

Reforming Digitalizing the Legal System in Indonesia to Confront National and Global Challenges

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Abstract

Introduction: Indonesia, as a state based on law (rechtsstaat), faces increasingly complex challenges in the 21st century, both nationally and globally. Issues such as corruption, regulatory disharmony, weak human rights protection, transnational crime, climate change, global trade, and the rise of digital technology demand a fundamental transformation of the legal system.

Purposes of the Research: This study aims to analyze the urgency of reforming and digitalizing Indonesia's legal system to address national issues while simultaneously harmonizing with international legal standards. The research seeks to identify strategic steps that strengthen law enforcement, simplify regulations, and integrate digital technology into the legal process.

Methods of the Research: The research applies a normative legal research method as explained by Peter Mahmud Marzuki, combining three approaches: the statute approach, to examine the 1945 Constitution and other regulations; the conceptual approach, to analyze fundamental legal concepts such as the rule of law and harmonization; and the comparative approach, to assess Indonesian legal practices in comparison with other countries, especially in the fields of digital law, human rights, and international cooperation.

Results Main Findings of the Research: The findings indicate that the transformation of Indonesia's legal system is necessary in four key aspects: (1) regulatory reform to reduce disharmony and overlaps, (2) strengthening law enforcement and eradicating corruption, (3) harmonization of national law with international legal frameworks, and (4) legal digitalization through e-court systems, blockchain, and artificial intelligence. These measures will enhance legal certainty, protect human rights, foster economic development, and improve Indonesia's role in international diplomacy.

Keywords: Legal Reform; Digitalization; Law Enforcement; Human Rights; Harmonization.

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INTRODUCTION

The 1945 Constitution of the Republic of Indonesia affirms that Indonesia is a state based on law (rechtsstaat),¹ rejecting the concept of a state based merely on power (machtstaat). This principle demonstrates that law occupies a fundamental position in the administration of national and state life, not only as written regulations but also as an instrument that ensures justice, legal certainty, and benefits for all citizens. Thus, law functions as the foundation that preserves social harmony while guiding national development to remain within constitutional boundaries.

Entering the 21st century, the role of law faces increasingly complex challenges at both the national and global levels. The dynamics of globalization, the Fourth Industrial

¹ Republik Indonesia, *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945* (Jakarta, 1945).

Revolution, and Society 5.0 have given rise to various new issues that demand significant legal transformation. Issues such as digitalization, cybercrime, digital rights, global trade, climate change, and cross-border migration have become transnational problems that cannot be addressed solely through rigid national legal frameworks.² At the same time, at the domestic level, the law must also respond to classical problems such as corruption, regulatory uncertainty, weak law enforcement, and the protection of human rights.³

The development of national law has so far been directed toward the establishment of a solid legal system founded on Pancasila and the 1945 Constitution. However, the reality in practice reveals a gap between the ideals of the law and its implementation. Disharmony in legislation, overlapping regulations between central and regional governments, and the weakness of legal culture within society indicate the need for a more fundamental transformation. According to Satjipto Rahardjo, law is not a static entity but rather an instrument to achieve social goals. This means that law must continuously evolve in line with societal dynamics in order to maintain its relevance.⁴

In addition, the development of legal politics under the administration of President Prabowo Subianto and Vice President Gibran Rakabuming Raka emphasizes eight strategic agendas, known as Asta Cita, one of which is to continue enforcing laws that are fair, clean, and free from corruption. This agenda reaffirms the commitment that legal transformation is an integral part of national development.⁵ On the other hand, globalization places Indonesia in a position where it must be able to balance national interests with international demands. This is evident, for example, in the state's obligation to harmonize domestic environmental law with the Paris Agreement or to align trade regulations with WTO rules.⁶

In the global context, law also plays an important role as an instrument of diplomacy and international cooperation. International treaties, global human rights instruments, and regulations concerning transnational crimes require the harmonization of national law with international law. Without such harmonization, Indonesia risks facing difficulties in fostering global cooperation, whether in the fields of economy, politics, or security.⁷

Another important issue to consider is the penetration of digital technology into society. The emergence of artificial intelligence, big data, and blockchain presents both opportunities and new challenges in legal practice. For instance, issues such as data privacy, the misuse of digital media for cybercrime, and the need for e-justice (electronic judiciary) have become increasingly relevant. This situation calls for new regulations that are more responsive and adaptive, without neglecting the fundamental principles of law. Therefore, the digital transformation of the legal system has become a key priority to ensure that the legal framework does not fall behind technological advancements.⁸

Furthermore, law also plays a vital role in supporting national resilience. Regulations in the fields of defense, cybersecurity, and natural resource protection form part of the legal strategy to strengthen state sovereignty. In relation to economic development, law functions

² Deddi Fasmadhy Satiadharmano et al., "Fakultas Hukum Di Indonesia: Perubahan Dan Penyesuaian Dalam Menyongsong Revolusi Industri 5.0 Dengan Perspektif Pemikiran Islam," *Maximal Journal : Jurnal Ilmiah Bidang Sosial, Ekonomi, Budaya Dan Pendidikan* 2, no. 1 (2024): 45–62.

³ Bambang Waluyo, *Penegakan Hukum Di Indonesia* (Jakarta: Sinar Grafika, 2022).

⁴ Satjipto Rahardjo, *Hukum Progresif: Sebuah Sintesa Hukum Indonesia* (Yogyakarta: Genta Publishing, 2009).

⁵ Pemerintah Republik Indonesia, *Naskah Asta Cita Pemerintahan 2024–2029* (Jakarta: Sekretariat Negara, 2024).

⁶ UNFCCC, *Paris Agreement Progress Report* (Bonn: UNFCCC Secretariat, 2023).

⁷ United Nations, *Global Report on the Rule of Law* (New York: UN Publications, 2025).

⁸ OECD, *Global Standards in Law Harmonization* (Paris: OECD Publishing, 2023).

as an instrument to create a conducive investment climate, provide protection for business actors, and ensure justice for both workers and consumers.⁹

From the above explanation, it can be emphasized that the transformation of the legal system is an urgent necessity for Indonesia in facing the challenges of the 21st century. This transformation should at least encompass four key aspects: (1) regulatory reform to reduce disharmony among regulations; (2) strengthening law enforcement by enhancing the integrity and professionalism of legal officers; (3) harmonization of national law with international legal standards; and (4) legal digitalization as a response to technological advancements.

METHODS OF THE RESEARCH

In this research, the normative legal research method is employed, as explained by Peter Mahmud Marzuki, which views law as written norms in force, both in Indonesia and in international law. To analyze the topic of legal system transformation, this study combines several approaches.¹⁰ First, the statute approach, which is used to examine the provisions of the 1945 Constitution of the Republic of Indonesia, laws, and other relevant regulations.¹¹ Second, the conceptual approach, which draws on the views of legal scholars to understand fundamental concepts such as the rule of law, good governance, and legal harmonization as analytical tools in examining legal dynamics.¹² Third, the comparative approach, which involves comparing Indonesian legal regulations with practices in other countries, particularly in relation to issues of digital law, human rights enforcement, and international cooperation. Through the combination of these three approaches, this research is expected to provide a more comprehensive understanding, not only from a normative perspective but also in theoretical and global practice contexts.¹³

RESULTS AND DISCUSSION

A. The Contribution of Law in Addressing National Challenges

1. Law Enforcement and Corruption Eradication

Corruption remains one of the most serious challenges within Indonesia's legal system. The 2024 Corruption Perceptions Index (CPI) report places Indonesia at a stagnant score below 40, far from the expected target for improving integrity. This condition reflects a weak commitment to the principle of the rule of law and declining public trust in law enforcement institutions. Corruption not only harms state finances but also undermines the legitimacy of democracy and hampers development.¹⁴

The transformation of law in the context of corruption eradication must be directed toward strengthening institutions and the judicial system. The role of the Corruption Eradication Commission (KPK), which has long served as the spearhead of anti-corruption efforts, has faced serious challenges following the 2019 amendment to the KPK Law, which

⁹ Jimly Asshiddiqie, *Konstitusi Ekonomi Di Era Globalisasi* (Jakarta: Rajawali Pers, 2023).

¹⁰ Peter Mahmud Marzuki, *Penelitian Hukum*, Ketujuh Be (Jakarta: Kencana, 2023), p. 35-36.

¹¹ *Ibid.*, p. 136-137.

¹² *Ibid.*, p. 177-178.

¹³ *Ibid.*, p. 195-203.

¹⁴ Transparency International, *Global Corruption Report* (New York: Routledge, 2024).

is widely regarded as undermining the institution's independence.¹⁵ Therefore, legal strengthening should include regulatory reform, enhanced internal oversight, and improved integrity among law enforcement officials to ensure that law enforcement is truly clean and non-discriminatory.

2. Regulatory Disharmony and Overlapping Rules

Indonesia has more than 42,000 legal products in force, ranging from laws to regional regulations. This vast number has created serious problems in the form of disharmony and overlapping regulations. For example, differences in investment regulations between the central and regional governments, as well as inconsistencies in environmental licensing rules, have led to legal uncertainty for both investors and society.

Legal transformation in the regulatory sector should be directed toward simplification and codification of laws. One of the instruments used is the omnibus law, although its implementation has sparked controversy. Codification in specific sectors such as criminal law through the 2023 Criminal Code (KUHP) serves as a concrete example of legal transformation aimed at unifying norms that were previously scattered across multiple regulations.¹⁶

3. Human Rights (HAM) Protection

Indonesia faces serious challenges in the protection of human rights. The 2024 report by the National Commission on Human Rights (Komnas HAM) indicates the persistence of civil rights violations, such as restrictions on freedom of expression, discrimination against minority groups, and agrarian conflicts involving indigenous communities.¹⁷

Legal transformation in the protection of human rights requires stronger legal instruments as well as the independence of human rights monitoring institutions. The ratification of international human rights instruments must also be followed by the harmonization of national regulations. For instance, the ratification of the Convention against Torture must be accompanied by effective domestic legal mechanisms to prevent and prosecute acts of torture.

4. The Role of Law in National Development

Law is not only a tool to maintain order but also an instrument of national development. It can foster a healthy investment climate, protect consumers, and regulate fair industrial relations. According to Jimly Asshiddiqie, Indonesia's economic constitution contains principles of protecting people's welfare, meaning that economic law must support equitable development.¹⁸ In this context, the legal agenda within the Asta Cita of the 2024–2029 government becomes essential to ensure that economic development proceeds in line with the enforcement of social justice.¹⁹

¹⁵ Simon Butt and Tim Lindsey, *Indonesian Law and Society in the 21st Century* (Singapore: Springer, 2024).

¹⁶ Barda Nawawi Arief, *Bunga Rampai Hukum Pidana Dan Pembangunan Hukum Nasional* (Semarang: FH UNDIP Press, 2023).

¹⁷ Komnas HAM, *Laporan Tahunan Perlindungan HAM Di Indonesia* (Jakarta, 2024).

¹⁸ Asshiddiqie, *Konstitusi Ekonomi Di Era Globalisasi*.

¹⁹ Pemerintah Republik Indonesia, *Naskah Asta Cita Pemerintahan 2024–2029*.

B. The Contribution of Law in Addressing Global Challenges

1. Combating Transnational Crime

Transnational crime poses a serious threat in the era of globalization. Cross-border drug trafficking, human smuggling, and cybercrime demand legal cooperation among nations. Indonesia has ratified various international instruments, including the United Nations Convention against Transnational Organized Crime (UNTOC). However, implementation at the national level still faces obstacles, both in terms of law enforcement capacity and inter-agency coordination.²⁰ Legal transformation must be carried out through the strengthening of national regulations aligned with international standards, the enhancement of cross-border cooperation, and the utilization of technology in crime prevention. For instance, cybercrime requires a cross-jurisdictional framework of cooperation so that law enforcement is not hindered by the boundaries of national jurisdiction.

2. Climate Change and Global Environmental Law

Climate change is a global challenge that has a direct impact on Indonesia as an archipelagic nation. Rising sea levels, deforestation, and industrial pollution threaten both environmental and economic sustainability. The implementation of the Paris Agreement requires Indonesia to reduce carbon emissions by 31.89% by 2030 through domestic efforts, or by 43.20% with international support.²¹ Law plays a strategic role in regulating renewable energy policies, forest conservation, and emissions control. Regulations such as the Job Creation Law and its derivative environmental provisions need to be aligned with international commitments. Without legal reform in the environmental sector, Indonesia risks facing international sanctions and losing global trust.²²

3. Global Trade and the Digital Economy

The globalization of trade and the growth of the digital economy present new challenges. As a member of the WTO, Indonesia is bound by free trade rules, including those related to subsidies, tariffs, and dispute settlement mechanisms. At the same time, the rise of the digital economy has given rise to new legal issues, such as online consumer protection, personal data privacy, and digital taxation.²³

The OECD's Digital Economy Outlook 2023 notes that developing countries, including Indonesia, continue to face regulatory gaps in governing the digital economy.²⁴ Legal transformation in this context must include the formulation of specific regulations on personal data protection, online dispute resolution mechanisms, and fair digital taxation schemes for multinational corporations.

C. The Contribution of Law in Responding to Global Challenges

1. The Contribution of Law in Responding to Global Challenges

The transformation of law in Indonesia must begin with regulatory reform. The drafting of laws should prioritize the principles of transparency, public participation, and the protection of human rights. While omnibus law can serve as an instrument of simplification, it must be safeguarded against elitist and exclusive legislative practices. Codification in

²⁰ United Nations, *Global Report on the Rule of Law*.

²¹ UNFCCC, *Paris Agreement Progress Report*.

²² United Nations Development Programme, *SDGs Implementation Report in Asia Pacific* (New York: UNDP, 2024).

²³ WTO, *World Trade Report* (Geneva: WTO Publications, 2024).

²⁴ OECD, *Digital Economy Outlook* (Paris: OECD Publishing, 2023).

specific areas, such as environmental law and digital economic law, is also necessary to prevent legal fragmentation.²⁵

2. Harmonization of National Law with International Law.

Harmonization of law is a necessity in the global era. The ratification of international treaties must be followed by adjustments in national law to avoid conflicts of norms. For example, the ratification of the Paris Agreement must be integrated into national energy policies, while WTO membership requires Indonesia to align its trade laws with global standards. Such harmonization also strengthens Indonesia's position in international diplomacy.²⁶

3. Strengthening Law Enforcement and Legal Apparatus.

Law is only effective when enforced consistently. The capacity of law enforcement officials must be improved through training, the use of technology, and transparent oversight systems. According to Romli Atmasasmita, legal reform must be accompanied by a paradigm shift among law enforcement officials so that law is upheld not merely based on its text, but also on the principle of substantive justice.²⁷

4. Digitalization of the Legal System.

Digital transformation is a crucial agenda in the legal system. The implementation of e-court and e-litigation by the Supreme Court represents an initial step toward a modern judiciary. The use of blockchain technology can enhance transparency in the recording of legal documents, while artificial intelligence can assist in the analysis of court decisions.²⁸ Such digitalization brings law closer to society, improves efficiency, and strengthens public trust.

D. Implications of Legal System Transformation.

The transformation of law carries broad implications at both the national and global levels: 1) At the national level, legal transformation will strengthen legal certainty, promote economic development, protect human rights, and improve the quality of democracy. Simplified and consistent regulations will enhance the investment climate, while clean law enforcement will reinforce political legitimacy: 2) At the global level, legal transformation strengthens Indonesia's position in international diplomacy. The harmonization of law with global standards enables Indonesia to play an active role in issues of environment, trade, and international security. Through legal transformation, Indonesia can improve national competitiveness while safeguarding sovereignty amid global dynamics.²⁹

CONCLUSION

The transformation of Indonesia's legal system is an urgent necessity in facing both national and global challenges of the 21st century. At the national level, the law must address persistent problems such as corruption, regulatory disharmony, and weak human rights protection. Strengthening law enforcement institutions, simplifying and codifying

²⁵ Jonathan David, Susanto, and Josepus Y Pinori, "Implikasi Pembentukan Undang-Undang Dengan Metode Omnibuslaw Dari Perspektif Hukum Tata Negara," *Lex Privatum* 15, no. 1 (2025).

²⁶ Ida Bagus Rahmadi Supancana, *Berbagai Perspektif Harmonisasi Hukum Nasional Dan Hukum Internasional*, Pertama (Jakarta: Grafindo, 2019).

²⁷ Romli Atmasasmita, *Reformasi Hukum Dan Keadilan Sosial* (Bandung: Mandar Maju, 2023).

²⁸ OECD, *AI and Blockchain in Legal Services* (Paris: OECD Publishing, 2024).

²⁹ United Nations, *Global Governance and Law Report* (New York: UN Publications, 2025).

regulations, and enhancing the integrity of legal officers are key to restoring public trust and ensuring legal certainty. At the same time, law plays a strategic role in national development by creating a fair investment climate, protecting citizens' rights, and supporting social justice as mandated by the Constitution. At the global level, Indonesia is required to harmonize its national law with international treaties and standards, particularly in areas such as human rights, climate change, global trade, and the digital economy. Legal transformation also demands effective responses to transnational crimes and the integration of environmental law into global commitments. Furthermore, the digitalization of the legal system—through e-court mechanisms, blockchain-based documentation, and the use of artificial intelligence—represents an essential step in ensuring that the law remains relevant, transparent, and accessible in the digital era. In summary, legal reform in Indonesia must encompass four interrelated aspects: regulatory simplification, strengthened law enforcement, harmonization with international standards, and digital transformation. These efforts will not only reinforce national sovereignty and democracy but also enhance Indonesia's competitiveness and role in global cooperation. Recommendation, Future policy directions should prioritize comprehensive digitalization, stronger coordination among legal institutions, and inclusive public participation in lawmaking to ensure that Indonesia's legal system becomes more adaptive, transparent, and just.

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