



The Consolidation of the Rule of Law in Post-Reform Indonesia: A Literature Review of the Jokowi Era

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ABSTRACT

This study is a literature review that analyzes the process of consolidating the rule of law in Indonesia in the era of the Joko Widodo (Jokowi) administration, with a focus on the dynamics of post-reform law. Through a study of various academic literature, policy documents, and an analysis of legal products and judicial decisions, this paper reviews the extent to which the rule of law is upheld and the challenges that hinder it. Research shows that despite the strengthening of formal aspects of legal institutions—such as the revitalization of the Constitutional Court, the Judicial Commission, and the reform of the legal service—there are still political practices that weaken the principle of the rule of law, such as the politicization of law enforcement, the silencing of opposition through regulation, and the weakening of the independence of the judiciary. This review recommends the need for a consolidative approach that emphasizes institutional integrity, public participation, as well as constitution-based law enforcement and substantive democratic values.

INTRODUCTION

The rule of law is an essential principle in a democratic system of the rule of law. This principle affirms that law is the supreme power that limits the actions of states, including executive, legislative, and judicial institutions. In the Indonesian context, this is explicitly affirmed in Article 1 paragraph (3) of the 1945 Constitution which states that "The State of Indonesia is a state of law."

After the 1998 reform, the rule of law agenda became the starting point for Indonesia's efforts to get out of the authoritarian system characterized by abuse of power and legal subordination to political power. Early reform efforts such as the establishment of the Constitutional Court (2003), the Judicial Commission (2004), and the Corruption Eradication Commission (2002) were a form of institutionalization of the rule of law as a pillar of a democratic state.

However, in the two periods of Joko Widodo's administration (2014–2024), the consolidation of the rule of law showed a complex and even contradictory direction. On the one hand, there have been administrative progress—such as digitizing legal services, reforming public services, and simplifying regulations. On the other hand, there is a phenomenon of legal instrumentalization by executive power, such as the weakening of anti-corruption institutions, the passage of controversial laws without public participation, and the criminalization of criticism and civil disposition.

This phenomenon raises a fundamental question: is Indonesia experiencing consolidation or regression in terms of the rule of law?

Problem Formulation

1. What is the direction and form of consolidation of the rule of law in the Jokowi administration era based on academic literature and policy?
2. What are the main challenges and obstacles in the enforcement of the principle of the rule of law according to recent legal studies?
3. What conceptual recommendations does the literature offer to strengthen the rule of law in the future?

Purpose of the study

1. Identify the achievements and regressions of the rule of law in the Jokowi era based on literature review.
2. Analyze patterns of political and institutional intervention on legal independence.
3. Formulate policy directions and legal approaches that are consistent with the principles of democracy and constitutionalism.

THEORETICAL REVIEW

Concepts and Frameworks of Thought

Theoretically, Friedrich Julius Stahl said that the state of law not only includes written law, but also demands respect for human rights, limitations of power, and an independent judiciary (Stahl, *Die Philosophie des Rechts*, 1845). Jimly Asshiddiqie (2004) emphasized that the principles of the rule of law in Indonesia must include:

"The principles of constitutionalism, human rights protection, a free judiciary, and the rule of law are binding on all parties, including the rulers." Hadiz & Robison (2017) warn that in Indonesia's democratic transition, there is an "oligarchic consolidation", where economic-political power dominates the laws and democratic institutions systemically.

Therefore, to examine the reality of the rule of law in the Jokowi era, it is necessary to review the literature on the results of constitutional law research, public policy studies, and international indices as a basis for reflection.

Previous Research

Here are some previous studies that are relevant and reinforce the urgency of this literature review:

1. Mietzner (2020) – Journal of Democracy
It revealed that Jokowi's consolidation of power created a "technocratic authoritarianism" that ignores checks and balances, including the use of the law as a tool of political control.
2. Butt, Simon (2019) – Indonesia Law Review
Examine the impact of the revision of the KPK Law on the independence of law enforcement agencies and assess that the revision is a turning point in the weakening of the rule of law in Indonesia.
3. ICW & PSHK (2020–2023)
Presenting empirical data on the practice of authoritarian legislation and the decline in the effectiveness of legal supervisory institutions after the revision of the strategic law (KPK, Job Creation, Criminal Code).
4. YLBHI (2022) – Human Rights and Democracy Report
Highlights patterns of using the law to limit public criticism and concludes that the rule of law only functions on administrative aspects, not substantive justice.

These studies show that despite progress in structural aspects, the rule of law in Indonesia is still overshadowed by subtle repressive practices and distortions of constitutional democratic values.

METHODOLOGY

Study Methodology

1. This type of research is a literature review that uses a normative-qualitative approach and secondary quantitative analysis.
2. Data: scientific journals, reports of legal institutions, global indices (WJP, CPI), Constitutional Court decisions, laws and regulations, and media reports.
3. Analysis Techniques: comparative, descriptive-analytical, and reflective of themes such as rule of law, legal politics, and judicial independence.

Writing Systematics

This writing is systematically arranged as follows:

1. Chapter I: Introduction – contains background, concepts, problem formulations, objectives, methods, and systematics.

2. Chapter II: Discussion – contains an in-depth analysis of the achievements and setbacks of the rule of law based on data and literature.
3. Chapter III: Conclusion – contains conclusions and strategic suggestions for the consolidation of the rule of law in the future.

RESEARCH RESULTS AND DISCUSSION

The Rule of Law: The Post-Reformation Historical Background

The rule of law in Indonesia has been an important agenda since the fall of the New Order in 1998. The reforms marked the end of the arbitrary domination of executive power and opened up space for constitutional supremacy and an independent judiciary. In this context, the rule of law is interpreted as: "the principle that all state actions must be subject to the law, including executive and legislative institutions, and that the law must be enforced fairly and equally" (Asshiddiqie, 2004).

In the early days of reform, a number of new institutions were established to maintain the principle of the rule of law, such as the Constitutional Court (2003), the Judicial Commission (2004), and the Corruption Eradication Commission (2002). These institutions were born as an antithesis to the authoritarian legal culture of the New Order and became a symbol of the progressive rule of law.

However, the rule of law does not develop linearly in a linear manner. Since the 2010s, there have been symptoms of institutional weakness due to political co-optation and the rise of oligarchy. This dynamic is increasingly striking in the era of President Joko Widodo's administration.

The Dynamics of the Rule of Law in the First Period of the Jokowi Administration (2014–2019)

At the beginning of his administration, Jokowi brought hope for the strengthening of laws that were in favor of the people, in the spirit of "mental revolution" and bureaucratic reform. Agrarian reform programs, investment deregulation (through the Economic Policy Package), and digitalization of legal services (such as the Supreme Court's e-court) show the technocratic intention to improve the legal structure.

But in substance, these governments show a tendency to strengthen the control of power over legal institutions:

1. Interventions against the KPK began to emerge since the KPK-Polri conflict (2015) and the establishment of the KPK Special Inquiry Committee (2017), which according to some observers is a form of political pressure on the independence of law enforcement (Butt, 2019).
2. The election of constitutional judges and members of the KY has been widely criticized because it does not reflect the principle of meritocracy, but is based on political proximity.
3. According to Titi Anggraini (2018), "the Jokowi administration tends to ignore substantive legal reform and chooses the path of political stability as the top priority."

Consolidation of Power and the Rule of Law in Jokowi's Second Term (2019–2024)

The second period of Jokowi's administration was marked by a stronger consolidation of political power, post-co-optation of most of the opposition into a governing coalition. In the legal context, this consolidation has a direct impact on the rule of law:

1. **Revision of the KPK Law (2019)**
This revision changed the KPK from an independent institution to part of executive power (under the president). This action has been widely criticized by academics and civil society as a "deconstruction of the architecture of independent legal institutions" (ICW, 2019).
2. **Ratification of the Job Creation Law (2020)**
The process of drafting and ratifying the Job Creation Law has drawn sharp criticism because of the lack of public participation and is considered to violate the principle of formal legality. The Constitutional Court in Decision No. 91/PUU-XVIII/2020 even stated that the law was "conditionally unconstitutional". However, instead of making comprehensive improvements, the government issued the Job Creation Perppu (2022) which is considered a form of bypass to the Constitutional Court's decision and further damages the credibility of law enforcement.
3. **The Use of Law as a Tool of Repression**
Some studies, such as Mietzner (2022), show that legal tools such as the ITE Law, treason articles, and criminal acts against the president are used selectively against critical opposition, activists, and academics.

Academic Criticism of the Rule of Law in the Jokowi Era

In many academic publications, it has emerged that the Jokowi administration tends to place the law in a position subordinate to the interests of political and economic power. It is characterized by:

1. Elitist and technocratic legal politics, with the exclusion of deliberative mechanisms and public transparency (Sulistyowati, 2021).
2. Reduction of law into the administrative realm, not as a value system that guarantees social justice and human rights.
3. The growth of a culture of impunity, especially in cases of human rights violations and agrarian conflicts (YLBHI, 2022).

Conceptually, this shows that the principle of the rule of law has not been fully consolidated, and there has even been a regression towards what Hadiz (2020) calls "illiberal legalism" – that is, the use of the law to justify authoritarian actions in an electoral democratic system.

Indonesia's Rule of Law Indexes: Trends During the Jokowi Administration

Table 1. Indeks Rule of Law – World Justice Project (WJP)

Year	CPI Score	Global Ranking
2014	34	107 of 175
2019	40	85 of 180

2023	34	110 of 180
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Researcher Source (Data processed 2025) World Justice Project. Rule of Law Index 2014, 2018, 2022, 2023 Reports.

Interpretation:

In almost a decade of Jokowi's administration, Indonesia's score in the rule of law has gradually declined both in absolute and relative terms. Indonesia's ranking in the Asia-Pacific region has also declined, showing that the rule of law has not experienced positive consolidation.

Table 2. Skor Persepsi Korupsi – Transparency International (Corruption Perceptions Index/ CPI)

Year	CPI Score	Global Ranking
2014	34	107 of 175
2019	40	85 of 180
2023	34	110 of 180

Source: Researcher (Data Processed 2025) Transparency International. Corruption Perceptions Index Reports 2014–2023.

Interpretation:

After improving (2015–2019), the corruption perception score deteriorated again to the starting point (34/100) in 2023. The revision of the KPK Law (2019) is considered to be a factor in a significant decrease in public trust in the enforcement of anti-corruption laws.

Data on the Use of the ITE Law (2015–2023)

Table 3. According to SAFEnet and Komnas HAM

Total cases of ITE Law 2015–2023: 1,034 cases
Dominance of articles used:
Article 27 paragraph (3) on contempt: 72% of cases
The subjects of the most victims: activists, journalists, and civilians

Source of Researcher (Data Processed 2025) Human Rights. Report on the Situation of Human Rights and Freedom of Expression (2020–2023).

Interpretation:

This data shows the exploitation of legal instruments against civil liberties and public expression. The rule of law is weakened when the law is used as a tool of repression, not the protection of rights.

Frequency of Passage of Controversial Laws Without Public Participation

Table 4. Based on research by the Civil Society Coalition and a study by the House of Representatives

ACT	Year	Public Participation	Records of the Constitutional Court
KPK Law	2019	Minimal	Many judicial review applications

Job Creation Law (Omnibus)	2020	Weak	Conditional unconstitutionality (MK, 2021)
Criminal Code Law	2022	Weak	Colored by widespread rejection from the community
Perppu Job Creation	2023	No participation	Criticism of bypassing normal legislation

Source of Researcher (Data Processed 2025) Constitutional Court of the Republic of Indonesia. Decision No. 91/PUU-XVIII/2020.

Interpretation:

There was an increase in the pattern of top-down legislation during the Jokowi era, with a decrease in the quality of public deliberation and parliamentary accountability. This is an indicator of regression to the principle of due process of law.

Constitutional Court Decisions and Judicial Independence

Table 5. Constitutional Court Ruling in Favor of the Executive (2014–2023):

Aspects of the Verdict	Number of Verdicts	Percentage of total strategic decisions
Supporting the Government	33	76%
Rejecting/Correcting the Government	10	24%

Researcher Source (Data Processed 2025) Constitutional Court Strategic Decision Compilation Report (PSHK, 2023).

Interpretation:

Quantitatively, the majority of the Constitutional Court's decisions are pro-executive, which raises concerns about the independence of the constitutional judiciary.

Level of Public Trust in Legal Institutions

Table 6. Based on the Indonesian Survey Institute (LSI) and Indonesian Political Indicators (2023)

Institution	Public Trust Level (%)
KPK (post-revision of the Law)	49% (down from 78% in 2017)
Supreme Court	56%
Constitutional Court	45% (down after Gibran's verdict)
Police	38% (down after the Sambo case)

Source of Researcher (Data Processed 2025) Indonesian Political Indicators. Perception Survey on Law Enforcement and Justice (2022–2023).

Interpretation:

The drastic decline in public trust in legal institutions indicates a failure to consolidate the rule of law social-politically, even though formally the institution is still running.

Quantitative Conclusion

From all the indicators, it can be concluded that:

1. Indonesia's rule of law index declined, both in the context of global and regional perceptions.
2. There has been a decline in public trust and an increase in legal instrumentality for power.
3. Legislation without public participation and strategic legal revision became a pattern that weakened the principle of substantive rule of law.
4. Quantitative indicators prove the regression of the rule of law, even though the government shows performance in administrative and legal service aspects.

CONCLUSIONS AND RECOMMENDATIONS

Conclusion

After conducting a literature review and quantitative analysis, as well as considering the framework of political and legal theory, it can be concluded that the consolidation of the rule of law in the era of Joko Widodo's administration shows a regressive trend that is measured and confirmed through the following real events:

The subordination of law to power occurs systematically, contrary to the principle of Rechtsstaat ala Stahl

1. Revision of the KPK Law (2019): weakening the independence of anti-corruption institutions through the establishment of the Supervisory Board and making the KPK subject to the President. This hurts Stahl's principle of separation of powers, that the law should limit the government, not be controlled by it.
2. Constitutional Court Decision No. 90/PUU-XXI/2023: The Court granted the age requirement for presidential and vice-presidential candidates to pave the way for the candidacy of Gibran Rakabuming Raka. This decision shows that the Constitutional Court has failed to be the guardian of the constitution and is subject to the political will of the executive.

Legal consolidation is procedural, but fails to guarantee substantive justice as demanded by Jimly Asshiddiqie's theory

1. Job Creation Law (2020): passed through the omnibus method without meaningful public participation. The Constitutional Court declared conditionally unconstitutional (2021), but the government issued the Job Creation Perppu (2022), ignoring constitutional corrections. This shows that the law has been reduced to an administrative tool for the benefit of investment, not social justice.
2. The new Criminal Code (passed in 2022): full of multi-interpreted and controversial articles such as contempt of the president and the criminalization

of cohabitation. The legislative process lacks public consultation, violating the principle of due process of law.

Law enforcement is selective and repressive towards criticism, proving the truth of illiberal legalism in the style of Hadiz & Robison.

1. The case of Victor Yeimo (2021–2023): Papuan activist was arrested and charged with treason after leading a peaceful demonstration. This shows that the law is used as a tool to delegitimize civil movements, not to resolve conflicts.
2. Criminalization of activists Haris Azhar & Fatia (2021–2024): for criticism of the alleged involvement of high-ranking officials in the exploitation of Papuan mines. The use of the ITE Law in this context marks a form of repression through the law.
3. Demonstration #ReformasiDikorupsi (2019): the dispersal of the demonstration against the revision of the KPK Law was violent, dozens of students were injured and arrested. This case confirms the absence of guarantees for the right to opinion and legal protection for citizens.

Quantitative data reinforce these normative conclusions:

1. The WJP Rule of Law Index Indonesia decreased from 0.53 (2014) to 0.49 (2023).
2. The CPI decreased to 34/100 (2023), the same as the initial score of the Jokowi era (2014).
3. The level of public trust in the Constitutional Court plummeted after the Gibran decision (2023) to 45% (Indonesian Political Indicators).
4. The use of the ITE Law has increased with 1,000+ cases since 2015, the majority of which ensnare activists and journalists (SAFEnet, 2023).

Thus, it can be concluded that the consolidation of the rule of law in the Jokowi era is ambiguous: strong administratively, but weak substantially and constitutionally.

Recommendations

Based on the reflection of the theory and concrete events above, the author provides the following strategic recommendations:

1. Revision of the KPK Law and re-strengthening the independence of law enforcement agencies.
2. The KPK must be restored to its original position as an independent institution, not an administrative institution. Commitment to the eradication of corruption must not be sacrificed for the sake of political stability.
3. Strengthening the function of the Constitutional Court as a guardian of the constitution, not an extension of executive power.
4. The selection of constitutional judges must be carried out in a transparent and accountable manner.
5. The case of Gibran's verdict must be a momentum for improvement, not a manipulative precedent.
6. Stop using the law as a tool to silence civil liberties.

7. The revision or deletion of problematic articles in the ITE Law is very urgent. Law enforcement must prioritize the protection of freedom of expression, as guaranteed by the 1945 Constitution.
8. Improvement of the legislation process to avoid non-participatory flash legislation practices.
9. Cases such as the Job Creation Law, the Criminal Code, and the emergency Perppu must be important lessons to restore legal honor as a product of the people's will, not just a tool of economic-political efficiency.
10. Building a critical and participatory legal culture.
11. The consolidation of the rule of law is not enough through structural reforms, but must touch on legal education, public awareness, and the example of the elite in obeying the constitution.

By referring to political and legal theories and supported by data and real events, this study concludes that Indonesia's post-reform rule of law has not undergone meaningful consolidation. The challenge ahead is to ensure that the law is not only obeyed, but also fair, transparent, and in favor of democratic constitutionalism values.

ADVANCED RESEARCH

Future research on Indonesia's rule of law should adopt an interdisciplinary approach combining political-legal theory, governance indices, and big data analysis of ITE Law cases to map selective enforcement. Comparative studies with other Southeast Asian democracies and longitudinal analyses can clarify whether regression is context-specific or part of a regional trend. Qualitative methods such as elite interviews and process tracing of court decisions are also needed to capture institutional capture and civic resistance. This agenda can refine concepts like illiberal legalism while offering practical frameworks to strengthen judicial independence, participatory lawmaking, and civil liberties.

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