). Strengthening the politics of law through participatory regulation-making, enhanced official integrity, the independence of law enforcement institutions, and effective oversight is a key factor in realizing a law enforcement system that is responsive, accountable, and just.

Keywords: *Apparatus Integrity, Law Enforcement, Legal Politics, Regulation, Supremacy.*

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1. | INTRODUCTION

The evolution of the modern state governed by the rule of law positions law as the primary instrument for ensuring justice, legal certainty, and societal benefit. The Indonesian Constitution, through Article 1, Paragraph (3) of the 1945 Constitution of the Republic of Indonesia, affirms that Indonesia is a state governed by the rule of law. A consequence of this principle is that all governmental administration must be conducted based on the law, rather than solely on the exercise of power. In practice, law enforcement is influenced not only by the quality of legal norms but also by the political configuration underlying the formulation and implementation of laws. The politics of law serves as a crucial factor in determining the direction of national legal development while simultaneously influencing the effectiveness of law enforcement in Indonesia (Adinda et al., 2024).

In recent years, various law enforcement issues have remained a matter of public concern. A survey by Kasih (2018) indicates that public trust in law enforcement agencies has fluctuated due to the emergence of various cases involving corruption, abuse of authority, and alleged political interference in law enforcement processes (Indikator Politik Indonesia, 2024). This situation is further highlighted by Koeswayo et al. (2024), whose findings place Indonesia at a score reflecting persistent, serious challenges regarding corruption eradication and the strengthening of clean governance. Furthermore, a report by Satria (2025) indicates that aspects such as law enforcement, the limitation of government power, and the criminal justice system still require strengthening to ensure the optimal realization of the rule of law principle.

These issues demonstrate that law enforcement does not yet fully operate in an independent and equitable manner. Various court rulings and case-handling processes often foster the perception of disparate treatment between ordinary citizens and groups possessing political or economic power. This phenomenon indicates that the law remains vulnerable to political interests, preventing the full realization of the legal objective to establish substantive justice (Awaludin et al., 2025). Furthermore, the dynamics surrounding the formulation of strategic regulations between 2020 and 2025 reveal a tug-of-war of political interests influencing legal substance; consequently, the quality of these regulations frequently draws criticism from academics and civil society alike (Ramdhany et al., 2025). From the perspective of the politics of law, the legal system cannot be divorced from state policy regarding the direction of national development. The politics of law serves as the foundation for formulating, enacting, and implementing laws in alignment with state objectives.

However, when political configurations overshadow the principle of the rule of law, the resulting legal products risk failing to respond to societal needs. As a result, law enforcement processes tend to lose social legitimacy and fail to deliver justice equitably. While numerous studies have examined the interplay between politics and law in Indonesia, most have focused narrowly on specific aspects such as the legislative process or the independence of law enforcement agencies rather than a holistic view.

Research addressing the relationship between the politics of law and the challenges of achieving responsive, equitable law enforcement while accounting for regulatory developments, national political dynamics, and rule-of-law principles in the current period remains relatively limited.

The urgency of this research is heightened by the government's ongoing legal reforms, which involve updating various laws and regulations as part of the national development agenda. Such reforms will only yield an effective legal system if accompanied by democratic legal politics, independent law enforcement institutions, transparent regulatory processes, and public participation in overseeing state governance. Therefore, a study is needed that can provide conceptual recommendations for strengthening the politics of law, serving as the foundation for building a law enforcement system that is more responsive, accountable, and equitable. Based on the foregoing, the research questions addressed in this study are: (1) how legal policy influences the effectiveness of law enforcement in Indonesia; (2) what challenges are faced in achieving responsive and equitable law enforcement; and (3) how legal policy can be strengthened to support the creation of a law enforcement system that is more independent and oriented towards substantive justice.

2. | RESEARCH METHOD

This study employs a normative-juridical method, focusing on the analysis of legal norms, legal principles, doctrines, and statutory regulations related to legal policy and law enforcement in Indonesia. The research design is prescriptive legal research, aiming to analyze the relationship between legal policy and the effectiveness of law enforcement, as well as to formulate a concept for strengthening legal policy to realize a responsive and equitable law enforcement system. The research approaches include the statute approach, the conceptual approach, and the case approach. The statute approach involves examining the 1945 Constitution of the Republic of Indonesia alongside various regulations governing the exercise of judicial power, the eradication of corruption, the formation of legislation, and other regulations related to national legal policy. The conceptual approach is used to analyze theories regarding the rule of law (*rechtsstaat*), the supremacy of law, legal policy, justice, and law enforcement based on the perspectives of legal experts. Meanwhile, the case approach involves examining various court rulings and the evolving dynamics of law enforcement practices in Indonesia to understand the practical implementation of legal policy.

The data sources consist of primary, secondary, and tertiary legal materials. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, statutes, Constitutional Court rulings, Supreme Court rulings, and other relevant regulations. Secondary legal materials are derived from scholarly articles indexed in Google Scholar and published over the five last year, law books, prior research findings, and official documents from state institutions and international organizations related to law enforcement. Tertiary legal materials comprise legal dictionaries, legal encyclopedias, and other supporting sources used to clarify legal concepts and

terminology. Data collection was conducted through library research, involving the identification, inventory, and examination of relevant legal documents and scholarly literature. All collected materials were subsequently classified according to research themes: the politics of law, law enforcement, the independence of law enforcement agencies, and principles of justice. Data analysis employed a descriptive-qualitative approach, utilizing methods of legal interpretation and deductive reasoning. The materials were analyzed systematically to identify the relationship between the politics of law and law enforcement practices in Indonesia, uncover gaps in regulation and implementation, and formulate conceptual recommendations to strengthen the politics of law, thereby fostering law enforcement that is responsive, accountable, and just.

3. | RESULTS and DISCUSSION

Legal Policy as the Foundation for Just Law Enforcement in Indonesia.

The politics of law refers to the direction of state policy regarding the formation, implementation, and development of the legal system to achieve state objectives as mandated by the Preamble to the 1945 Constitution of the Republic of Indonesia. It encompasses not only the legislative process but also determines how the law is administered by law enforcement agencies to ensure legal certainty, justice, and societal benefit. The relationship between politics and law is dynamic, as any legal policy is essentially the product of a political process involving state institutions, political parties, interest groups, and the public. Consequently, the quality of law enforcement is significantly influenced by the quality of the politics of law prevailing within a country (Sari, 2023).

Within Indonesia's constitutional system, the politics of law must be grounded in the principle of the rule of law, as affirmed in Article 1, Paragraph (3) of the 1945 Constitution of the Republic of Indonesia. This principle entails that every action taken by state officials must be based on the law and must respect human rights, democratic principles, and justice. The implementation of this principle is further elaborated in Law Number 48 of 2009 concerning Judicial Power, which asserts that judicial power is an independent authority exercised to administer justice and uphold the law (Suherman, 2019). This provision demonstrates that successful law enforcement depends not only on the quality of regulations but also on the independence of judicial institutions as the executors of judicial power.

Article 3, Paragraph (1) of Law Number 48 of 2009 mandates that judges and constitutional justices must safeguard judicial independence against any form of external interference. This norm serves as a fundamental pillar for achieving objective law enforcement that is free from political pressure. In practice, such independence often faces challenges including political intervention, pressure from public opinion, economic interests, and the influence of power that can affect the case resolution process (Awaludin et al., 2025). This situation gives rise to the perception that law enforcement does not yet fully reflect the principle of equality before the law.

Recent research indicates that the relationship between politics and law enforcement in Indonesia continues to demonstrate the influence of power configurations on both the law-making process and legal implementation. Political dynamics affect institutional structures, regulatory substance, and legal culture, potentially giving rise to “selective enforcement” whereby different enforcement approaches are applied to cases sharing similar characteristics. As examined by Ismaidar et al. (2024), this situation erodes public trust in law enforcement institutions while simultaneously undermining the legitimacy of the rule of law.

Normatively, the politics of law should aim to produce responsive law. The concept of responsive law positions the law as an instrument capable of addressing societal needs without disregarding the principles of justice, legal certainty, and utility. In the Indonesian context, a responsive legal policy demands a legislative process that is transparent, participatory, and grounded in societal needs rather than merely short-term political interests (Sarumpaet et al., 2024). Research on the politics of legislation indicates that the quality of regulations is heavily influenced by the quality of the underlying political process. Regulations drafted openly and with public participation tend to possess greater legitimacy than those formulated behind closed doors (Damanik et al., 2025).

Law Number 48 of 2009 provides a clear normative foundation regarding the importance of judicial independence. However, the implementation of this norm still faces various obstacles. A primary obstacle is the suboptimal integrity of law enforcement personnel. Integrity is a decisive factor in successful law enforcement; even sound legislation cannot yield justice if those enforcing the law fail to exercise their authority professionally, honestly, and free from conflicts of interest (Afrizal, 2022). Therefore, legal policy must go beyond merely producing good regulations; it must also foster the development of a legal culture oriented toward integrity and accountability.

Beyond institutional factors, the quality of coordination among law enforcement agencies is a crucial component of national legal policy. Indonesia’s criminal justice system comprises the police, the public prosecution service, the courts, and correctional institutions, functioning as an integrated whole. A legal policy that fails to foster inter-agency coordination risks leading to divergent legal interpretations, overlapping authorities, and even legal uncertainty. Therefore, the formulation of legal policy must prioritize the functional integration of law enforcement agencies to ensure that the objectives of law enforcement are effectively achieved.

Meanwhile, advancements in information technology present new challenges for Indonesia's legal policy. The digitalization of judicial processes, the use of case management information systems, and the mandate for public information disclosure necessitate legal policy reforms that strike a balance between transparency, personal data protection, and judicial independence. A legal policy that adapts to technological

developments will strengthen accountability while enhancing public access to justice (Sudiadi, 2024).

Based on this analysis, it is evident that legal policy serves as the fundamental basis for building a just law enforcement system. The success of legal policy is measured not merely by the volume of regulations enacted, but by their capacity to safeguard judicial independence, reinforce the integrity of law enforcement officials, foster public participation, and establish legal certainty that meets societal needs. Thus, Law Number 48 of 2009 concerning Judicial Power holds a strategic position as the normative foundation for realizing responsive and equitable law enforcement though its ultimate effectiveness hinges on consistent implementation, institutional oversight, and the political commitment to uphold the rule of law above the interests of power.

The Political-Legal Challenges in Achieving Responsive Law Enforcement in Indonesia

Responsive law enforcement is determined not only by the quality of law enforcement officials but also by the quality of the legislative drafting process. In a state governed by the rule of law, every regulation enacted must adhere to principles such as clarity of purpose; alignment between type, hierarchy, and substantive content; feasibility of implementation; efficiency and effectiveness; clarity of formulation; and transparency, as stipulated in Article 5 of Law Number 12 of 2011 (as amended by Law Number 13 of 2022). These provisions demonstrate that the quality of law enforcement is inseparable from the quality of the legal instruments that serve as the basis for their implementation.

The politics of law plays a strategic role in shaping the direction of legislation. From a constitutional law perspective, the politics of law refers to the state's fundamental policy regarding laws to be enacted, maintained, or amended in accordance with societal needs (Septiani & Fikriana, 2023). Consequently, the legislative process must not merely serve as an instrument of practical politics; rather, it must be directed toward fulfilling the state's objectives as mandated by the Preamble to the 1945 Constitution of the Republic of Indonesia. Research into the politics of law regarding legislation indicates that the amendments to Law Number 12 of 2011 represent an effort to strengthen legislative mechanisms, making them more adaptive to societal developments and Constitutional Court rulings. However, implementation continues to face various challenges, particularly in ensuring the quality of public participation and the consistent application of principles for sound legislative drafting.

One major challenge is the dominance of political interests within the legislative process. Normatively, the enactment of laws is a joint authority shared by the House of Representatives (DPR) and the President. In practice, however, the legislative process is frequently influenced by political compromises that take precedence over academic analysis or societal needs (Pebriansah, 2023). As a result, the substance of certain regulations does not yet fully reflect the principles of justice, legal certainty, and utility. This situation has led to numerous petitions for judicial review being filed with the

Constitutional Court, challenging laws on both substantive and procedural grounds. This phenomenon demonstrates that the quality of legal policy remains a decisive factor in the quality of regulations in Indonesia. Another challenge lies in the suboptimal level of public participation in the legislative process. Law Number 13 of 2022 strengthened provisions regarding transparency and public participation in response to Constitutional Court Ruling Number 91/PUU-XVIII/2020. However, in practice, public participation often remains merely a formality rather than constituting “meaningful participation” that is, engagement that enables the public to provide effective input throughout the stages of planning, drafting, deliberation, and enactment. When public aspirations are not adequately accommodated, the resulting regulations risk losing social legitimacy, potentially leading to public resistance during implementation (Damanik et al., 2025).

Another equally important challenge is the harmonization of laws and regulations. The complexity of Indonesia’s legal system results in numerous overlapping regulations or provisions that lack synchronization (Widjaja, 2025). This situation creates legal uncertainty during implementation, as law enforcement officials encounter conflicting provisions governing the same subject matter. Consequently, national legal policy must prioritize regulatory simplification through both vertical and horizontal harmonization to foster greater legal certainty. The formulation of regulations cannot merely address sectoral interests; it must also consider the coherence of the national legal system.

From the perspective of this study, these challenges indicate that the core issue regarding law enforcement in Indonesia lies not solely in weak implementation, but also in the regulatory drafting process a process often influenced by political interests, limited public participation, inadequate regulatory harmonization, and the suboptimal use of academic analysis as a foundation for legal policy. These factors directly impact the effectiveness of law enforcement, as officials are required to enforce norms that sometimes lack adequate regulatory quality.

Strategies to Strengthen the Politics of Law in Realizing Responsive and Just Law Enforcement

Based on the preceding discussion, it is evident that the effectiveness of law enforcement is influenced not only by the quality of legislation but also by the direction of the legal policy underpinning state governance. A democratic legal policy must strike a balance between state interests, public interests, and the principle of the rule of law (Mutmainnah & Maulia 2024). Consequently, strengthening legal policy is an urgent necessity to ensure that the processes of law-making and implementation are genuinely geared toward achieving substantive justice. Such efforts must be pursued through institutional reform, improved regulatory quality, enhanced integrity among law enforcement officials, and the optimization of oversight mechanisms regarding the exercise of power.

In the context of combating corruption, Law Number 30 of 2002 concerning the Corruption Eradication Commission as amended by Law Number 19 of 2019 serves as

a crucial instrument within the national legal policy. This law provides the legal basis for the Corruption Eradication Commission (KPK) to undertake preventive measures, coordination, supervision, preliminary inquiries, formal investigations, and prosecutions regarding corruption offenses. Corruption constitutes a form of abuse of power that directly erodes public trust in the legal system. Therefore, the effectiveness of corruption eradication efforts serves as a key indicator in assessing the success of a nation's legal policy. Article 6 of Law Number 19 of 2019 affirms that the KPK is tasked with carrying out preventive measures to avert corruption, in addition to executing enforcement functions against perpetrators. This provision demonstrates a shift in Indonesia's legal policy from a purely repressive approach toward one that is more preventive in nature.

Corruption prevention is pursued through improvements in government governance, increased transparency in public services, the strengthening of internal oversight systems, and anti-corruption education for the public. A preventive approach is considered more effective in establishing a clean system of government than merely relying on enforcement actions after a criminal offense has occurred (Btr et al., 2024). The first strategy for strengthening the politics of law is to reinforce the independence of law enforcement agencies. Independence is a fundamental prerequisite for objective law enforcement free from political interference. Law enforcement officials must exercise their authority based on evidence and legal provisions, rather than political interests or pressure from specific groups. Consequently, processes regarding recruitment, promotion, reassignment, and the oversight of law enforcement personnel must be conducted transparently, professionally, and based on a merit system. In this way, institutional integrity can be preserved, thereby boosting public trust in the legal system.

The second strategy involves establishing regulations that are responsive to societal developments. The politics of law must be capable of producing regulations that adapt to social, economic, and technological changes, as well as developments in international law. The formulation of legislation needs to be grounded in comprehensive academic studies, regulatory impact analyses, and meaningful public participation (Ramadoni et al., 2025). Regulations drafted through a transparent process will possess greater legitimacy, ensuring their implementation is accepted by the public. Furthermore, the third strategy focuses on strengthening the integrity of law enforcement personnel. Integrity is a crucial asset in creating a just legal system. Law enforcement officials must be committed to values such as honesty, professionalism, and accountability, while upholding their professional code of ethics. In practice, various cases of ethical misconduct involving law enforcement officials demonstrate that institutional reform must be accompanied by organizational cultural reform.

Education and training regarding professional ethics, conflicts of interest, and public service principles must be conducted continuously to enable personnel to perform their duties independently. In addition, strengthening oversight systems is a

vital strategy within national legal policy. Oversight should be conducted not only through internal agency mechanisms but also through external supervision involving the public, mass media, academics, and independent institutions. Transparency in case handling, the publication of court rulings, and openness regarding public information serve as forms of accountability that can enhance public confidence in law enforcement agencies. Effective oversight can also prevent the abuse of authority and corrupt practices within law enforcement agencies (Falka et al., 2022).

Advancements in digital technology offer new opportunities to strengthen legal policy through the implementation of electronic justice and electronic government systems. The digitalization of case administration, electronic legal services, and digital oversight systems can enhance the efficiency, transparency, and accountability of legal administration. Furthermore, the use of information technology facilitates public access to legal information, thereby enabling the principle of openness to be realized more effectively. However, this digital transformation must be balanced with safeguards for data security, privacy, and human rights to avoid creating new legal issues.

The next strategy involves strengthening the public's legal culture. Sound legal policy cannot function effectively if the public lacks adequate legal awareness. Therefore, the government needs to enhance public legal education through various initiatives, such as legal outreach programs, civic education, and anti-corruption campaigns. Shodiq and Muzakki (2025) argue that a high level of legal awareness encourages the public to respect the law while actively participating in monitoring the administration of government. From the perspective of this study, the strengthening of legal policy must be understood as a comprehensive process. Reform cannot be limited to legal substance alone; it must also encompass the improvement of legal structures and legal culture, as outlined in Lawrence M. Friedman's legal system theory. These three components must function harmoniously to enable the legal system to simultaneously deliver justice, legal certainty, and utility. Thus, legal policy serves as a strategic instrument for establishing democratic governance while reinforcing the legitimacy of the rule of law.

4. | CONCLUSION

This study demonstrates that the politics of law plays a crucial role in determining the effectiveness of law enforcement in Indonesia. The politics of law serves not only as a foundation for the formulation of legislation but also influences policy direction, the independence of law enforcement agencies, and the quality of legal implementation within society and the state. Research findings indicate that persistent law enforcement challenges—such as the dominance of political interests in the legislative process, suboptimal public participation, weak regulatory harmonization, and integrity issues among law enforcement personnel reveal that the goal of achieving responsive and equitable law enforcement has not yet been fully realized.

The study also finds that successful law enforcement is not determined solely by the existence of sound legislation; rather, it relies heavily on the consistent

implementation of a legal policy framework oriented toward the rule of law, judicial independence, transparency in regulation-making, state official accountability, and the strengthening of a legal culture within society. A democratic and responsive legal policy framework can produce regulations that are more adaptive to societal developments while simultaneously bolstering public trust in the national legal system.

The implications of this study suggest that legal policy reform should focus on enhancing the quality of legislation through meaningful public participation, improving the integrity and professionalism of law enforcement personnel, harmonizing regulations, and optimizing oversight mechanisms regarding the exercise of state power. Furthermore, the use of digital technology in judicial systems and legal services must be continuously developed to enhance transparency, efficiency, and public access to justice, without compromising the principles of human rights protection and legal certainty.

Future research is encouraged to conduct empirical studies on the implementation of legal policy across various law enforcement agencies in Indonesia, including analyses of the impact of digital transformation, artificial intelligence, and e-governance on the effectiveness of law enforcement. Comparative research involving other countries is also necessary to identify best practices for shaping a legal policy capable of fostering a law enforcement system that is more responsive, independent, and equitable, in alignment with societal evolution and future legal challenges.

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The authors declare that there is no conflict of interest.

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Ethical approval was obtained for this study. The manuscript represents original work and has not been previously published, nor is it under consideration by another journal.

Data Disclosure Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request.

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