



Oligarchy and legal politics in Indonesia in the formation of regulations for elite interests

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Abstract

This study examines the influence of oligarchy in legal politics in Indonesia on the formation of regulations oriented toward elite interests and its implications for democracy and the rule of law. The research is motivated by the tendency of legislative processes to be dominated by political and economic elites, which limits public participation and reduces the substantive quality of law-making. Using a qualitative approach based on literature review, this study analyzes various scholarly sources related to oligarchy, legal politics, democracy, and the rule of law in Indonesia. The findings show that oligarchic dominance leads to regulations that tend to favor elite groups, weaken democratic principles, and reduce public trust in state institutions. In addition, it contributes to the decline of the rule of law as laws are increasingly shaped by power relations rather than public interest. Therefore, strengthening transparency, accountability, and meaningful public participation is essential to ensure a more democratic and just legal system in Indonesia.

Keywords: Oligarchy, legal politics, democracy, rule of law

Introduction

Law and politics are two elements that have an inseparable relationship within the constitutional system. In a democratic state, law should ideally be established as an instrument to realize justice, legal certainty, and the protection of public interests. However, in the practice of governance in Indonesia, the process of forming regulations often demonstrates the dominance of certain political interests that benefit elite groups more than the public interest. This condition has led to the perception that law no longer fully functions as a means of justice, but has shifted into an instrument for legitimizing power.

The phenomenon of oligarchy has become one of the important issues in the development of legal politics in Indonesia. Oligarchy is not only related to economic power, but also concerns the ability of elite groups to influence policy directions and the formation of legislation. In many cases, the regulations established tend to favor the interests of capital owners, political elites, and other interest groups. As a result, the legislative process is often viewed as reflecting political compromise and power interests rather than the aspirations of society at large. This situation indicates that the relationship between law and power remains a fundamental issue within Indonesia's democratic system.

On the other hand, the democratic principle that places the people as the holders of the highest sovereignty has not been fully realized in the law-making process. Public participation is often merely procedural, while legislative processes are conducted in a closed manner with minimal transparency. This condition has created a crisis of public trust in legislative institutions and strengthened the perception that law is more easily influenced by elite interests than by the needs of the people. If this situation continues, the supremacy of law and the values of constitutional democracy may experience systematic weakening.

Based on these issues, the study of oligarchy and legal politics in Indonesia becomes important to analyze critically. This discussion aims to examine the influence of

elite power in the process of regulatory formation and its impact on the principles of democracy and the rule of law. In addition, this article seeks to explain the importance of building a democratic, transparent, and people-oriented legal politics so that law does not lose its primary function as an instrument of justice and a mechanism for controlling power.

Problem Formulation

Based on this background, the formulation of the problem in this study is:

How does oligarchy in Indonesia's legal politics influence the formation of regulations that favor elite interests and what are its impacts on democracy and the rule of law?

Discussion

1. The Concept of Legal Politics in the Indonesian Constitutional System

Legal politics refers to the direction of state policy in determining the formation, implementation, and enforcement of law in order to achieve national objectives. In the Indonesian constitutional system, legal politics cannot be separated from power relations because every legal product is essentially formed through political processes involving state interests, political elites, and economic forces. Ideally, law is established as an instrument to realize justice, legal certainty, and the protection of public rights. However, in practice, legal politics in Indonesia often demonstrates that the formation of regulations is not entirely oriented toward public interests, but is also influenced by dominant power configurations. As a result, law potentially shifts from being an instrument of justice into a tool for legitimizing certain political interests.^[1]

This condition shows that the relationship between law and politics in Indonesia remains strongly influenced by elite interests. The legislative process often becomes an arena of political compromise between rulers, political parties, and groups of capital owners who have access to state power. In such circumstances, the formation of regulations no longer

fully reflects public aspirations, but rather tends to maintain stability and the interests of certain groups. This phenomenon indicates that legal politics in a democratic state can experience distortion when power becomes more dominant than the principles of justice and public participation. As a result, law loses its neutral character because the substance of regulations is influenced more by political and economic interests than by the broader needs of society.^[2]

Furthermore, weak transparency and limited public participation in the regulatory formation process further strengthen elite dominance in Indonesian legal politics. Many legislative processes are carried out rapidly and behind closed doors, leaving the public with insufficient opportunity to supervise or provide input regarding the substance of the laws being formulated. This condition has created a crisis of public trust in legislative institutions and reinforced the perception that law favors elite interests more than public interests. If this situation continues, the principles of the rule of law and constitutional democracy may experience systematic weakening. Therefore, legal politics in Indonesia must be redirected toward the principles of transparency, accountability, and public participation so that law does not lose its function as an instrument of justice and a mechanism for controlling power in a democratic state.^[3]

2. Oligarchy in the Formation of Regulations in Indonesia

Oligarchy is a form of power controlled by a small group of elites who possess significant influence in the political and economic sectors. In the Indonesian context, oligarchic practices can be seen through the strong relationship between rulers, political parties, and capital owners in the process of formulating state policies. This condition causes the regulations being formed to often favor the interests of elites rather than the broader interests of society.

The influence of oligarchy in the formation of regulations can be seen in the legislative process, which often takes place behind closed doors and with minimal public participation. Elite groups with strong economic and political power tend to more easily influence the direction of state policies through their proximity to rulers and legislative institutions. As a result, law is often perceived not only as an instrument of justice, but also as a tool to maintain and protect power interests.^[4]

Furthermore, oligarchic dominance also causes law to lose its neutrality because regulations are more heavily influenced by specific political and economic interests. In such conditions, law, which should serve to protect public rights, instead tends to benefit elite groups. This situation indicates that economic power has a significant influence on the direction of legal politics in Indonesia.^[5]

Elite dominance in the formation of regulations also contributes to a decline in the quality of democracy and public trust in state institutions. When society perceives that law is more favorable to elites than to the people, criticism emerges toward the legislative process, which is considered nontransparent and undemocratic. Such conditions can weaken the legitimacy of law and the principles of the rule of law in Indonesia.^[6]

Therefore, it is necessary to establish a more transparent, democratic regulatory process that meaningfully involves

public participation. Oversight of the relationship between political power and economic forces must also be strengthened to prevent law from being used as a tool for elite interests. In this way, legal politics in Indonesia can be redirected toward the principles of justice and the broader public interest.

3. Dominance of Elite Interests in the Legislative Process

The legislative process is essentially a mechanism for forming laws and regulations that should be carried out democratically and oriented toward public interests. However, in practice, the formation of regulations in Indonesia is often influenced by the interests of political elites and capitalowning groups who have access to state power. As a result, laws are not always formed based on the needs of the people, but tend to serve the interests of specific groups.

Elite dominance in legislation is evident from the strong influence of political parties, business actors, and power holders in determining the direction of legal policy. Groups with economic and political power tend to more easily influence the substance of regulations compared to ordinary citizens. In such conditions, the legislative process often becomes an arena of political compromise aimed at maintaining the interests of certain elites. This situation shows that law does not always function as an instrument of justice, but also as a tool for legitimizing power.^[7]

Furthermore, the lack of transparency and public participation in the legislative process further strengthens elite dominance in the formation of regulations. Many laws are enacted quickly and behind closed doors, leaving the public with insufficient space to provide input on the substance of the laws being discussed. As a result, law is often seen as being more favorable to certain groups rather than to the broader public interest.^[8]

Elite dominance in legislation also affects the quality of the legal products produced. The resulting regulations tend to benefit capital owners and certain political groups, causing law to lose its neutrality as an instrument for protecting public rights. In such conditions, law has the potential to be used to maintain the interests of power and political oligarchy.^[9]

On the other hand, the strong influence of elites in the formation of regulations can weaken the principles of democracy and the rule of law. When the legislative process is determined more by elite compromise than by public aspirations, democracy functions only formally without substantive justice. This condition leads to a decline in public trust in state institutions and strengthens the perception that law favors elites over the people.

Therefore, a more transparent, participatory, and public-interestoriented legislative process is necessary. The state must ensure that regulatory formation is carried out openly and is not dominated by the political or economic interests of particular groups. In this way, law can once again function as an instrument of justice and a mechanism for controlling power in a democratic state.

4. Impacts of Oligarchic Legal Politics on Democracy and the Rule of Law

Legal politics influenced by oligarchy has a significant impact on the quality of democracy and the rule of law in Indonesia. The dominance of political elites and capital

owners in the formation of regulations causes law to no longer be fully oriented toward public interests. As a result, democracy, which should guarantee people's participation, is instead largely controlled by groups with economic power and access to state authority.

The influence of oligarchy in legal politics leads to inequality in the policy-making process. Elite groups have a stronger position in influencing the formation of regulations compared to ordinary citizens. This condition causes public aspirations to often not be prioritized in the legislative process, resulting in laws that tend to favor the interests of political and economic elites. This situation shows that democracy often operates only formally without delivering substantive justice for society.^[8]

Furthermore, oligarchic legal politics also contributes to the weakening of the rule of law. Law, which should function as a mechanism to control power, instead has the potential to be used to maintain the interests of certain groups. In such conditions, law loses its neutrality because it is more strongly influenced by power relations and political interests. As a result, public trust in legal institutions and state institutions declines significantly.^[10]

The dominance of oligarchy in legal politics can also increase the potential for abuse of power and weaken democratic control over the government. When regulations are determined more by elite compromise than by public interest, society becomes increasingly unable to obtain fair legal protection. This condition can trigger a crisis of legitimacy in democracy and strengthen the perception that law merely serves as an instrument of power interests.

Therefore, strengthening the principles of constitutional democracy, legislative transparency, and public participation in the formation of regulations is necessary. The state must ensure that laws are made based on the interests of the people and are free from the dominance of political and economic oligarchies. In this way, law can once again function as an instrument of justice, protection of public rights, and a mechanism for controlling power in a democratic state.

5. Efforts to Realize Democratic and Just Legal Politics

Realizing democratic and just legal politics is an important step to reduce oligarchic dominance in the formation of regulations in Indonesia. Democratic legal politics must place law as an instrument for protecting public interests, not as a tool for legitimizing elite power. Therefore, the process of forming regulations must be carried out in a transparent, participatory manner and oriented toward the principle of social justice.

One of the necessary efforts is to strengthen public participation in the legislative process. Society must be given a real space to provide input and oversight in the formation of laws and regulations. Strong public participation can prevent the dominance of certain groups in the legislative process while also improving the quality of the resulting regulations.^[11]

Furthermore, transparency in regulatory formation must also be strengthened to prevent the abuse of power in the legislative process. Legislative processes conducted in secrecy have the potential to increase the influence of political elites and economic oligarchs in determining the substance of the law. Therefore, the state must ensure that every law-making process is conducted openly and can be monitored by the public.^[12]

Another effort is to strengthen the independence of state institutions in carrying out legislative functions and law enforcement. State institutions must be able to perform their duties professionally without interference from particular political or economic interests. In a democratic rule-of-law state, law should function as a controller of power, rather than being influenced by oligarchic relations and elite interests.^[9]

On the other hand, political education and public legal awareness also need to be improved so that society becomes more active in overseeing state policies. Strong legal awareness will encourage citizens to be more critical of regulations that are considered not aligned with public interests. With strong public control, the potential for abuse of power in the legislative process can be minimized.

Strengthening the principles of constitutional democracy is also an important step in building a just legal politics. Democracy should not only be understood as an electoral procedure, but must also be realized through the protection of citizens' rights, government transparency, and the limitation of elite power. In this way, law can once again function as an instrument of social justice and the protection of citizens' rights.^[13]

Therefore, legal politics in Indonesia must be directed toward a more democratic, transparent system that is free from oligarchic domination. The state must ensure that every regulatory formation is carried out based on public interests and the principles of a democratic rule of law. In this way, law will no longer serve as a tool for elite interests, but will truly function as an instrument of justice, a controller of power, and a protector of public rights.

Conclusion

Legal politics in Indonesia is essentially aimed at realizing justice, legal certainty, and the protection of society. However, in practice, the process of regulatory formation is often influenced by the interests of political elites and capital owners. This condition causes law to not be fully oriented toward public interests, but also to function as a means of legitimizing power.

The influence of oligarchy in regulatory formation is evident from the dominance of elites in the legislative process, which lacks transparency and public participation. As a result, the resulting regulations tend to benefit certain groups rather than society at large. This situation shows that democracy in the legislative process is still largely formal and has not yet delivered substantive justice.

The dominance of elite interests in legal politics also contributes to the weakening of democratic principles and the rule of law. Law, which should function as an instrument of justice, instead has the potential to be used to maintain power interests. As a result, public trust in state institutions and the legislative process declines.

Therefore, a more democratic, transparent, and participatory legal political system is needed. The state must ensure that regulatory formation is based on public interests and free from the domination of political and economic oligarchies so that law can once again function as an instrument of justice and a mechanism for controlling.

Suggestions

The government and legislative institutions need to strengthen transparency, public participation, and oversight in the regulatory formation process so that law is

not dominated by the interests of political elites and capital owners. In addition, the independence of state institutions and law enforcement must be maintained to ensure that every regulation is truly oriented toward public interest, social justice, and the principles of democracy and the rule of law.

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