

The Judge's Way of Ruling

The shocking news at the beginning of this year was the re-designation of a law enforcer as a defendant in a case involving a Surabaya District Court judge. Actually, news about the behavior of law enforcers who commit acts of "tearing down the law" has often been heard, but if a judge does it, then it becomes different from other law enforcers.

Such behavior of judges has made the image of law enforcement even worse than before. Seeing this, it is time for the study of law from the aspect of behavior to be developed. The criminogenic nature of law enforcement officials (judges), is not merely the cause of law enforcement itself, but first and foremost is the way this nation legislates. When this nation decided to make modern law the basis of national life, it actually invited crime in the nation's way of law. There is a contradiction when looking at modern law in practice. Laws that carry the banner of order and discipline not only create an atmosphere that is, but also criminogenic.

Criminogenic factors in criminal justice stretch from the beginning (in the police) to the end (in correctional institutions) of the judicial process, both carried out by state law enforcers and advocates who often function double, namely channels that give birth to corruption and can also be channels that eradicate corruption. The study of legal behavior is a complement to empirical studies of law in addition to socio-logical jurisprudence and legal realism which turned out to contain weaknesses. The study that has been conducted on legal behavior is on judges (which is very minimal in Indonesia). This is understandable because judges are the determinants of the final outcome of a case, decision makers, implementers as well as law makers. Yet if studied further, the final result of the judge's decision cannot be separated from the behavior of other law enforcers, especially advocates, both positive and negative.

Of course, there are expectations that arise from what is done by law enforcement officials in Indonesia alone. First, the hope that law enforcement will be better must of course exist through improvements to improve the quality of law enforcement, both in terms of competence or scientific quality, integrity, and other factors that support their performance. Second, the number of law enforcement officers involved in various cases should encourage the development of legal science, especially behavioral jurisprudence. Hopefully that hope remains so as to add to the repertoire of legal studies in Indonesia.

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