



The Building Public Trust Against to Law Enforcers in the Covid 19 Pandemic

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Abstract

The COVID-19 pandemic has had an impact on the credibility of the performance of law enforcement. National survey data and reports from various national media found a decline in public trust in law enforcement. With a descriptive method and the type of research normative juridical approach, this paper discusses what factors can restore public trust in law enforcement in order to build public trust. First, the independence of law enforcement officers to improve the mentality of law enforcement in acting, secondly, it is necessary to develop a transformational bureaucratic leadership model to make changes in the field of services law enforcement and continue to improve their quality, especially the soul of the leader in each individual and focus more on enforcing corruption and human rights cases in order to increase public trust

Keywords: Covid 19 Pandemic, Law Enforcement, Public Trust, Transformational Bureaucratic Leadership Model.

1. Introduction

Indonesia is a country based on law (*rechtsstaat*), not based on mere power (*machtsstaat*) which is explicitly explained in Article 1 paragraph (3) of the 1945 Constitution (UUD) . This mandates that Indonesia accepts law as an ideology to create order, security, justice and welfare for its citizens. These legal consequences bind every action taken by every citizen, including foreign nationals who are within the territory of the State of Indonesia (Iskandar et al., 2019). This provision also shows that the law must be placed as the commander because it has a fundamental role in every aspect of state and national life in order to realize the order of life. orderly and balanced society (Quigley, 2021).

Especially during the COVID-19 pandemic that hit the world at the beginning of 2020, it caused changes in all fields including the legal field (Andriyani et al., 2021; Munandar et al., 2020; Aditantri et al., 2021). The policy of implementing social restrictions or commonly referred to as *physical distancing* requires the entire community, including law enforcement, to reduce interactions between each other until the term appears *virtual court*. Where law enforcement must prosecute criminals online (Brown and Wilson, 2007). However, with all the existing limitations related to facilities, human resources and others, the results are less than optimal. So it is not surprising that these changes not only have a positive but also negative effect on the performance of law enforcement.

As a driving force for the actualization of law in the community, law enforcement officers have the right and obligation to obey the rules and enforce the law according to their duties and functions properly

(Treviño, 2017), namely to create a conducive and dynamic community life. The scope of the term "law enforcement" is very broad, because it includes those who are directly and indirectly involved in the field of law enforcement (Nolan and Akiyama, 1999). Law enforcers are citizens of the community, who have certain rights and obligations, namely enforcing and facilitating the law (Lee et al., 2005).

Law enforcement is one component of the legal system, namely the legal structure. As for the legal structure according to Abdurrahman (1987), namely the driving element, so that legal institutions can work easily and clearly. This is in line with what is explained in Article 28 D paragraph 1 of the 1945 Constitution of the Republic of Indonesia that *"Everyone has the right to recognition, guarantee, protection and fair legal certainty and equal treatment before the law"*. These duties and functions are the basis for the emergence of public trust in law enforcement.

The norms that grow and develop in the community can be a benchmark or benchmark for someone to be able to act or behave. It aims to create, maintain, and maintain harmony and peace in order to create better rules or laws so that there is no crisis of public confidence in the law in Indonesia. So that there is a synergy between law enforcers and the community who are expected to work together to comply with existing legal rules.

However, to actualize a law that is in synergy with what the community expects is not as easy as turning the palm of the hand. Law enforcement officials often experience problems, both internal (factors themselves), and external (community factors) that lead to ineffective law enforcement.

Thus, there is a decrease in public trust in law enforcement. This is illustrated by the results of a national media survey which states the number of public trusts in the Indonesian National Police, for example, based on a survey in May 2020, public trust in the National Police is 70.5%. Then in June actually experienced an increase, namely to 73%. However, in July 2020 the number of public confidences decreased again to 72.2%. The Corruption Eradication Commission (KPK) also experienced a similar trend. In May, public confidence in the KPK was 72.5%. In June, the figure rose slightly to 73.2%. However, in July the figure fell again to 71.8%. The decline in public confidence also occurred in the law enforcement agencies of the Attorney General's Office, the Supreme Court and the Constitutional Court at 61.6%, 60% and 59.4%, respectively (Utama, 2019).

The decline in the level of public trust will also still occur in 2021, based on the results of the Saiful Mujani Research and Consulting (SMRC) survey of 1000 randomly selected respondents with a margin of error of 3.2% conducted on July 31 to August 2, 2021, stating as many as 41.2% of the public judge law enforcement in Indonesia to be poor or very bad. In detail, the level of public trust in the Police is only 58%, this figure is very low compared to 2020. Then the level of public trust has also decreased in other law enforcers, only 59% of citizens trust the Attorney General's Office, 61% in the courts and public trust in the KPK has also decreased. from 2020 which only reached 60%. These figures illustrate the public's distrust of law enforcement officers in Indonesia, especially during the COVID-19 pandemic.

The decline in public confidence in law enforcement officers and law enforcement is one of the most common phenomena in the midst of many laws and regulations that are formed to be enforced. One of them is what happened in Manado City as stated in *Republika* dated April 1, 2015 regarding the involvement of the Police in the theft of motor vehicles, the ATM theft case which then involved investigators in embezzling evidence in the form of billions of money from the hands of the suspect (Rompis, 2015).

In fact, public trust is an important thing that can be a support for a state of law to advance the performance of its law enforcement officers. Thus, law enforcement officers must work hard in carrying out their duties and functions. For this reason, this paper will discuss what factors are needed to build public trust in law enforcement officers. The reason is, it is necessary to create order and security for the nation and the state in accordance with the mandate of the 1945 Constitution.

Many studies have been carried out on public trust, where previous research has focused on forms of cooperation between the community and law enforcement, making changes to laws and changes in the moral ethics of law enforcement in carrying out regulations in order to create synergy and harmony. However, in this study the author focuses on what factors must be possessed as law enforcers in order to build public trust, not on the existing legal rules. Because the author believes that trust will arise if the

character of both law enforcement and their organizations can run according to their duties and functions in the law and focus on enforcing corruption and human rights cases .

2. The Research Methodology

Method used in this study is descriptive with the type of research *normative juridical* with the data needed in this study is secondary data. With secondary legal materials obtained from library research (*library research*) in the form of legislation, books, thesis and other literature. And data collection is carried out with tertiary legal materials by conducting news searches on both print and online media. In the normative concept, law is a norm, either identified with justice that must be realized (*iusconstituendum*) or norms that have been realized as explicit orders and which have been positively formulated (*ius constitutum*) to ensure certainty, and also in the form of norms that is a product of a judge (judgements) when the judge decides a case by taking into account the realization of the benefits and benefits for the litigants. Meanwhile, judging from the nature of this research is descriptive analysis (Rizhan, 2019).

3. Results and Discussion

In the Herzeine Inlands Reglement (HIR) as well as in the Criminal Procedure Code (KUHAP), it has been regulated regarding the duties and authorities between institutions in the criminal justice system, which essentially provides protection to the community in line with the objectives of Law Number 16 Year 2011 regarding legal aid. However, the level of granting community rights to legal aid is still very minimal. This can happen because of the lack of readiness of the state to provide legal aid on a free or low cost basis or because of inadequate legislation. So that it creates cynicism in society and can also result in the emergence of judges' decisions that do not fulfill the community's sense of justice (Rompis, 2015).

This results in a decrease in public trust in law enforcement because public trust is indirectly directly proportional to law enforcement. Because the essence of law enforcement is harmony between the application of law with order and public peace. Where cannot be considered solely the process of applying the law as the opinion of legalists. However, the law enforcement process has a wider dimension than this opinion, because law enforcement will involve the dimensions of human behavior (Fakrulloh, 2005). For this reason, there are 3 (three) important elements that require careful attention in law enforcement, namely (i) legal substance (ii) law enforcement officials and (iii) legal culture.

In law enforcement, society is not an object but is a legal subject so that if there is a condition of disorder, sociologically, conditions that are not conducive to law enforcement will be found (Aji et al., 2020). Law enforcement has the aim of realizing justice, usefulness and legal certainty and when the law is not able to enforce it, it will give birth to disorder and unrest which results in the loss of public trust in law enforcement. Disorganization and unrest give rise to a bad public perception of law enforcement. This makes people distrust the law as a means of conflict resolution and tend to resolve their problems outside the legal route.

Public confidence in the declining performance of law enforcement during the COVID-19 pandemic proves the lack of factors that law enforcement officers in Indonesia have in carrying out their duties in accordance with the mandate of the 1945 Constitution. From the results of the study through secondary data, the following will explain two important factors that can restore public trust, namely the independence of law enforcement officers and the ideal leadership model of law enforcement officers.

The independence factor greatly affects the public's trust in law enforcement officers. From the results of the analysis of the independence factor, namely the *need for leadership character development* (Subarkah et al., 2021). The independence of a legal institution must start from its bureaucratic reform. By improving the mentality of law enforcement officers through system improvements, among others, a recruitment system that must be carried out with full honesty and transparency without any interest from any party, professional performance and periodic supervision of every law enforcement officer in carrying out their duties as well as building information disclosure, increasing supervisory agencies,

improve the facilities and infrastructure of the judiciary building, develop leadership character, form material on the code of ethics and behavioral guidelines for law enforcement officers, enforce sanctions for violations of the code of ethics (Subarkah et al., 2021). In addition, it is also necessary to conduct character and behavior development training, especially for leaders of law enforcement officers. In order to create independence in carrying out its duties and functions. Thus, public trust will return to law enforcement officers.

This research in addition to the independence factor will also explain the role of influential leaders is very important to restore public confidence in law enforcement officers. Due to the lack of a leader model that can be used as a driving force in carrying out law enforcement duties and it is undeniable that the leader is one of the keys to the success of an organization's success. If the leader fails in carrying out the mission of the organization, the goals of the organization will not be achieved (Afifah and Nuswantara, 2021). Because, the weakness of the leader is one of the causes of the collapse of organizational performance in Indonesia.

Meanwhile, from the leadership model factor, the results of this study explain that law enforcement officers need a bureaucratic leadership model, which is the most effective leadership model and fulfills the ideal leadership model indicators, namely, leaders who have charisma, ideal influence, are able to inspire, have intellectual abilities and have attention to his subordinates.

In accordance with the understanding of the bureaucratic model defined by Weber, which is a process of influencing employees to complete a job and directing the organization to be more compact and conducive, by applying concepts, values, ethics, character, knowledge and skills through its authority.

This is in accordance with the characteristics of leaders of law enforcement officers who have a duty to enforce the law and create security for the community. Thus, the leadership model that is considered the most ideal and effective, to be used in law enforcement officers in this era of globalization, from the leadership models mentioned earlier is the bureaucratic leadership model.

The bureaucratic leadership model is divided into two, namely transactional and transformational bureaucratic leadership models (Van der Voet, 2014). The transactional bureaucratic leadership model has characteristics, namely, based on transactions, clarity of rules, orientation to strict supervision, anti-change, orientation to position and power, focus on work, absolute superior authority, stifling employee creativity, work individuality, organizational disharmony (bottom-bottom communication). up), and the absence of cooperation between employees. Thus, resulting in organizational instability.

While the transformational bureaucratic leadership model has characteristics, namely, clarity of vision, employee awareness, vision achievement, pioneering change, self-development, employee learning, employee empowerment, creativity development, a culture of cooperation and organizational conduciveness. With these characteristics, the transformational bureaucratic model according to Leithwood and Jantzi (1990) can implement positive changes in the organization, namely, building a culture of cooperation and professionalism among employees, motivating leaders to develop themselves, and helping leaders solve problems (Anwaruddin, 2020).

Of the two models of bureaucratic leadership, transformational is considered the most suitable to be applied in bureaucratic organizations in this era of globalization. The reason is that leaders who are transformational have the ability to build synergy from all employees through their influence and authority so that they are more successful in achieving the organization's vision and mission. This is in accordance with the effective and ideal leadership needed by law enforcement officers. Especially in the midst of the growth and development of this technology which gave rise to various types of 'sophisticated' crimes called *cybercrime*.

Therefore, the transformational bureaucratic leadership model is a model needed for bureaucratic organizations including law enforcement officers. Because the leader of this leadership model can be a 'trigger' or mover to carry out the duties and functions of law enforcement officers in enforcing the law.

In addition, a factor to increase public trust is to take an inventory and legally follow up on various corruption cases against the police, prosecutors, courts and correctional facilities. Because it is undeniable, the decline in public trust stems from an increase in cases of KKN involving law enforcement officers, enforcement and completion of Human Rights (HAM) in the community. Because there are many unfinished human rights cases, even though every individual, including the suspect, has

human rights to be protected by law, however, there are still many that have not been realized until now and the provision of legal assistance to underprivileged communities is one of the priorities to be implemented in legal development.

The enforcement of the rule of law based on the values of truth and justice as well as respect for universal human rights has been degraded. This condition, among others, is due to the fact that many laws and regulations made by the government in the past did not reflect the aspirations of the people and needs development based on religious law and customary law. The lack of role in the implementation of the National Legislation Program (Prolegnas) also causes many laws and regulations that are set to have material that overlaps with each other and there are still laws and regulations that do not reflect justice. This is also followed by measures to limit the involvement of the people's power by the government to actively participate in the process of forming laws and regulations which is a problem and at the same time a challenge to be faced in legal development. The existence of horizontal and vertical violence is basically caused by the weakening of the application of cultural values and legal awareness of the community which results in low community compliance with the law and the emergence of various acts of abuse of power and abuse of authority. This is not only caused by intervention from the government and the influence of other parties against court decisions, but also because the quality, professionalism, morals and morals of law enforcement officers are still low as a result, public trust in the judiciary as the last bastion to obtain justice is decreasing.

Therefore, efforts to be made are to increase legal understanding and awareness at all levels of society on the importance of the rights and obligations of each individual which in the end is expected to form a legal culture good. So that in the future, a harmonious relationship will be created between the community and law enforcement which will indirectly build public trust in law enforcement officers.

4. Conclusions and Suggestions

Law enforcement officials, who should be the commanders for enforcing the law in Indonesia, are trapped in a web of problems of corruption, judicial mafia, money politics and others. This condition is inversely proportional to the principle of the Indonesian state in accordance with the 1945 Constitution which is a state of law, namely that every behavior and action of the people must be based on applicable legal regulations and supervised by law enforcement officers. As a result, public trust in law enforcement officers is lost. In order to restore public trust, the results of this study obtain two important factors, firstly the independence of law enforcement officers, it secondly is necessary to develop a transformational bureaucratic leadership model, which is effective and meets the indicators of the ideal leadership model. Through this research, it is hoped that in the future law enforcement officers can work better in carrying out their duties and functions, namely increasing independence from within and outside the organizational structure and choosing leaders who can be a good motivator, role model and role model for each of their subordinates, so that the community can trust and assist law enforcement officers in enforcing the law.

As well as by taking an inventory and following up legally on various cases of KKN against the police, prosecutors, courts and prisons. enforcement and completion of Human Rights (HAM) in the community as well as the provision of legal assistance to underprivileged communities is one of the priorities to be implemented in legal development.

Therefore, the authors hope that law enforcement officers can continue to improve their quality, especially the soul of the leader in each individual and focus more on enforcing corruption and human rights cases in order to increase public trust.

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References

- Abdurrahman. (1987). *Spreading Thoughts on Legal Studies and Society*, Jakarta: Media Sarana Press.
- Aditantri, R., Mahliza, F., & Wibisono, A. D. (2021). Urban Planning and E-Commerce: Understanding the Impact During Pandemic Covid-19 in Jakarta. *International Journal of Business, Economics, and Social Development*, 2(3), 135-142.
- Afifah, N., & Nuswantara, D. A. (2021). The Effect of Managerial Skills, Education Level, and the Role of Village Consultative Body toward the Performance of Village Head. *Jurnal Ekonomi Akuntansi dan Manajemen*, 20(1), 65-79.
- Aji, A. B. W., Wiyatno, P., Arifin, R., & Kamal, U. (2020). Social Justice on Environmental Law Enforcement in Indonesia: The Contemporary and Controversial Cases. *The Indonesian Journal of International Clinical Legal Education*, 2(1), 57-72.
- Andriyani, D., Nailufar, F., Yurina, Y., Ratna, R., & Rahmah, M. (2021). Analyzing the Sustainability of Micro, Small and Medium Enterprises during Covid-19 Pandemic in Bireuen Regency, Indonesia. *International Journal of Business, Economics, and Social Development*, 2(3), 119-126.
- Anwaruddin, A. (2020). Development of an Empowered Leadership Model in a Bureaucratic Environment. *Journal of Performance Discourse: Practical-Academic Studies of Performance and Public Service Administration*, 9(4), 1-21.
- Brown, D., & Wilson, I. D. (2007). Ethnicized violence in Indonesia: Where criminals and fanatics meet. *Nationalism and Ethnic Politics*, 13(3), 367-403.
- Fakrulloh, Z. A. (2005). Law Enforcement as an Opportunity to Create Justice. *Journal of Jurisprudence*, 2(1), 22-34.
- Iskandar, R. K., Yusdiansyah, E., & Hidayat, A. (2019). Reconstitutionality of the 1945 Constitution After the Fourth Amendment. *International Journal of Research-Granthaalayah*, 7(9), 386-394.
- Lee, R. J., Gorog, A. J., Dwiyahreni, A., Siwu, S., Riley, J., Alexander, H., ... & Ramono, W. (2005). Wildlife trade and implications for law enforcement in Indonesia: a case study from North Sulawesi. *Biological Conservation*, 123(4), 477-488.
- Leithwood, K., & Jantzi, D. (1990). Transformational leadership: How principals can help reform school cultures. *School effectiveness and school improvement*, 1(4), 249-280.
- Munandar, D., Supian, S., & Subiyanto, S. (2020). Probability distributions of COVID-19 tweet posted trends uses a nonhomogeneous Poisson process. *International Journal of Quantitative Research and Modeling*, 1(4), 229-238.
- Nolan, J. J., & Akiyama, Y. (1999). An analysis of factors that affect law enforcement participation in hate crime reporting. *Journal of Contemporary Criminal Justice*, 15(1), 111-127.
- Quigley, J. (2021). Attorney general's: Update to the profession. *Brief*, 48(4), 48-49.
- Rizhan, A. (2019). Juridical Review of Community Trust Management Crisis in Law in Indonesia. *Codification*, 1(1), 118-127.
- Rompis, T. (2015). A study of the sociology of law on the decline in public trust in the law and law enforcement officials in North Sulawesi. *Lex Crimen*, 4(8), 27-42.

- Subarkah, I., Nurjaya, I. N., Sugiri, B., & Ruba'i, M. (2021). The Obscurity of Judicial Independence towards Regulations with Legal Certainty in Indonesia. *International Journal of Multicultural and Multireligious Understanding*, 8(11), 472-485.
- Treviño, A. J. (2017). *The sociology of law: Classical and contemporary perspectives*. London: Routledge.
- Utama, A. S. (2019). Public Trust in Law Enforcement in Indonesia. *Ensiklopedia Social Review Journal*, 1(3), 1-12.
- Van der Voet, J. (2014). The effectiveness and specificity of change management in a public organization: Transformational leadership and a bureaucratic organizational structure. *European Management Journal*, 32(3), 373-382.