A Socio-Legal Framework for Developing Responsive Law in Indonesia: Anarchism, Social Inequality, and the Crisis of Legal Legitimacy

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Abstract
The situation of anarchism in Indonesia is a result of a conflict between state law and living law and is due to social, economic, and political inequality. This study seeks to understand anarchism, not only as a criminal act, but as a socio-legal condition consisting of a structural complaint and a crisis of legal legitimacy. To understand how state law, living law, and social order interconnect to cause the oppressed to act anarchistically, the study uses empirical legal research along with a socio-legal approach and legal literature research. The results of the study show social inequality coupled with arbitrary law enforcement results in a loss of legal legitimacy which arguably weakens the law and transforms it into a tool of oppression rather than a tool of justice. Thus, people's resistance to structural injustices is expressed in the form of legal defiance. An enhanced model of legal responsiveness is warranted which consists of participative regulatory adjustments, the integration of restorative justice, the broadening of justice system gates, oversight of economic policy, and the digital revolution. The system change, to comply with the demands of justice and social order, places the consolidation of a responsive legal system, and not a repressive one, as a necessity of legal and socio-political order.

I. Introduction

In the contemporary Indonesian context, society is confronted with increasingly complex social dynamics, marked by widening economic inequality, disparities in the distribution of political power, and a growing cultural gap between state institutions and local communities whose voices are often disregarded or marginalized. These inequalities are rooted not only in uneven economic conditions, deficiencies in public, services, and the restricted accessibility of state institutions, but also in the normative gap between formal law (*state law*) and the social norms that govern everyday life (*living law*) (Apifah Hairunnisa, 2025). The disjunction between societal norms and formal regulations, particularly when written law is not enforced fairly, creates the potential for a crisis of legal legitimacy, leading to the erosion of public trust in the legal system.

Such a legitimacy crisis arises when the public perceives law not as an instrument of justice and protection, but as a biased and repressive tool predominantly operated by political elites, with legal rules designed in ways that fail to serve the broader society (Acumen Makmur & Mia Amalia, 2024). This sustained dissatisfaction cultivates the emergence of anarchism, understood as actions that transgress the framework of formal positive law as an expression of protest and discontent against structural injustice. In this context, anarchism is not merely a form of criminal conduct, but rather a social phenomenon that reflects the failure of legal institutions to mitigate social conflict and to secure structural equilibrium.

In attempting to comprehend the birth of anarchism in Indonesia, one must first give attention to the relationship between the law, society, and the inequalities therein. Eugene Ehrlich's Living Law Theory works in this context, stating that the law does not only exist in written statutes, but in the social practices and values of a given community. This means that there is a dissonance between statutory law and living law; the legal statutes become irrelevant if they fail to capture social realities. The Anomie Theory by Émile Durkheim, later refined by Robert K. Merton, helps explain social deviance and discontent as protest. Lastly, Responsive Law Theory by Philippe Nonet and Philip Selznick seeks the potential of social legal

reforms by proposing a law transition from repressive autonomous structures to a responsive system that fulfills social realities and invites public participation. In this work, anarchism is approached from the socio-legal perspective of imbalance and loss of legitimacy of law, with responsive law identified as the legal praxis that would restore the state law and living law harmoniously.

Several government policies that have increasingly been questioned by the public have triggered waves of demonstrations. Between 2023 and 2025, a number of demonstrations were recorded that escalated into anarchistic actions, reflecting public dissatisfaction with state policies. Among these were the protests in April 2023 against the rise in basic commodity and fuel prices, which exacerbated the economic burden on citizens. In September of the same year, further demonstrations erupted in response to another fuel price increase, as well as the promulgation of the new Criminal Code and the Job Creation Law, both of which were perceived as aggravating existing hardships rather than addressing societal needs (Nezar Patria & Andi Arief, 2009).

Another case that illustrates anarchism in Indonesia occurred in March 2023 in the city of Semarang, where university students staged a demonstration against the Job Creation Law in front of the Central Java Regional House of Representatives (DPRD Jateng). The protest descended into chaos, resulting in property damage and the DPRD gates being breached four times during the confrontation (Agus Salim Irsyadullah, 2023).

To analyze these phenomena in greater depth, the theoretical framework of sociology of law offers a crucial lens. Eugen Ehrlich's concept of the *living law* emphasizes that law is not effective merely because it is codified, but because it is recognized, practiced, and respected by the community (Rasyid Rizani, 2020). Complementing this, social conflict theory and anomie theory (Durkheim, Merton) explain how normative voids, the misalignment between socially approved goals and the legitimate means available to achieve them, or rapid social transformations without adequate normative adaptation, can generate deviant behavior and collective protests that often culminate in anarchistic expressions (Wikipedia,

2025).

Demonstrations are a form of freedom of expression that is guaranteed under Indonesian law. Implicitly and explicitly, freedom of expression constitutes a part of human rights (HAM) as regulated in Article 28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which stipulates: *"Every person shall have the right to freedom of association, assembly, and expression of opinion"* (Sankara, 2024).

Within the realm of positive law, the adaptation of norms and regulations becomes a critical instrument for a state governed by the rule of law to remain relevant in the face of pressures stemming from globalization, digital technological transformation, and economic crises. Responsive legal adaptation entails that law should not merely address individual events, but also structural conditions, particularly those concerning the redistribution of resources, access to justice, and public participation in the formulation and implementation of law. Without adequate adaptation, law risks becoming a formally legitimate set of rules devoid of social legitimacy, reinforcing a normative vacuum that may be filled by non-compliance, resistance, or even anarchism.

This research carries both scientific and practical urgency: first, to theoretically and empirically understand how anarchism emerges as a manifestation of social inequality; and second, to analyze how the interaction between state law, living law, and social norms generates such dynamics. Ultimately, these insights are intended to formulate a model of legal adaptation that is not merely repressive or reactive, but rather proactive, participatory, and transformational, so that the rule of law can be preserved and its capacity to safeguard order, justice, and social stability can be reinforced.

Accordingly, the research questions in this study are as follows: 1) How do the interactions between state law, living law (as conceptualized in sociology of law), and social norms shape the dynamics of anarchism in society?. 2) What model of legal adaptation is most relevant and contextual for Indonesia in addressing the potential for anarchism amidst the dynamics of globalization, economic crises, and

digital technological developments?

D. Research Method

This research employs an empirical juridical method, as it does not only examine written legal norms (*law in books*) but also investigates how such norms operate and are practiced within social reality (*law in action*). The primary focus is a juridical analysis linked to anarchism as a social phenomenon, with the aim of formulating a model of legal adaptation that is responsive to social inequality.

The study applies a **socio-legal research** approach combined with a qualitative method based on library research. The socio-legal approach is chosen because law is not merely understood as normative texts, but also as a social phenomenon that interacts directly with societal realities. Accordingly, this research integrates the normative dimension of law with its empirical context to better comprehend the dynamics of anarchism in society (Soetandyo Wignjosoebroto, 2002).

E. Results and Discussion

1. Interaction between State Law, Living Law, and Social Norms in the Dynamics of Anarchism

Before discussing the interaction between law and social norms, it is important to first understand the definition of *anarchy*. According to the *Kamus Besar Bahasa Indonesia* (KBBI), anarchy is defined as: (1) the absence of government, laws, regulations, or order; and (2) chaos within a state. Naomi Chomsky further argues that anarchism possesses diverse characteristics and manifestations, both in thought and in practice within society. Chomsky also emphasizes the difficulty of formulating anarchism into a set of doctrines that constitute a specific and deterministic theory of society and social change (Suharto & Mahmuddin, 2021).

From the perspective of the sociology of law, law should not be understood merely as written and formalized rules (*state law*), but also as law directly practiced within society (*living law*), alongside social norms that function as collective behavioral regulators. Eugen Ehrlich highlights this by asserting that the “real law” is not that which is codified in legislation, but the law that is actually observed and obeyed in everyday social life (Ehrlich, 1936).

The phenomenon of anarchism in society illustrates the disharmony between *state law*

and *living law*. Indonesia formally guarantees the right to freedom of assembly and expression, as stipulated in Law No. 9 of 1998, reinforced by police regulations affirming demonstrations as a constitutional right, provided they are conducted in an orderly manner. However, in practice, formal law is often applied in a discriminatory fashion. The enforcement of law in Indonesia has frequently been characterized as "sharp downward but blunt upward," in which lower-class citizens receive harsher treatment compared to the upper classes, despite the principle that all should be equal before the law. This has created a widespread perception that law functions less as an instrument of justice than as a tool of political power.

Conversely, the *living law* currently evolving in Indonesian society manifested in collective solidarity, distributive justice, and the value of *gotong royong* (mutual cooperation) often stands in opposition to the logic of state law. For instance, one of the notable cases in recent years was the student demonstration in Semarang in 2023 against the Job Creation Law (*Undang-Undang Cipta Kerja*), which escalated into riots and resulted in the destruction of public facilities. The action was not merely an expression of violence, but also a symbolic act of resistance against state legal institutions perceived as neglecting the aspirations and interests of the people.

Similarly, in the mass protest that took place in Jakarta in 2025, the incident in which a police vehicle deliberately ran over a motorcycle taxi driver who was not part of the demonstration—resulting in his death, triggered a surge of solidarity among the public. The protest subsequently escalated into acts of destruction and the burning of public facilities. The slow response of state law to such anarchistic events was perceived as unjust, leading society to seize justice according to its own version. These examples demonstrate that when *state law* loses its legitimacy, the *living law*, as articulated by Eugen Ehrlich, assumes its role—albeit often in destructive or anarchistic forms (Ehrlich, 1936).

2. Legal Legitimacy Crisis and Social Inequality

Social, economic, and political inequalities constitute the root causes of anarchism. According to Robert K. Merton's *Anomie Theory*, deviant behavior arises when there is a misalignment between socially recognized goals—such as welfare or justice—and

the legally sanctioned means available to achieve them (Émile Durkheim, 1964). In Indonesia, the so-called "social promises" of the state are often not realized, as economic and political policies tend to favor elite groups, thereby marginalizing the broader public.

An illustrative case of social inequality culminating in anarchism was the wave of national protests in 2023 against the increase in food and fuel prices. Government policies that raised prices amidst declining economic conditions exacerbated social inequality. Rather than responding to the people's lived circumstances—marked by growing unemployment, surging commodity prices, and high taxation—the government enacted policies that worsened public hardship. This condition generated *social strain*, transforming initially peaceful demonstrations into violent riots.

Relevant theoretical frameworks include the *Legitimacy Theory of Law* articulated by Max Weber and Jürgen Habermas. Weber emphasized that law can only function effectively when it possesses rational legitimacy. Habermas further asserted that the legitimacy of law must be grounded in public communication and participation. However, many Indonesian policies are formulated without adequate public involvement, resulting in a loss of social legitimacy (Robert K. Merton, 1968).

The crisis of legal legitimacy is also evident in patterns of law enforcement that are repressive toward mass protests yet lenient toward violations committed by political elites or large corporations. This discrepancy reinforces the perception that the law is unjust, fuels distrust, and opens the space for anarchistic actions.

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3. Responsive Law as a Model of Adaptation in Addressing Anarchism

In confronting this reality, responsive legal adaptation has become an urgent necessity. Philippe Nonet and Philip Selznick classify the development of law into three typologies: repressive law, autonomous law, and responsive law. Indonesian law remains frequently entrapped in a repressive pattern, addressing anarchistic actions primarily through coercion and violence without engaging with their root causes. In contrast, the model of responsive law requires that regulations be designed in accordance with the needs and aspirations of society, while remaining open to public participation. A relevant model of legal adaptation for Indonesia can therefore be constructed through the following dimensions (Philippe Nonet & Philip Selznick, 1978)

a. **Participatory Regulatory Reform**

Society must be directly involved in the formulation of public policies that have a direct impact on their lives.

b. **Integration of Restorative Justice**

Social conflicts should be resolved through approaches that prioritize dialogue, mediation, and reconciliation.

c. **Strengthening Access to Justice**

Expanding structural legal aid is necessary to enable vulnerable groups to pursue their rights through legal channels.

d. **Oversight of Economic Policy**

Economic policymaking must be carefully monitored to ensure it does not exacerbate social inequality, which is one of the key triggers of anarchism.

e. **Digitally Adaptive Law**

Legal frameworks must respond to the role of social media in mobilizing mass movements, ensuring the ability to address misinformation and disinformation without unduly restricting freedom of expression

4. Conclusion

The phenomenon of anarchism in Indonesia reflects the disharmony between *state law* and *living law*, as well as a crisis of legal legitimacy rooted in social, economic, and political inequalities. Positive law, which should function as an instrument of justice, is often perceived merely as a tool of power, particularly when law enforcement is carried out in a discriminatory and repressive manner. This condition drives society to express dissatisfaction through anarchistic actions of a destructive nature, as a form of resistance against a legal system that has lost its authority.

From the perspective of the sociology of law, law should not be regarded solely as written norms, but also as a social phenomenon that interacts with the values, aspirations, and needs of the community. Therefore, a relevant model of legal adaptation for Indonesia is one that is responsive in nature—law that is open to public participation, integrates principles of restorative justice, strengthens access to justice, and remains adaptive to social dynamics, including digital transformation.

This study thus affirms that the sustainability of the Indonesian rule of law depends heavily on its ability to transform from a repressive model toward a responsive one. Such transformation is not only a normative imperative but also a practical necessity to reduce the potential for anarchism and to safeguard social stability amid the

challenges of globalization, economic crises, and rapid social change.

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