THE APPLICATION OF LAW, GOING TO THE LAW ENFORCEMENT
(AN ANALYZING OF THE RIIL SCIENTIFIC)
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Abstract
Law is not made to be observed and to be logical rational study only but to be done. Of course the application of law in society gets concretization process where the regulation of general and abstract normative law given for special, concrete and casuistic problems. It is not enough to implement limited law on legal norms only normatively in society, we have to observe more on social phenomena to implement the law flexibly. The implementation of law which is able to creat efective communication between the members of society, and not release from the final objective or the main goal of the legal politic namely to reach social welfare and protection as the integral part of the social policy, that is the implementation of law into the law enforcement.

Keywords : Application Of Law; Law Enforcement; Analizing.

A. INTRODUCTION
In this moment there is the progress and change of the social life complexity such as the change of the social system. The efective communication is needed so much to make the social life harmonisly among the social participant who have the modern style life. The modern style life is the social model is moved for the conflict where need the law to regulate and controlling the conflict. So it is able to make the efective communication in the society. Really, the role or the function of the law want to make the efective communication in the society. And it is impossible if the social life does not need the legal service. Especially for the modern social where the conflict is happennt intensively. And this situation is happennt continously as way as the development period. So the law and the social life are two components that needed between the law as the normal idealis that analized from how far received the norm by society applying in the riil social life.

Actually the social life needs the balancing to achieve the ideas through the efective communication. So the law is needed by the social life as a tool to serve the relation among the social participants. So it can get the positive law. In the change of the social life, it will creat the legal change serving the social interest.

According to Satjipto Rahardjo about the law, it (the law) is very connected with the national development. The relation among them (law and national development) it can become the international issue.

In the 1972 there was the meeting of lawyers attending for the law and development to compose the result of agreement about kinds of researchs for the law and the development. And then, Satjipto Rahardjo said that there are many kinds of relation between the law and the development.

According to that statement above, actually the people begin to analize about the role or the function of law in the society but just talking about the consistant norm, logic and...
closed. It tries to analyze the law in the social actions and the law as the process to achieve the goals.

The application of law into the law enforcement can not be separated from the riil law in the society, because the law enforcement is made from the law as the instrument of the norm rule received by society effectively. The positive law or the law enforcement is not the application of law normatively without attending the riil situation and the background of the social reality.

In the legal development to achieve the law enforcement it is not limited by the normative rule but in the achievement of the law enforcement it should understand the social reality include its factors. We know that the effort of the criminal elimination policy (in Indonesian) is form of the legal development. It is used to make the social welfare and the social defence.

According to Muladi, the problem of the Indonesian criminal law will find the problem of the criminal elimination in the society. And it is called as the criminal policy. G. Peter Hoefnagels said that criminal policy as a science of policy is part of a larger policy: the law enforcement policy, the legislative policy and enforcement policy is in turn part of the social policy.

Law enforcement achieve the ideas of the legal development it is mentioned that Indonesian is the legal state and not as illegal state. It means that all activities must be regulated by the law. This research tries to find answers how does the application of law make the role or the function of law as a social servicer in the law enforcement.

B. DISCUSSION
1. The Application Of Law As A Norm Concretization In The Society
Actually the law is the ideal rules about the norm must be done. When the law is applied in the society that is the process of concretization but it is still abstract. In the dogmatical law the law must attend the application of law. It means we have to understand about its factors. And the main factor is the human. According to Satjipto Rahardjo, in the social relationship there are social models and the maker of law is the reflection of the social models. Chambliss and Seidmann differed two social models they are the value consensus and the social conflict. For the value consensus, it is like no conflict in the society because they have a agreement or consensus or value recognized by them. In the second model, the character of the social conflict is change and the conflict. There are many impression in the society. Schuyt, there are two possibilities to solve the conflict they are conflictoplossing and conflictversterking.

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2 Muladi, 1985, *Capita Selecta of the Criminal Justice System*, Undip, Semarang, p.vii
3 G. Peter Hoefnagels, 1969, *The Otherside Of Criminology*, p.57
6 Ronny Hanitijo Soemtnro, 1985, *Study Of Law And Society*, Alumni, Bandung, p.31
2. The Application Of Law Into
The Law Enforcement

First, we have to understand
what the application of law and the
law enforcement are. The law
enforcement (in the small
meaning) is the performing
the rule to the society. But the duty
of the law enforcement is not just
performing it normatively such as

The criminal law is not the policy
to eliminate the crime normatively.
According to Barda Nawawi Arief,
The policy of the criminal
elimination is part of the social
defence. The main goal of the
criminal policy is the social defence
to achieve social welfare. The
criminal policy is part of the social
policy to reach the social welfare. 7

Based on the UN (United Nations
Organization) congress for
the criminal eradication and the
criminal elimination it attend the
context of the development policy
as the social global. The criminal
elimination can be done through
the policy approach (the criminal
policy and the social policy and the
criminal elimination). When the
criminal policy is a part of the
social policy, so that the rule can
not be done limitatively or all rules
normatively.

Talking about the legal
achievement to the social welfare
and the social defence the
application of law is not the legal
performing normatively. But it has
to attend aspect of phenomenons in
the social reality and law is not
made to be theory rational
logically. But it is made to be done
being effective communication
among the social participants.
Therefore it is better called as the
law is the goal but the law is
a tool to achieve the goal. Paul
Scholten said that really the law
has stopped to be the law when it
has never been done. But when
talking about the application of
law, the law can be done in the
social reality and it is the reflection
of the rule or not.

Based on that statement that is
depend on how far to achieve
the goal of the law enforcement or
when the goal of the law
enforcement will be achieved and
the law is not done normatively.Here is, it is called as
the application of law in the law
enforcement. Roscoe Pound
deferred them as the law in the
books and the law in action.
According to Edwin M Schur the
law in action regulate the riil social
behaviour and the goals of the
rule is same as the effect of the
rule in the social reality 8.

Exactly, we will find many rules
and the effort of the law
enforcement through the
punishment. And the rules are
different one for one. Because
each rule has the background,
histories and the way to make it.
According to Soetandyo
Wignjosoebroto, In the society the
process of the social life will give
the certain case for the effort of
the order enforcement 9.

In the national law
development the national law is

7 Barda Nawawi Arief, 2001, The problem of the law
enforcement and the policy of the criminal
elimination, Citra Aditya, Bandung, p. 20
8 Alvineri Shlomo, 1980, Law And Social Control
(Ideas And Idenioies), Edward Arnold Publisher,
London, p. 89
9 Soetandyo wignjosoebroto, 2002, The
law: Paradigm, Method And The
Problematically, Huma, Jakarta, p. 260
made, built and developed to creat the Indonesian social life system. The law is made to be the sosial engeenering. The legal development find a tool to develop the society based on the national law regulate the behaviour serriously. But the application of law has to regulate it flexiblelity.

C. CONCLUSION
The law as a rule it is consist of the ideal necessity it can be valued from how far it can be received by society as a norm system in the social reality. Really the law is a tool used to change the social life. It means to re-analyze about the function of law in the society. So the law is not as the consistant norm, logic and closed but an analyze about the law to be one with the social actions, as a proccess etc. The application of law into the law enforcement can not be separated from the function of the law in the social reality. Because the law enforcement is made as a norm received by society efectively. So in the implementation of law the law is not done normatively and actually the implementation of law is a law enforcement. In the legal development to achieve the law enforcement it is not limitted the legal perform normatively but it must be understood as atool to change the social life system. Finally law is not a goal but it is a tool to achieve the goal.

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