

Political Ethics As A Human Political Dimension In Creating A Democratic Law State

Etika Politik sebagai Dimensi Politis Manusia dalam Mewujudkan Negara Hukum yang Demokratis



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ARTICLE INFORMATION	
<p>Keywords <i>Political Ethics;</i> <i>Democracy;</i> <i>Human's Political Dimension;</i></p>	<p>ABSTRACT <i>Political ethics is needed in all conditions of a country, whether they are normal, chaotic, or under control. To discuss authority in chaotic circumstances, it needs political ethics, in which every political action requires legitimacy based on values, norms, and laws. The discussion on political ethics is related to law and state power. The role of law is as a normative community institution, while power takes a role as an effective community organizing institution. The questions in this research are how do political ethics take a role in creating a modern democratic state? And what is the form of political ethics in the human political dimension? The research method used is a literature study approach. This study concludes that the human political dimension is a dimension of society as a whole. In terms of political ethics, the human political dimension can be studied in three cases. Those are humans as social beings, humans with their social dimensions, and the political dimensions of human life. Democracy is understood that state power is in the hands of the people. Thus, the people have the freedom to speak up their opinion in public. Power is needed to determine that humans obey the norms in the law. This research suggests that it is important to pay attention to the balance between the law and power to create a modern democratic state.</i></p>
<p>Kata Kunci Etika Politik; Demokrasi; Dimensi Politis Manusia;</p>	<p>ABSTRAK Etika politik diperlukan dalam segala kondisi pada suatu negara, baik saat normal, kacau, maupun terkendali. Dalam kondisi kacau etika politik diperlukan untuk membahas mengenai otoritas yang dalam setiap tindakan suatu politik dibutuhkan legitimasi yang didasarkan pada, nilai, norma, dan hukum. Pembahasan mengenai etika politik berkaitan dengan hukum dan kekuasaan negara, peran hukum sebagai lembaga masyarakat yang bersifat normatif sedangkan kekuasaan merupakan lembaga penata masyarakat yang bersifat efektif. Permasalahan dalam penelitian ini adalah Bagaimanakah peran etika politik dalam mewujudkan negara demokratis modern? Bagaimanakah bentuk etika politik dalam dimensi politis manusia? Metode penelitian yang digunakan pendekatan studi kepustakaan. Kesimpulan penelitian ini adalah dimensi politis manusia merupakan dimensi masyarakat secara keseluruhan. Ditinjau dari etika politik, dimensi politis manusia dapat dikaji dalam tiga hal, yaitu manusia sebagai makhluk sosial, manusia dengan dimensi kesosialannya, dimensi politis kehidupan manusia. Demokrasi mempunyai pemahaman bahwa kekuasaan negara berada di tangan rakyat, dengan demikian rakyat memiliki kebebasan dalam berpendapat di muka umum. Untuk dapat menentukan manusia mematuhi norma-norma di dalam hukum diperlukan adanya kekuasaan. Saran dalam penelitian ini dalam mewujudkan negara demokrasi modern hendaknya memperhatikan keseimbangan antara hukum dan kekuasaan.</p>

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Introduction

Law has a close relationship to every aspect of human life. It can regulate human relations that occur between individuals, the relationship between individuals and groups or communities, and the relationship between individuals and the government. Therefore, the pattern of human behavior depends on the human's position and the rules applied in the environment. As mentioned in the 1945 Constitution of the Republic of Indonesia in Article 1 paragraph (3), it says that Indonesia is a rule of law. As a consequence of this statement, Indonesian citizens must comply with it and not violate the applicable legal regulations in their social life. The implementation of the rule of law in the State of Indonesia cannot be separated from the hope of achieving the goals of the state which are the ideals of the State of Indonesia, namely: protecting the entire Indonesian nation, advancing public welfare, educating the nation's life and participating in carrying out world order. Thus, the existence of the law is expected to help the state in achieving the goals or the purpose of the state.

A state can be interpreted as an organization located in a certain area and can legally impose its power on its citizens to achieve the state's goals. A country must have its applicable laws. It simply said that the state and the law are two things that cannot be separated. The existence of law is needed to limit the government's power in administering the state. Without law, the state will be full of conflict and chaos which can cause a schism. The absence of power restrictions on state administration can reduce or even violate the rights of citizens. In a democracy, every citizen has the right to be free on expressing their voice and it is guaranteed by the state. However, this freedom must be following the facts, accompanied by responsibility and ethics in expressing ideas as regulated by applicable law in a country.

Similar to the legal aspect, the political aspect has an important role in the administration of a country. Politics in a country is related to power, decision making, public policy, funds allocation, or distribution (Budiarjo, 2008). The relation between politics and power means that politics must be given/mandated to someone who can use politics wisely. In other words, someone who carries out the mandate should have good ethics. The use of good politics depends on the rulers who use their power appropriately. Thus, the ideals and goals of a country can be realized. A well-relationship between law and politics can be a tool to achieve the goals of a country. The interaction between law and politics will be seen in the process of forming the legal products as a step to achieve state goals.

Political ethics is needed in every circumstance that occurs in a country, whether under normal conditions, under control, or in chaotic conditions. In normal state conditions, the use of political ethics is needed so that the state can provide good services to its citizens and can

maintain a stable government system. Meanwhile, in a chaotic state condition, political ethics is extremely necessary because it uses as legitimacy in every action related to politics (Sabilla Febriany & Anggraeni Dewi, 2021): Legitimacy has to do with values, moral norms, laws, and regulations. The state as the main organization of political power can be a tool or agency and society to regulate human interactions (Sukmana, 2017). Moreover, it can be seen that the power in the state has an enormous Pancasila and the 1945 Constitution of the Republic of Indonesia are a way of life for the Indonesian people. Pancasila contains philosophical values which is used as a guide for behavior. These values include divine values, human values, unity values, and justice values which cover every aspect of human life which is described in the form of precepts. The existence of Pancasila values is expected to unite the dynamic life of people in Indonesia because Pancasila is considered a collection of noble principles that are crystallized and sustainable (Rahayu, 2017). One of the cases related to the violation of political ethics is the corruption case.

Corruption is often the highlight in the state of Indonesia. The authorities and powers possessed by the state are often abused, resulting in harming their citizens. One example of abuse of authority by a state officer is the corruption case involving Minister of Social Affairs Juliari P. Batubara. In this case, Juliari is stated to have broken the Criminal Code Article 2 letter b juncto paragraph 18 or Article 11 juncto paragraph 18 of the Corruption Eradication Act, Article 55 paragraph (1) 1st of the Criminal Code, juncto Article 64 paragraph (1) 1st of the Criminal Code. In this case, Juliari was sentenced to 12 years in prison. But the assessment given by the judge considered ignoring the exclusive procedure of Article 2 paragraph (2) of Law Number 31 of 1999 as amended by Law Number 20 of 2001 concerning the eradication of criminal acts of corruption. It stated that the death penalty can be given if the criminal act of corruption is carried out under certain circumstances, as in this case, during the COVID-19 pandemic, which was declared a national (non-natural) disaster.

According to the background elaboration above, the problems of this research are What is the form of political ethics in the human political dimension? What is the role of political ethics in creating a modern democratic state? This research aims to comprehend the form of political ethics in the human political dimension to create a democratic rule of law.

Method

This research discusses political ethics that are influenced by law and state power. This research uses a descriptive approach to explain the facts that occur in the field as they are. The research takes a look at the conditions related to political ethics in Indonesia, then found the

corruption of the former Minister of Social Affairs, Juliari P. Batubara. The data is presented in the form of factual data in qualitative form. This research uses a literature study data collection method. This method derived from scientific works, research results and other literatures. The results of data collection are used to obtain ideas from the literature related to political ethics, democracy, and the human political dimension which are used to indentify and verivy data related to corruption case. Then the researcher foud renewal in the theory of political ethics as proposed by Frans M Suseno, “political ethics is needed in every condition in a country, whether it is normal, chaotic, or under control”(Suseno, Magnis, 2018). The data analysis used qualitative analysis, using specific and in-depth verbal sentences.

Results and Discussion

The Rule of Law Concept

The rule of law is a direct translation of *rechtsstaat*. This term has been popular in the nineteenth century in Europe. Meanwhile, the term rule of law became popular after the publication of a book entitled *Introduction to the Study of Law of The Constitution* written by Albert Venn Dicey in 1885. The differences between those two concepts can be seen from their background and the underlying legal system. The ie of *Rechtsat* is based on a civil law system that originates from the struggle against absolutism. Thus, the idea of *Rechtsat* is revolutionary and has administrative characteristics. The continental legal system was usually adopted by Germany, the Netherlands, and Continental Europe. There are four elements of the rule of law, namely (Atmadja, Gede, Dewa, I; Budiarta, Putu, Nyoman, 2018):

- a. Human Rights (*grondrechtsten*);
- b. Law-based government (*Rechts-matigheid van betuur*);
- c. Administrative court (*administratief-rechtspraak*);
- d. Division of power (*evenwicht van machten*)

The concept of Rule of Law comes from the common law legal system with judicial characteristics. The United States and the United Kingdom are examples of countries that adopt the common law. This legal system has three principles, as follows (Atmadja, Gede, Dewa, I; Budiarta, Putu, Nyoman, 2018):

- a. Equality before the law, which means that every person has the same legal status and treatment.
- b. Supremacy of law, it means that the law is the highest power;

- c. Constitution based on human rights means constitution regulates the human rights and the natural freedom of individual.

Therefore, it is similar that the implementation of the *civil law system* prioritizes the protection of human rights by relying on the principles of equality and freedom. Meanwhile, the common law system prioritizes equality before the law (the absence of a state administrative court) which is a consequence of the realization of individual rights affirmed by the court. Meanwhile, according to Jimly Asshidiqie, in S. Arip, the concept of *rechstaat* has thirteen principles as follows (Arip, 2018):

- a. Supremacy of law;
- b. Equality before the law;
- c. Due process of law;
- d. Limitation of power;
- e. Executive auxiliary agencies;
- f. An independent and impartial judiciary;
- g. administrative courts;
- h. Constitutional Court;
- i. Protection of human rights;
- j. Democratic;
- k. Has the function as a medium to realize the state goals;
- l. Transparency and social control;
- m. Belief in the One Supreme God

The discussion on the concept of rule of law cannot be separated from the principle of legality. In this case, it is related to the formation and implementation of laws and regulations. Article 1 paragraph (1) of the Criminal Code states that "an act cannot be punished unless it is based on the power of the statutory provisions after the act has been committed". Thus, a person can only be convicted if his act is considered as a violation acts towards the provisions of the legislation. In the rule of law, there is a restriction that regulates the government power based on people's sovereignty. The relationship between the notion of sovereignty and the rule of law is often referred to as a democratic rule of law.

The Concept of Political Democratic System

The essential definition of politics is an activity that determines the pattern of human relations with the state. The pattern of this relationship relates to the constitutional aspect which is manifested in the form of written and unwritten laws. The constitution is the realization of

norms and values. As a written form of law, it can be easily implemented by the government and citizens. The assessment of the constitution needs to be kept away from aspects that affect the purity of the constitution.

The political theory according to Thomas P. Jenkin is divided into two, those are, the moral as the political theory (having basic morals), and political theory that discusses and describes political phenomena and facts (not involving norms and values) (Soelistyo, 2019). The first political theory can determine norms in political behavior which includes systematic political theory, ideology, political philosophy. The second political theory discusses political facts so that it is easy to conclude in generalizations.

There are three basic principles needed in a democratic political system:

- a. Realization of political ethics and morals as the foundation of political, social, and economic systems in the life of the nation and state;
- b. Realization of the principle of constitutionalism towards the firm implementation of the rule of law in society;
- c. Implementation of public accountability mechanism.

The word democracy is derived from the Greek words "demos" which means people and "kratos/kratein" which means power/rule. Meanwhile, according to the origin of the word, it means "people in power" or "government or rule by the people" (Huda, 2012). To be observed deeply, the meaning of democracy is a way of government carried out by and on behalf of oneself. According to the study of politics, there are two phenomenons of democracy, there are normative democracy and empirical democracy. Normative democracy deals with the idea or idealism of democracy in the nature of philosophy. Whereas, empirical democracy is the real implementation of democracy which is not always consistent with normative ideas.

The fundamental idea of democracy by Hans Kelsen is freedom in social life. Freedom is considered in a negative connotation. Someone will judge freedom as the absence of ties. Moreover, this thought drives towards the opinion of no obligations attached to each individual. However, Hans Kelsen's explanation regarding democracy cannot be simplified to merely "free" from all aspects, bonds, and abandonment of obligations. The notion of freedom cannot be judged simply in the context of the nation and state. Hans Kelsen's idea of freedom is analogous to the principle of self-determination.

The concept of democracy in social life is realized by providing freedom among citizens which is manifested in deliberation and "compromise" consensus in every problem-solving. The purpose of compromise is to make the majority vote meets with the minority voice.

According to Hans Kelsen, the essence of the word "compromise" in the context of democracy lies in the effort to unite different voices when determining a solution to a problem. A country that adheres to a democratic system will find it easier to keep up with the times which are always influenced by cultural, social, political, and economic factors.

The state of Indonesia as a rule of law implies that the law has the highest power in the administration of the state. This is under the notion of "*nomocratie*" which tells power is exercised by the law of '*nomos*'. Under such a rule of law, there must be a guarantee that the law is enforced based on democratic principles. Thus, the rule of law derives from the people's sovereignty. The form of hope for the implementation of democracy is contained in the ideology of the Indonesian that is Pancasila. It can be found in the 4th precept that reads: "Democracy led by the wisdom within deliberation/representation". And people's sovereignty is also contained in Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which reads: "Sovereignty is in the hands of the people and implemented according to the Constitution.". it needs to affirm that sovereignty is in the hands of the people according to the Constitution and parallel with the affirmation that the State of Indonesia is a democratic legal state (*democracy rechtstaat*) and has people's sovereignty.

The Form of Political Ethics in Human Political Dimension

Political ethics is a branch of special ethics and belongs to the sphere of philosophy. The term philosophy in this discussion is different from philosophy which has meaning as "wisdom of life", but in the discussion, the term philosophy means "science which has the aim to deal with important questions beyond the methodical ability of knowledge, namely rationally and responsibly" (Suseno, Magnis, 2018) Therefore, in this case, it can be said that the science of philosophy which can question the responsibilities and obligations of humans is ethics. Through ethics, someone can question the basic principles of human action and the application of these principles in human life which is related to responsibilities and obligations.

Discussions about ethics will always be relevant to human life. Because in human life, every action taken will not be far from the emergence of pros and cons which cause contradictions or conflicts that stem from differences in arguments. Some arguments are caused by the emergence of a conflict between the forces of good and the forces of evil. The conflict between the power of good and the power of evil is one the proof of the need for ethics in human life to regulate human actions to make them always on the power of good. The content in ethics is related to norms and values that will talk about the good and bad of action and it

can judge a policy. Humans who act consciously can be asked their responsibility by others and will automatically receive good and bad judgments through a tool called ethics.

Essentially, ethics comes from religious values and noble culture of the nation, where these values can be imbued in every human action in social life. The values need to elaborate in the form of norms to easily realize it in the real life of society, nation, and state. (Kahpi, 2017) Those values can be embodied in the form of legal norms and moral norms. Legal norms are manifested in the form of laws and regulations that are enforced towards the community and have pressures in the implementation aimed at the organizers. Meanwhile, the values embodiment of moral norms, in this case, has the same meaning as decency, ethics, character, and behavior. With the existence of moral/ethical norms, a person's behavior or actions can be measured whether he has good or bad decency and courtesy. Through moral norms, the position of state administrators can be seen from two perspectives, as citizens (individuals) and as state administrators who hold the mandate.

The essential definition of politics is power. In other words, politics can be interpreted as all occasions that are related to each other based on power. The relationship between the state and politics (power) is that the state has the authority to run the power over its citizens. The state holds the absolute authority to run the power based on legitimacy. That state absolute authority distinguishes the country from other organizations. The state is allowed to use physical force if other ways can be taken. Yet, the state is not allowed to use physical force if there is still any other way to be taken. The relationship between ascendancy and power in a country is supplementary. That is power can complement ascendancy.

The human political dimension is a dimension of society as a whole. In terms of political ethics, the human political dimension can be studied in three cases. Those are humans as social beings, humans with their social dimensions, and the political dimensions of human life (Handoyo, 2016). The meaning of humans as social beings is that they can act according to their wishes, but they will be recognized when they are in society. Humans cannot live without the help of others about him. The definition of humans with their social dimensions tells the human's dimensions can be divided into three, that is:

- a. Individual spontaneous appreciation explains that humans are aware of the monitor and judge from other people towards their every attitude/behavior in their life. This shows that a person is always attached to others and needs each other.
- b. Dealing with institutions, one will realize that everything can be done together to make it lighter and easier. This is a structured social relationship and it is necessary to have institutions to carry on the structure thus developing the patterns of action. In the

perspective of political sociology, institutions are divided into two, namely: institutions that are formed intentionally (institutions by design) and formed by chance (institutions by fact). That is deterministic institutions where someone gains power automatically;

- c. A symbolic understanding of reality is related to the symbolic universe of meaning. It means everything related to understanding, belief, belief, a view of reality is seen as a whole. The symbolic meaning can be in the form of morals, value systems, world views, religion, politics, philosophical and ideological beliefs. The symbolic system has the main function as the legitimacy of the social structure in human life to achieve an orientation in life. Through the symbolic system of humans, it can tell humans about who he is? How is he supposed to live?

The existence of political ethics is needed in all conditions in a country, whether it is normal, chaotic, or under control. Political ethics is important for a country that experiences a chaotic condition because ethics discusses authority which in every political action requires legitimacy based on values, norms, and laws. Political ethics discuss the victim's side. The condition of the victim in a legal problem must cause sympathy and protest reactions to injustice. In addition, in conditions of conflict or sovereign seizure, there needs for a fair solution. For normal state conditions, political ethics are needed to realize the state aims or ideals such as welfare and justice for citizens to keep the behavior of state officials not contrary to the code of conduct.

There are three dimensions in political ethics, namely:

1. The dimensions of the policy. The goal of a country is to achieve people's welfare and achieve a peaceful life. These goals are stated in government policies. They are arranged including programs, methods, priorities, and philosophical foundations. The clarity of a leader's vision can be reflected in the clear policy arrangement. There is the ability to determine policies in achieving the goals of a country by the government when it is observed from the moral aspect of this dimension;
2. The dimensions of the polity. This dimension contains two normative patterns, namely political order, and political power. In the political order (laws and institutions) it is carried out based on the principles of solidarity and subsidiarity, acceptance of plurality, and social structure. Political power is organized on the principle of reciprocity. The moral aspect in this dimension is seen from the role of ethics to examine and criticize legitimacy, decisions, and political practices;

3. The dimension of politics. the role holder determines political rationality including the rationality of action in understanding the situation and the problems faced and the moral virtue of the actor in controlling himself to decide something right and dare to take risks.

The political dimension covers the dimension of society as a whole which includes the circle of legal and state institutions, ideologies, and value systems that give legitimacy to humans. A decision is called a political decision when it concerns the interests of the community as a whole. Likewise, political actions are carried out regarding actions related to the interests of the community as a whole. The humans political dimension is related to the fundamental ability of a human as a being who knows (oriented) and is willing (to act). Political ethics as moral philosophy regarding the humans' political dimension has a standard of values derived from the values of human life which can be used as a reference in explaining the legitimacy of politics and political culture. Therefore, the existence of political ethics can question human obligations as citizens who have the responsibility to obey applicable laws and also can be functioned as a provider of theoretical tools to explain responsible political legitimacy (Djamil, Nasir, M; Djafar, Massa, 2016).

The Role of Political Ethics in Creating the Democratic Law State

Democracy has a definition that state power is in the hands of the people. Thus, the people have the freedom to express their opinion in public. The characteristics of a democratic state can be seen in terms of how much participation/involvement of the community in the implementation of general elections. Community participation in the political aspect influences the legitimacy of the running government system (Nuna & Moonti, 2019). Based on this understanding, the state guarantees the rights of its citizens in arguing but is still accompanied by responsibilities and under statutory regulations. Based on that statement, the state guarantees the rights of its citizens in arguments regarding to the administration of government. Moreover, it must be adjusted to the applicable law and in a manner determined by law.

Law has a function as a tool for social control and a tool for social engineering (Diab, 2014). As social control, the law is used to regulate human behavior. The law can direct human behavior from deviant human actions, with the arrangement of a rule that can be a reference to whether someone can be subject to account sanctions and what sanctions will be accepted. Law as social control can be expanded in the form of written regulations/statutory regulations and unwritten/customary law. Meanwhile, the function of law as a tool of social engineering is used to change patterns in society. It aims to direct people towards certain goals and change old

habit patterns that are no longer needed by creating new habit patterns. To find out the effectiveness of the law in carrying out its functions, it is necessary to study the whole social control system.

In law enforcement there are three main elements, there are justice (*gerechtigheit*), legal certainty (*rechtssicherheit*), and expediency (*zweckmasigkeit*). The existence of legal certainty provides someone with judicial protection from arbitrary actions. the existence of law will create public orderliness which is also in charge of creating legal certainty. To measure the success of the law, it is close to the usefulness of the law. Based on the utilitarianism concept, there are goals based on certain benefits in law enforcement, that the law is not only an effort to retaliate against someone who commits a crime, but also provides happiness for the community. The law must have the value of justice because it can be the fundamental reference for the state to take action. Justice has subjective, non-generalizing, and individualistic characteristics. Law enforcement that focuses on the value of justice will rule out the value of certainty and benefit. So does if law enforcement emphasizes legal certainty, justice, and legal benefits are ruled out (Hasaziduhu Moho, 2019).

In political science, the characteristics of a rule of law are that power is carried out by applicable positive law, state activities are under the effective control of judicial power, guaranteed human rights are stated in a constitution, according to the division of power. Based on the Indonesian literature, the rule of law is a translation of *rechtsstaat* which has been popular in Europe since the nineteenth century. The concept of *rechtsstaat* has a revolutionary nature which is based on the continental legal system (*civil law system*). The notion of rule of law and the notion of populism is something that cannot be separated because the law is made based on the power or sovereignty of the people and is used to regulate and limit the power of the state. The relationship between the rule of law and popular understanding is known as *democratische rechtsstaat*. The concept of *rechtsstaat* has developed from a classical concept (*klassiek liberale en democratische rechtsstaat / democratische rechtsstaat*) to a modern concept (*sociale-democratische rechtsstaat/sociale rechtsstaat*).

There is an important principle in a rule of law. It is the principle of legality which regulates the actions of administrative officials based on the law. Moreover, the principle of legality is related to the idea of a rule of law and the idea of democracy (*het democratisch ideal enhet rechtsstaats ideal*). The idea of a rule of law requires the action of government administration is based on law. Meanwhile, the idea of democracy demands every statutory regulation obtain approval from the representatives of the people and concern to the interests of the people. For this reason, the understanding of the rule of law is not allowed to be

established and enforced based on mere power (*machtsstaat*). The understanding of the rule of law should be built and developed based on democratic principles.

There are two sovereigns in a democratic rule of law that synthesizes and integrate with each other. The first is legal power. It is sovereignty based on the law (*nomocracy*). There are laws and regulations which are the basis of state administration. The second is people's power. It is sovereignty in the hands of the people. The people are the highest power holders who have the same rights to participate in regulating public policy. According to Jimly Asshiddiqie, in the concept of democracy, there is the principle of the sovereignty of the rule of law with the *demokratische rechtsstaat* (democratic rule of law) or in a constitutional form known as a constitutional democracy (Ias, 2021).

From the perspective of a political aspect approach, the law is often said as a political product. It means that a legal product is a crystallization of a political idea and/or process. According to Van Apeldoorn's statement regarding the relationship between law and power, the majority of people follow the opinion that law is the same as power (Huda, 2013). However, the definitions of law and power are not the same, not all power is the law. However, in a legal state, power must be adhered to enforce the law. If there is no power, the law is only social which contains recommendations without any authority in the implementation of the law. And, the limitation of power will only be determined by law.

The human normative arrangement uses human common sense, so it requires a certain language order. However, the existence of the law does not guarantee the effectiveness of the community's ability to comply with the norms contained in it. Power is needed to determine that humans obey the norms in the law. The institution that has the authority to enforce power towards its people is the state. In the political ethic, the power is required to comply with legality (applicable law), ratified by democratic legitimacy (democratic ratification), and related to moral legitimacy (not contrary to basic moral principles) to organize their people (Suseno, Magnis, 2018).

In terms of political science, Franz M. Suseno (Suseno) makes four demands about the rule of law: (1) Power is used in accordance with applicable positive law, (2) state acts are subject to effective judicial oversight, (3) the constitution protects human rights, and (4) power is distributed fairly. State institutions in a legal state exercise their powers to the extent that the applicable legal laws allow and in a manner that is also prescribed by the legal requirements. State institutions should act in line with legal requirements rather than in the public interest. The judiciary is in charge of state institutions, while the community is in charge of the main control. State institutions that want the court's power must be in accordance with applicable

legal provisions. A country should have a good and fair constitution. It means the law must be in accordance with the understanding of people's justice and guarantee human rights. The divisions of state institutions according to Montesquieu are divided into three institutions: executive institutions (serving as implementers of legal norms), judicial or judicial institutions (supervising the implementation of the law so that it is in accordance with legal norms).

In terms of substance, the Indonesian government has met the requirements of the rule of law. Indonesia already has laws, judicial institutions, and a constitution that protects human rights and ensures the separation of powers between the executive, legislative, and judicial branches. However, there are still occasional instances of law violations and authority abuse, such as examples of corruption. Power holders are still abusing the country's situation, which is in a state of emergency owing to the COVID-19 pandemic, to benefit themselves. Juliari P. Batubara was sentenced to 12 years in jail for breaking Article 12 letter b juncto Article 18 or Article 11 juncto Article 18 of the Law on the Eradication of Corruption Crimes, juncto Article 55 paragraph (1) of the 1st Criminal Code, and juncto Article 64 paragraph (1) of the 1st Criminal Code. This decision, however, appears to disregard the exclusive procedure set forth in Article 2 paragraph (2) of the Law on the Eradication of Criminal Acts of Corruption, which provides for the death penalty in specific instances for corruption (in this case, the emergency condition of the State of Indonesia experiencing the COVID-19 pandemic can be said to be under certain circumstances).

Conclusion

The human political dimension is a dimension of society as a whole. In terms of political ethics, the human political dimension can be studied in three ways, those are humans as social beings, humans with their social dimensions, and the political dimensions of human life. Democracy has an understanding that state power is in the hands of the people, thus the people have freedom of opinion in public. It needs the power to determine whether humans obey the norms in the law. The balance between law and power should be a priority in the creation of a modern democratic state. Legal products should be able to serve as a model for human behavior. It should be developed without regard to personal or governmental interests, let alone the interests of the majority of the community.

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Reference

- Arip, S. A. (2018). Kemajemukan Visi Negara Hukum Pancasila Dalam Misi Hukum Negara Indonesia. *Refleksi Hukum: Jurnal Ilmu Hukum*, 2(2), 109–124. <https://doi.org/10.24246/jrh.2018.v2.i2.p109-124>
- Atmadja, Gede, Dewa, I; Budiarta, Putu, Nyoman, I. (2018). *Teori Hukum*.
- Budiarjo, M. (2008). *Dasar-Dasar Ilmu Politik*.
- Diab, A. L. (2014). Peranan Hukum sebagai Social Control, Social Engineering dan Social Welfare. *Al-'Adl*, 7(2), 53–66. <https://ejournal.iainkendari.ac.id/al-adl/article/view/219>
- Djamil, Nasir, M; Djafar, Massa, T. (2016). Etika Publik Pejabat Negara dalam Penyelenggaraan Pemerintahan yang Bersih. *Jurnal Kajian Politik Dan Masalah Pembangunan*. <http://journal.unas.ac.id/politik/article/view/164/84>
- Handoyo, E. dkk. (2016). *Etika Politik*.
- Hasaziduhu Moho. (2019). Penegakan Hukum di Indonesia Menurut Aspek Kepastian Hukum, Keadilan, dan Kemanfaatan. *Universitas Dharmawangsa*, 13(1), 138–149.
- Huda, N. (2012). *Hukum Tata Negara Eidis Revisi*.
- Huda, N. (2013). *Teori Hukum dan Konstitusi*.
- Ias, M. (2021). Negara Hukum, Demokrasi dan Penegakan Hukum di Indonesia. *Al-QADAU*, 8, 87–100.
- Kahpi, A. (2017). Kedudukan Pancasila Sebagai Dasar Negara Pasca TAP MPR No.I/MPR/2003. *Jurisprudentie : Jurusan Ilmu Hukum Fakultas Syariah Dan Hukum*, 4(2), 60. <https://doi.org/10.24252/jurisprudentie.v4i2.4052>
- Nuna, M., & Moonti, R. M. (2019). Kebebasan Hak Sosial-Politik Dan Partisipasi Warga Negara Dalam Sistem Demokrasi Di Indonesia. *Jurnal Ius Constituendum*, 4(2), 110. <https://doi.org/10.26623/jic.v4i2.1652>
- Rahayu, A. . (2017). *Pendidikan Pancasila dan Kewarganegaraan (PPKn)*. Bumi Aksara.
- Sabilla Febriany, F., & Anggraeni Dewi, D. (2021). Nilai-Nilai Pancasila dan Dinamika Etika Politik Indonesia. *Jurnal Pendidikan Indonesia*, 2(4), 690–695. <https://doi.org/10.36418/japendi.v2i4.139>

Soelistyo, L. T. D. (2019). DASAR NEGARA: Hubungan Pancasila, Marhaenisme, Marxisme dan Kapitalisme dalam Skema Politik Indonesia. *Mimbar Keadilan*, 12(1), 133. <https://doi.org/10.30996/mk.v12i1.2172>

Sukmana, O. (2017). Konsep dan Desain Negara Kesejahteraan (Welfare State). *Jurnal Sosial Politik*, 2(1), 103. <https://doi.org/10.22219/sospol.v2i1.4759>

Suseno, Magnis, F. (2018). *Prinsip-Prinsip Moral Dasar Kenegaraan Modern*.