

Legal Nullism and Perspectives of Indonesia People's Belief in Today's Legal Conditions

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ABSTRACT

Keywords: legal nihilism; distrust; legal system; political system; philosophical nihilism

Legal nihilism in Indonesia arises from widespread public distrust in the legal and political systems. Rooted in philosophical nihilism, mainly as expounded by Friedrich Nietzsche, legal nihilism reflects the belief that law, much like other social constructs, lacks inherent purpose or justice. This phenomenon has grown due to disillusionment with political elites, legal bureaucracy, and corruption cases, leading the public to perceive legal enforcement as selective and biased. Public skepticism is exemplified by viral social media movements like #NoViralNoJustice, which suggest legal accountability only occurs when incidents gain online attention. This study examines the socio-legal implications of legal nihilism in Indonesia and its destructive effects on societal order. Drawing from legal philosophy and sociology, the paper analyzes how misaligned legal reforms, such as the controversial MyPertamina subsidy policy, deepen public dissatisfaction. The research highlights the urgent need for legal reforms prioritizing social welfare, transparency, and public trust, emphasizing the role of utilitarian legal philosophy as a potential framework for restoring legal credibility in Indonesia.



Introduction

Nihilism is a philosophical perspective popularized by a philosopher from Germany named Friedrich Nietzsche. (Afriyie, 2024)(Dowdall & Dowdall, 2024). This view views man as everything that exists in this world until now. Where it is all considered to have no meaning and also a purpose (Niebuhr, 2021) This view significantly influences various aspects of life, such as cultural, educational, political, and legal aspects affected by nihilism. (Čehulić, 2021) (Toloh, 2023).

Legal nihilism or legal nihilism is born from how the school of nihilism philosophy influences a person's view of the law that occurs in Indonesia. (Fatha & Rahmat, 2024; Nurrudin, 2017). Legal nihilism appears in society indirectly, and many do not realize that it indirectly gives skepticism to the state of law today. (Menski, 2019).

Legal Nihilism itself arises because of society's indifference to the law itself. (Mehlich, 2020). The distrust of the law was born from the public's experience of great disappointment with law enforcers and the legal bureaucracy in Indonesia. Soerjono Soekanto explained that the factors that affect law enforcement are the legal factors themselves, namely the law; the law enforcement factors, namely the parties that form or apply the law; the factors of facilities or facilities that support law enforcement, the community factor, namely the environment where the law applies or is applied, and cultural factors, namely as the result of works, creations, and tastes that are based on human karma in life. These factors are essential factors of law enforcement. Law enforcement will run when these factors are met, but unfortunately, Indonesia today does not have trust in law enforcement and other legal bureaucracies. (Rahmatullah, 2021).

The public's distrust of law enforcement and bureaucracy today has caused the phenomenon of legal nihilism towards society. The factor of today's political conditions is one of the reasons why people no longer trust the laws in Indonesia. Political parties with a central position between the people and the state often act loudly and for the people's interests. However, in reality, in the field, they are fighting for the interests of their management or are oligarchic. As a result, the people who initially thought that the election of people's representatives would prosper the people turned out to be people's representatives who became their interests.

The people participating in the election of people's representatives only want their welfare. The public will believe that with this choice, they will become more prosperous and feel happier; this is the same as the view of Utilitarianism or Utilitarianism, a school that puts utility as the law's primary goal. Usefulness here is interpreted as happiness. So, whether a law is good, bad, or fair depends on whether it gives humans happiness. Unfortunately, with today's political and legal conditions in Indonesia, people are more unhappy with how political conditions, law enforcement, and bureaucracy occur. The community feels that the election of the people's representative has no effect on happiness for themselves and many people around them. In contrast, the community sees that cases such as corruption committed by the people's representatives are more prosperous for them than the people who vote for the representative. The condition of nihilism results from the consequences of bureaucracies and law enforcers who ignore the view of the school of legal philosophy that was born in the past. Legal nihilism has many relationships with the school of legal philosophy. It also studies how legal conditions affect many societies by examining how the sociological conditions of law affect the phenomenon of people's distrust of the law itself.

This study examines legal nihilism as a sociological and philosophical phenomenon, examining its implications for legal trust and governance in Indonesia. Legal nihilism is rooted in a broader philosophical perspective, namely nihilism, which questions the values and goals inherent in established norms and institutions. By exploring the intersection between legal philosophy and sociology, this study aims to identify the underlying causes of legal nihilism and propose workable solutions to restore public confidence in the legal system.

The novelty of this research lies in its interdisciplinary approach that integrates legal philosophy, sociology, and political science to provide a comprehensive analysis of legal nihilism. While previous studies have addressed public distrust of law enforcement, this study delves deeper into the philosophical roots of legal nihilism and its sociological manifestations. In addition, this study critically examines the role of digital activism and social movements in shaping public perceptions of justice and legal credibility.

The increasing dissatisfaction with legal institutions and the expanding influence of informal justice mechanisms emphasize the urgency of this research. Overcoming legal nihilism is essential to ensuring social order, strengthening democratic governance, and increasing public trust in the legal system. Without urgent intervention, the constant erosion of legal trust can lead to a more fragmented and unstable society.

The main objective of this study is to analyze the causes and consequences of legal nihilism in Indonesia and propose legal and policy reforms that can increase public trust in the legal system. In particular, this study aims to examine the sociological and philosophical foundations of legal nihilism, identify the main factors contributing to public distrust of the legal and political system, evaluate the impact of legal nihilism on law enforcement and governance, and explore potential strategies to restore legal credibility and public trust.

The findings of this study will have significant implications for policymakers, legal practitioners, and academics. By uncovering the root causes of legal nihilism, this research provides a basis for developing legal reforms that prioritize transparency, accountability, and social justice. In addition, this research highlights the need for legal education initiatives to increase public awareness of legal rights and obligations, which ultimately encourages a more engaged and better legal literacy society.

Method

This research uses a qualitative method with a library research approach. The qualitative method was chosen because it aims to understand the phenomenon of legal nihilism and public perception of the law through an in-depth analysis of existing literature sources. Library research explores concepts and theories in legal literature, philosophy, and sociology related to legal nihilism. (Septiansyah & Ghalib, 2018). The library research approach collects data from various literature, such as books, journals, documents, laws, and scientific articles. This study uses this approach to identify, analyze, and synthesize multiple theoretical views related to legal nihilism and its influence on public trust in the law in Indonesia. The data used in this study is secondary data, namely information obtained from relevant literature. Data sources include:

- a. Books that discuss the theory of nihilism, legal philosophy, and legal sociology.
- b. Scientific journal articles examining public distrust of the law and case studies in Indonesia.
- c. Legal documents such as laws, regulations, and policies related to the research theme.

Results and Discussion

How is legal nihilism in the perspective of legal philosophy and legal sociology?

Legal sociology is a special branch of sociology that uses study methods that are commonly developed in the sciences of sociology. Legal sociology examines law in its form or Government Social Control. In this case, sociology examines a set of special rules that apply and are needed to enforce order in social life. In forming laws and regulations, realizing the values contained in the legal ideal into legal norms depends on lawmakers' awareness and appreciation of these values. The lack of understanding of these values can be a gap between the legal ideal and the legal norms that are made. (Septiansyah & Ghalib, 2018).

In the formation of regulations created by the people's representatives, unfortunately, the people's representatives give great disappointment to today's society, which gives birth to the public's distrust of the people's representatives and also produces a nihilistic view of the community on what is happening today on how the law develops today. One example of a policy the public rejects today is how people who want to fill out subsidized Fuel Oil (BBM) must have the MyPertamina application.

The Subsidized Fuel Policy must use MyPertamina as an example where the policy only troubles many people; the reality is that launching the MyPertamina application on July 1 continues to reap pros and cons in the community. According to a survey by the Indonesia Survey Institute (LSI), even 73.2 percent of the city government rejected the government's policy of purchasing Peralite and diesel fuel with the MyPertamina program. Based on the survey, only 21.3 percent of respondents agreed with the policy, while 5.5 percent did not know or did not answer. The data proves that the public is more confused about the urgency of the policy and why the bureaucracy must implement it.

The coercion of people who have to use MyPertamina is one of the places where the law is felt to be ineffective and also oppresses the people who exist today. MyPertamina does not care about the economic condition of the lower and lower-middle-class communities; subsidized fuel should be purchased directly from public vehicles and heavy vehicles for natural products such as vegetables, fruits, and others. (Soekanto, 2011). This coercive condition makes people who need and cannot access MyPertamina have to fill up with non-subsidized fuel. In contrast, people who use vehicles in the luxury class but can register with MyPertamina can freely fill up with subsidized fuel.

This makes the public anxious and emotional, who conclude that the people's representatives do not care about the lower class and only attach importance to political interests so that it can be seen that working is more "modern" and brings changes that result in rapid and uneven changes. These emotions are very far from the view of legal utilitarianism, where Jeremy Bentham says, "the greatest happiness of the greatest number." Bentham and J.S. Mill shared the same view of utilitarianism, namely:

1. What is morally good is the things that produce the greatest possible happiness or benefit for as many people as possible.

2. They are interested in developing rational methods for determining moral guidelines and assume that the goal of morality is for the good of humanity. This departs from the need to carry out social and legal reforms. Therefore, a norm is needed to assess society's legal system and social practices and determine which are good and worthy of defense and which are not. The barometer is the principle of utility.
3. They do not make claims of moral authority from God or something metaphysical but based on experience, whether it can be happy or not.

The view of legal utilitarianism implies that MyPertamina does not have significant benefits in today's social conditions. 73.2% of the public stated that this should not be done, but the government did it arbitrarily because the people needed it, and it would be accepted in the community. Unfortunately, this only disappointed the bureaucracy today.

The Indonesian community's disappointment was also born from how social media hashtags sounded #NoViralNoJustice. The people of Indonesia consider law enforcement to be upright only when an incident goes viral. The incident also made the people of Indonesia trust the virtual police more than the actual police today.

This disappointment continuously makes the people of Indonesia indifferent to the law itself. The consequences of various individuals in law enforcement in Indonesia and these newly adopted policies have made people feel that they are already ignorant of the development of the law in Indonesia.

The consequences of law violations are the result of the nihilism of the law itself; the author describes one of the cases that often occurs, namely motor vehicle theft. If any residents do not see a thief, then the thief will be safe even though there is CCTV footage because the public no longer trusts law enforcement, so if someone loses his motorcycle, he can only be patient and continue his life. With such conditions, the victim can only lose, and the perpetrator will be more courageous in carrying out his actions because there will be no consequences. However, if a motorcycle thief is caught, he will not be immediately given to the police by the residents. Indeed, the perpetrator will be a victim of beating by residents before being given to the police.

The theft itself has been regulated in Article 362 of the Criminal Code, which reads, "Whoever takes something, which in whole or in part belongs to another person, to possess it unlawfully, is threatened with theft, with a maximum prison sentence of 5 years or a maximum fine of Rp900 thousand." Also, the vigilante itself already has its regulation in Article 701 of the Criminal Code where "Whoever openly and with joint force uses violence against people or goods, is threatened with imprisonment for a maximum of 5 years and 6 months."

The law has existed and been regulated for a long time, but why do people still dare to do this? Society becomes indifferent to the existence of law, which should be social control where Law is a tool of social engineering as proposed by Roscoe Pound, which means law is a tool of renewal/engineering in society; in this term, law is expected to play a role in changing social values in society. However, with the existence of distrust in law enforcement, people think that why should they rely on law enforcement if they can judge someone for their violence?

Even though people do not care about the law and do not have faith in it and feel that the law is cruel, like how the adagio of the law reads "Lex dura, sed tamen scripta" that the law is evil, that how it is written. However, the higher-ups often forget "Lex neminem digit ad impossibile," where the law does not force a person to do something impossible. The community must know that the law is cruel and realize the order in people's daily lives. However, cruelty is evil because the punishment will be commensurate with the perpetrator's actions. "Lex Gemini operator iniquum, feminine facit injuriam" law does not give injustice to anyone and does not do wrong to anyone.

The legal adagio will provide basic logic to the community who asks, "What is the true form of law?" However, the legal adagio only educates those who study law, not those who are only educated until high school, which results in many people not knowing how the law is.

One of the law paradigms in Indonesia is that law is a value system, where law is a manifestation of values, and its presence is a form of upholding values that the community should maintain. (Orlando, 2023). Legal nihilism was born because many legal values cannot be fulfilled; according to Fuller, law cannot be accepted as law unless it is contrary to specific values. The law must be able to meet certain moral measures and is not worthy of being called a law if it pays attention to aspects such as;

1. Failure to issue rules (to achieve rules)
2. Failure to announce the rule to the public (to publicize)
3. Failure due to abuse of retroactive legislation
4. Failure to make contradictory rules
5. Failure because it demands behavior beyond the power of the affected person
6. Failure due to frequent changes
7. Failure to harmonize the rules with the practice of their implementation.

Previous case studies are clear evidence that bureaucracy and law enforcement policies have failed to become such legal forms because they fail to regulate how a person's ability to implement these regulations behaves. The failure to harmonize the rules with the practice of their implementation also failed because it turned out that the initial regulations were considered burdensome and felt uneven in their implementation.

Legal nihilism itself still has relatively little research, although the reality is that this phenomenon is a real phenomenon that occurs in the community. However, this phenomenon was born without being realized by many people. People still feel that their distrust is just a form of disappointment born from Indonesia's political and legal conditions today. However, in legal sociology, this phenomenon can be studied more deeply because legal sociology is a search for answers to how society and the law are harmonious. The phenomenon of legal nihilism is a destructive form in society because people's distrust of the law itself will result in more significant consequences for the level of criminality present in society itself, how the condition of an orderly society if the society itself is indifferent to the regulations that should bind itself to the morality of other societies. (Rahmatullah, 2021).

What are the solutions to the problem of legal nihilism?

A study on how a destructive phenomenon affects society negatively should be able to provide a restorative opinion on how to improve the phenomenon to achieve harmony in opinion and the phenomenon.

Legal nihilism is the condition of some people today who feel indifferent to the laws and regulations given by politics, bureaucracy, or law enforcement itself. Dissatisfaction is expressed in various ways, including the hashtag #NoViralNoJustice, which appears on social media. The community complains about law enforcement officials who have not acted before the case reaches the viral point.

The MyPertamina case can also be an example of the law being ineffective. (Syamsir et al., 2022) A legal system can be effective if human behavior in society is based on what is determined in the applicable legal regulations. (Azhari, Ridho, & Rosyad, 2020). Paul and Dias, in this case, put forward five conditions that must be met to make the legal system effective, including:

The meaning of the rule of law is easy to understand;

- 1) Whether or not there are people in the community who know the content of the relevant legal rules;
- 2) Efficient and effective mobilization of the rule of law;
- 3) The existence of a dispute resolution mechanism that is not only easily accessible to the public but must also be quite effective in resolving disputes;
- 4) The community generally assumes and recognizes that the rules and legal institutions are effective.

Sensitivity to the effectiveness of the law and how to find solutions to strengthen the effectiveness of the law can rebuild legal trust in the community. However, the effectiveness of the law must still focus on how the public views the effectiveness. As a utilitarianist, Jeremy Bentham focuses on morality as an indicator of pleasure and pain. This approach measures each choice determined by how much happiness arises in society or the consequences of those choices. With this concept, the level of happiness or satisfaction of a society is measured as the result of pain and happiness towards an action, event, or phenomenon, as well as the number of individuals affected by it.

The condition of legal nihilism will be easily corrected if a people's representative himself is aware of legal utilitarianism as a form of legal philosophy that should arise to position himself as a "people's representative" because the people's representative should be able to provide trust and happiness to the community. However, the legal political conditions in Indonesia, where the people's representatives emerge from politics, often make the law formation in Indonesia more focused on political interests rather than the people's interests today. (Makmur, 2015).

Although the law in Indonesia has a flaw today, we cannot forget that there is a law that can be an example of how a form of legal utilitarianism has been present and emerged in Indonesia. Like the rule on using SNI helmets for motorcyclists, analysis can be done using utilitarianism theory. The fundamental question is whether the obligation to use SNI helmets, as stipulated in Law Number 22 of 2009 concerning Road Traffic and

Transportation, benefits motorists on the highway. Erwin Kristanto, in the journal *Biomedical*, researched that the part of the body that most often suffers injuries that can be fatal in motorcycle accidents is the head. The study states that the obligation to use SNI helmets is beneficial for motorcyclists, protecting the head from possible impacts that can cause injuries.

Increasing effectiveness, awareness, and legal education is a solution to developing law in Indonesia. Legal nihilism is feared to have more significant consequences and is also destructive to the order that already exists today. Improvement of education and reasoning on how philosophy and sociology of law to the public must be more general and easy to understand by many people. The community is also expected not to focus on a legal disability, only on government or law enforcement agencies. However, the community is expected to have a better education in studying the law.

Legal education for the public is expected to produce the nation's successors who can fix the mess that has emerged today. Academics must also be able to research a phenomenon to realize awareness of destructive legal nihilism.

Conclusion

Legal nihilism in Indonesia is a phenomenon born from public distrust of the legal and political system, which is considered unfair and corrupt. Deep disappointment with law enforcement, government policies, and ineffective bureaucracy have created skepticism among the public. The public began to doubt the function of the law as a tool for enforcing justice, especially in conditions where law enforcement often only occurs when cases go viral on social media, as reflected in #NoViralNoJustice hashtags.

This distrust is exacerbated by controversial policies such as MyPertamina, which are considered burdensome for the lower classes of society and add to social disparities. In addition, inconsistent and discriminatory law enforcement often exacerbates this condition, where people feel that the law no longer protects them but benefits certain parties.

In the context of legal philosophy, legal nihilism in Indonesia shows the inability of law to meet the expected moral standards, as described by the concept of utilitarianism. Laws that are supposed to function to create welfare and happiness for the majority often fail to provide equal benefits for society.

Therefore, the solution to the problem of legal nihilism requires profound legal reforms, focusing on increasing public trust through transparency, justice, and more inclusive legal education. Increasing the effectiveness of the law and educating the public about the importance of the rule of law in creating social order is an essential step in overcoming this phenomenon. Reforms based on the principles of utilitarianism, which emphasizes common welfare, can be a way to restore public trust in the law in Indonesia.

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