

JURNAL DINAMIKA HUKUM



**FACULTY OF LAW
UNIVERSITAS JENDERAL SOEDIRMAN**

JURNAL DINAMIKA HUKUM

Jurnal Dinamika Hukum (JDH) is the official publication of Faculty of Law, Universitas Jenderal Soedirman (UNSOED). This journal is open to submission from scholars and experts in the wide areas of law – research result of conceptual thinking – from the global world. The journal is first published on January 1996. The journal will publish 3 issues per year in one volume (January, May, and September). All issues are international and national indexing in Crossref, EBSCO, ACI, DOAJ, OAJI, Google Scholar, MIAR, SherpaRomeo, DRJI, IPI (Portal Garuda), ISJD, Sinta, and etc.

Editor-in-Chief

Abdul Aziz Nasihuddin

Universitas Jenderal Soedirman, Indonesia

Editors

Rahadi Wasi Bintoro

Universitas Jenderal
Soedirman, Indonesia

Tedi Sudrajat

Universitas Jenderal
Soedirman, Indonesia

Hariyanto

Universitas Islam
Negeri Profesor Kiai
Haji Saifuddin Zuhri,
Indonesia

Stefan Koos

Universität der
Bundeswehr München,
Germany

**Mohd Hazmi Bin
Mohd Rusli**

Universiti Sains Islam
Malaysia, Malaysia

Tri Lisiani Prihatinah

Universitas Jenderal
Soedirman, Indonesia

**Ade Maman
Suherman**

Universitas Jenderal
Soedirman, Indonesia

Ridwan Arifin

Universitas Negeri
Semarang, Indonesia

Robert Brian Smith

University of New
England Australia,
Australia

Yaoming Hsu

National Chengchi
University, Taiwan

Hibnu Nugroho

Universitas Jenderal
Soedirman, Indonesia

Fareed Mohd Hassan

Universiti Sains Islam
Malaysia, Malaysia

Language Editors

Lintang Ario Pambudi

Universitas Jenderal
Soedirman, Indonesia

**Baginda Khalid
Hidayat Jati**

Universitas Jenderal
Soedirman, Indonesia

Managing Editor

Dwiki Oktobrian

Universitas Jenderal
Soedirman, Indonesia

Administrator

Fadia Rahma Safitri

Universitas Jenderal
Soedirman, Indonesia

The JURNAL DINAMIKA HUKUM is an accredited national journal by Decree of the Director General of Research and Development Strengthening, Ministry of Research, Technology, and Higher Education No. 21/E/KPT/2018 concerning Rank of Scientific Journal Accreditation Period I of 2018. The Decree is valid until July 2023.

Responsibility for the contents rests upon the authors and not upon the publisher or editor.

Publisher address:

Faculty of Law, Universitas Jenderal Soedirman

Jl. H.R. Boenyamin No.708, Grendeng, Purwokerto, 53122.

Website: <http://dinamikahukum.fh.unsoed.ac.id>; Email: jurnaldinamikahukum@unsoed.ac.id

CONTENTS

Content	i
Granting Priority Rights and Compensation to Owners of Destroyed Land <i>Tri Cahya Indra Permana, Sri Wahyu Handayani, Kamilah Wati bt Mohd</i>	450
The Concept of Corporate Criminal Liability in the Fisheries Sector After the Job Creation Law Application <i>Nurul Hudi, Muhadar Muhadar, Otto Yudianto</i>	467
The Characteristics of Song Copyright in Bank Debt Guarantees <i>Elyana Novira, Prima Resi Putri, Briggs Samuel Mawunyo Nutakor</i>	482
The Problems Related to Potential Trademark Rights Infringement: Construction in Inclusive Legal Perspective on Unregistered Marks <i>Rai Widiatmika, A.A.A. Ngr. Sri Rahayu Gorda, I Gede Agus Kurniawan, Syed Muhammad Huzairf</i>	499
Land Bank Agency and Participation of Indigenous Peoples: Where is the Legal Certainty? <i>Pandapotan Damanik, Dwi Edi Wibowo, Dede Agus, Anita Chaturvedi Dubey</i>	514
The Restorative Justice Orientation Regarding Sexual Violence Occurring in Religious-Based Educational Environments in Indonesia <i>Henny Saida Flora, Sahata Manalu, Nar Yan Thapa</i>	540
Seeking Substantive Justice: The Progressive Spirit of Law on Sexual Violence Crimes <i>Nurhayati Nurhayati, Ana Fauzia, Fathul Hamdani, Nurhayati binti Abdul Ghani</i>	556
The Review of the Maslahah Mursalah Related to Early Marriage: Implementation and Orientation <i>Frangky Suleman, Qadriani Arifuddin, Saifudin Saifudin, Fitrohtul Khasanah, Suud Sarim Karimullah</i>	573
The Criminal Law Policy on the General Election System in Indonesia <i>Mhd Teguh Syuhada Lubis, Rayani Saragih, Ida Hanifah, Ismail Koto, John Tumba Jacob</i>	587
Cancellation of Article 55 of The Public Accountant Law by The Constitutional Court Decision <i>Herman Fikri</i>	601

THE IMAGE OF LAW ENFORCEMENT

In 2023, various legal cases involving the country's high-ranking officials emerged, including those related to Firli Bahuri, Syahrul Yasin Limpo, Gazalba Saleh, Johnny G Plate, and Achasanul Qosasi. Furthermore, several incidents have further tarnished the image of law enforcement. A member of the Indonesian House of Representatives Commission III, I Wayan Sudirta, reported complaints from the public to Commission III regarding the misuse of authority by law enforcement officials. Examples of these complaints include non-transparent and unresponsive case handling, the existence of unresolved "cold cases", and intervention within the law enforcement and judicial sectors (dpr.go.id, November 27, 2023). Denny Indrayana highlighted that this phenomenon arises because many legal cases do not receive justice unless they gain public attention (detik.com, July 3, 2023).

The perception of law enforcement is an intriguing subject for analysis across various surveys conducted by independent institutions. The World Justice Project published the 2023 Rule of Law Index, where Indonesia's score for 2023 was 0.53 (with 1 being the highest possible score), identical to its score in 2022. The stagnation in the progress of legal development in Indonesia is concerning, as it has persisted from 2015 to 2023, with the country's scores consistently ranging between 0.52 and 0.53. Laode M Syarif, the Executive Director of Partnership, stated that this stagnation places Indonesia as a country with a "red report card" in terms of the rule of law (kemitraan.or.id, October 25, 2023).

Despite the stagnation in the evaluation of the rule of law, the public's perception remains divided regarding the state of law enforcement in Indonesia. A release by Indopol showed that 49.68% view the situation as good, while 41.77% view it as bad. Furthermore, a survey by LSI indicated that Indonesian public perception towards law enforcement is evenly distributed, with 36.1% viewing it as bad, 29.1% as average, 28.1% as good, and 6.7% providing no response. This reality reflects a divided public opinion on the practices of law enforcement in Indonesia in 2023. This situation calls for a response from all stakeholders according to their respective authorities, aiming to enhance the image of law enforcement in the future.

Improving the image of law enforcement in Indonesia cannot be achieved by the executive branch alone. The Indonesian House of Representatives (DPR RI), as the representative of the people, plays a crucial role in performing checks and balances to ensure that improvements in the image of law enforcement can promptly bring about justice in society. Efforts to enhance the image of law enforcement in Indonesia must be carried out simultaneously by both the executive and legislative branches to achieve immediate improvements in law enforcement practices in the future.