Jihan Rafifah Mahdiyyah and Moses Glorino Rumambo Pandin
Universitas Airlangga
Jl. Airlangga No.4 - 6, Airlangga, Kec. Gubeng, Surabaya City, East Java 60115
jihan.rafifah.mahdiyyah-2020@fib.unair.ac.id and moses.glorino@fib.unair.ac.id

HUKUM DAN MASYARAKAT:
PROF. DR. SUTEKI. SH., M.HUM: YOGYAKARTA; 2021; 978-602-5589-45-4; 443

INTRODUCTION:

In social interaction, humans need to be bound by something firm to prevent problems that lead to individuality. Since the beginning of human creation, rules or norms are the incarnation or regulations that guide the behavior needed to achieve harmonization in life. Everyone has the freedom to act in such a way, so the rules of society must be maintained. Therefore, the law includes various controls that determine and regulate the relationship of one person to another. Likewise with legal developments cannot be separated in the context of a dynamic society. The law of a nation has different characteristics from the laws of other countries. This awareness encourages the public that the law is dynamic following the dynamics of the context of the society. Through the book *Law and Society*, the author tries to interpret the relationship between law and society, especially in the broader social dimension, and explores the actualization of law in the Indonesian nation. In addition, the author also explains that his writing aims to meet the needs of readers in understanding legal developments in the context of society.

The author also criticizes various polemics that have plagued this country, such as corruption, power, etc. Not only that, but the author also offers the solutions to the problems that have been explained, so it encourages readers to think critically and openly in reviewing problems. Therefore, this book is very suitable for students as well as academics and activists. Besides having a tremendous impact on the readers of the content of law theory, it describes crucial issues and solutions. In addition, the interactive delivery makes readers feel a burning feeling to provide ideas, suggestions, and criticisms of the government.

Also, the author discusses the relationship between law and society, which is reviewed from a theoretical and thematic perspective and examines the relationship between law and dynamic society and provides the author's thoughts on the portrait of law in Indonesia. As is well known, the situation and condition of law enforcement in this country can be said to be still far from achieving justice and truth. Also, the author gives his thoughts about how the law rhymes with society because the law is made under the pretext of prospering the community.

"*Law and Society*" contains criticism and analysis of legal problems that occur, as well as how the coherence of the two can be rhythmic properly. The author, who is a professor at the Faculty of Law, Diponegoro University, known as an expert in Sociology of Law and Pancasila Philosophy, tries to crystallize his thoughts through writing this book to move the reader's spirit to return to acting decisively to seek justice and to fight for the welfare of society. This review aims to provide information related to the book for interested readers and to review a little about the contents of the book.

REVIEW:

The book by Prof. Dr. The Suteki, *Law and Society*, describes in full and in detail, starting from the history of legal development, legal practice in various dimensions, and the application of appropriate legal rules in the context of society. The author also provides legal problems that occur in Indonesia and offers solutions in deciding a case. The author wants to show readers the law issue in government and analyze the law practice through several case studies.

From a systematic perspective, this book is divided into two parts - theoretical and thematic perspectives. The first part discusses the relationship between law in society, viewed from a theoretical perspective, which is starting from how law developments related to community development, law relations with social structures, and the meaning of the sentence that the author created "*no enforcement of law*" or the policy of not enforcing the law for the sake of substantive justice. Meanwhile, the second part explores the application of legal and community relations through a thematic perspective. In this section, the author invites the reader to explore the relationship between law and themes *up-to-date* in society, namely economy, technology, politico-government, morality, power, human rights, and democracy.

Law and Society in Theoretical Perspective

Knowledge constantly is shifting from time to time, moving dynamically. The development of knowledge is always related to the dynamics of society. Globalization is a phenomenon that also leads to the development of law. Through positivism, the history of law development has changed towards thinking that does not see the law as a point of view but sees other aspects, especially social aspects.

On page 20, Chapter I, *The book of Law and Society*, is mentioned that:

"In the field of legal science, the emergence of Sociological Jurisprudence can be considered a fairly revolutionary development in the era of globalization because it can subvert ideas against law that are only formal-positivistic. As mentioned, the emergence of the teachings of law from the sociological school of thought (Sociological Jurisprudence) is a reaction to the rejection of the Positivism School which is a-historical, a-social, and a-cultural. The teachings of this sociological school encourage legal studies to open themselves up (convergence) to hear the results of other studies...."

However, this positivistic understanding is originally still thick in Indonesian law. Although theoretically, this thought has shifted to *Sociological Jurisprudence* which seeks to unite law with its environment, including society. The practice of positivism can be viewed from the court system; there is respect for **the living law**. The law should be implemented in Indonesia as a diverse country by facilitating the living law to grow and develop. On the other hand, the reality that develops is not by the rules. Customary law is a characteristic of the Indonesian nation. The author provides an example that illustrates how customary law is fulfilled by state law, namely Law no. 5 of 1979 concerning "Village Government," which cleared up local institutions such as Dusun, Marga, Gampong, Nagari, replacing their name with Villages that had no sociological roots.

To make it easier for readers, the author systematically provides an overview of the function of law in society through case studies *up to date*; Omnibus Law. In his 2019-2024 Presidential inauguration speech, President Joko Widodo said that the government would invite the DPR to discuss the Omnibus Law to revise the law. Indonesian constitutional law has never practiced this, nor this law familiar with countries that follow a civil *law* system like Indonesia. The state carries out most in the *standard law system*. Dr. Ahmad Redi (in Prof. Dr. Suteki, 2021: 34) mentions the reason for the form of Omnibus Law to overcome economic and investment problems. At the end of the paragraph, the author argues that the law is a building that is not only constructed by rules but consists of systems, ideologies, institutions, social structures, and physical facilities. Improving the law in a country will never be enough if only through regulation but is reforming the behavior of investors, government authorities, as well as the people.

Law and Society in a Thematic Perspective

In this section, the author encourages readers to examine the problems that occur in Indonesia, one of which is corruption. Nowadays, corruption has become an international issue that requires integrated and transnational handling. Therefore, in Indonesia, it is considered an extraordinary crime. Corruption cases in Indonesia are high, where they are ranked 96 along with Brazil, Colombia, Panama, Peru, Thailand, and Zambia. Seeing this reality, of course, can hamper the political and economic stability of the Indonesian nation. Law enforcement was initially expected to lead to community welfare, and without law enforcement, this will not be achieved. The author lists the events of corrupt practices in Indonesia to understand the impacts and problems in several development sectors. The author explains this impact that corruption affects policies that result in public welfare. Corruption kills the democratic process, hinders investment and economic growth, and weakens the government's capacity and ability to carry out development programs. Rather than that, it is also explained how to overcome these problems with prevention and eradication of corruption. Not only by the Corruption Eradication Commission but by the Regional Government. The first step that must be taken is to identify the cause of the occurrence. According to Bismar Siregar (in Prof. Dr. Suteki, 2021: 272), he stated that the root of corruption is moral, moral, and material poverty. Then, he stated that the next step was to measure the seriousness of the central and regional governments in eradicating corruption.

The author's efforts to encourage readers to think critically, intelligently, and have a nationalist spirit are outlined in the study of thematic problems. Case studies, facts, and ideas are also explained in a clear and informative manner. The author also discusses various other issues in this book, which is related to oligarchy and power, law and the public studying the exploitation of natural resources, Indonesia as a transcendental legal state, protection of human rights in the national legal system in the era of globalization, implementation of the law, the moral function of Pancasila. in the development of criminal law, as well as the role of law in regulating technological instruments.

The Meaning and Meaning of "Policy of Not Enforcing the Law for the Exaltation of Substantive Justice"

No enforcement of the law means that it is not enforced, or it can be interpreted that legal regulations can be violated. The author explains that the background of this sentence began since modern law was born. As a result, the court became a conditional public

institution with bureaucracy, procedures, formalities, and others. To succeed in law, one must be good at mastering the rules and good at playing with conditions. Satjipto Rahardjo said that the incident was a modern legal tragedy. It is due to the ordinary meaning that carrying out the rule of law is almost synonymous with enforcing the law. Moreover, the author mentions that the purpose of this paper on dedicated *non-enforcement of law* is to judges, more specifically the Supreme Court (MA) and the Constitutional Court as well as law enforcers of the *Criminal Justice System*.

Based on the concept of law, where law enforcement must prioritize justice and conscience. Here the author argues, if the law does not show justice and conscience, then in principle, law enforcers are willing to carry out *non-enforcement of law*, or the regulation can be violated. The author also provides several cases that support not enforcing the law, including Manish and his three brothers who stole cotton wool for Rp. 12,000. In Batang, where he was detained during the investigation process until the verdict was handed down. According to the author in the book "Law and Society," it is explained that:

"In this case I am not defending the "thief" but empathizing with the suffering that exceeds his fault. Many similar cases occur in societies that have long been known to be rich in wisdom and compassion. Is this the justice that we have been looking for in all this time?..."

The law enforcement meaning of justice that should be substantive that law enforcers should be doing turns out to be so foreign. Law enforcers have adhered to formal legality and, at the same time, marginalized conscience.

This book deserves to be considered reading because the content is realistic and contains the author's thoughts on each of the problems described. The contents of this book are explained clearly and informatively, and the language used is semi-formal so that it is easy to understand. It also makes it easier for the author to convey the message to the reader. The author's passionate motivation and enthusiasm are contained in this book by using persuasive language, which invites the reader to analyze and criticize the problems that occur in Indonesia.

However, this book has several errors in typing and inappropriate word selection, resulting in incoherent sentences and misconceptions. The selection of the right words can help the author to make it easier to convey the meaning he wants to convey better. The author needs to consider giving a more detailed explanation regarding the use of foreign language words and sentences so that the reader can know the terminology. It is also necessary to pay attention to selecting the right words so that the coherence of the sentence is maintained.

However, the author has put his passion and motivation into the book well. Judging from the reality, it is true that currently, the law and the Indonesian people have not been able to harmonize rhythmically. Moreover, in practice, there are still gaps and inequalities carried out by law enforcers. Thus, this book is expected to be able to provide solutions to the problems that have been described.

Jihan Rafifah Mahdiyyah and Moses Glorino Rumambo Pandin

Universitas Airlangga

REFERENCES:

Wignjosoebroto, Soetandyo. (2008). *Law in Society: Developments and Problems*. Malang: Bayu Media.

Suteki. (2021). *Hukum dan Masyarakat*. Yogyakarta; Thafa Media Yogyakarta

BRIEF BIOGRAPHY OF THE AUTHOR:

Prof. Dr. Suteki, SH, M.Hum was born in Sragen, Central Java, on February 2, 1970. He is a Professor of the Faculty of Law, Diponegoro University, known as an expert in Sociology of Law and Philosophy of Pancasila. When Suteki was inaugurated as an Undip Professor on August 4, 2010, in his inauguration speech, he raised the theme of "No Enforcement of Law Policy for the Exaltation of Substantive Justice. Suteki is known as an outstanding lecturer and received the title of the best Lecturer throughout 2006. 2008. And 2009. He has also served as Secretary II of the Master of Law Study Program at Diponegoro University.