



The Relevance of Progressive Law in Legal Reasoning in Indonesia

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Abstract

Legal reasoning in Indonesia often faces challenges in achieving substantive justice due to rigid and textual interpretations of the law. Progressive law, introduced by Satjipto Rahardjo, offers a more dynamic and humanistic legal approach, emphasizing law as a tool for social change rather than merely a set of normative rules. This perspective is particularly relevant in addressing contemporary legal issues in Indonesia, where formalistic legal interpretations sometimes fail to deliver justice. This study aims to analyze the relevance of progressive law in shaping legal reasoning in Indonesia. It seeks to explore how the principles of progressive law can contribute to a more responsive and justice-oriented legal system. This study employs a normative legal research method with a conceptual approach. It examines primary and secondary legal sources, including legal doctrines, jurisprudence, and relevant literature, to understand the theoretical and practical implications of progressive law in Indonesian legal reasoning. The study finds that progressive law provides a necessary paradigm shift in Indonesian legal reasoning by encouraging judges and legal practitioners to go beyond rigid legal texts and consider social realities. It highlights that legal reasoning based on progressive law can bridge the gap between law in books and law in action, fostering legal decisions that better reflect societal needs and justice. However, challenges remain in its application, particularly in balancing legal certainty and judicial discretion. The incorporation of progressive law principles in legal reasoning can enhance the Indonesian legal system's responsiveness to societal dynamics. Further research and judicial training are needed to optimize its implementation for a more just legal order.

Keywords: *Progressive Law, Substantive Justice, Legal Reasoning*

Abstrak

Penalaran hukum di Indonesia sering menghadapi tantangan dalam mencapai keadilan substantif akibat interpretasi hukum yang kaku dan tekstual. Hukum progresif, yang diperkenalkan oleh Satjipto Rahardjo, menawarkan pendekatan hukum yang lebih dinamis dan humanistik, menekankan hukum sebagai alat perubahan sosial daripada sekadar seperangkat aturan normatif. Perspektif ini sangat relevan dalam menangani permasalahan hukum kontemporer di Indonesia, di mana interpretasi hukum yang formalistik terkadang gagal memberikan keadilan. Penelitian ini bertujuan untuk menganalisis relevansi hukum progresif dalam membentuk penalaran hukum di Indonesia. Studi ini mengeksplorasi bagaimana prinsip-prinsip hukum progresif dapat berkontribusi pada sistem hukum yang lebih responsif dan berorientasi pada keadilan. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan konseptual. Studi ini menganalisis sumber hukum primer dan sekunder, termasuk doktrin hukum, yurisprudensi, dan literatur yang relevan, untuk memahami implikasi teoretis dan praktis dari hukum progresif dalam penalaran hukum di Indonesia. Hasil

penelitian menunjukkan bahwa hukum progresif memberikan pergeseran paradigma yang diperlukan dalam penalaran hukum di Indonesia dengan mendorong hakim dan praktisi hukum untuk melampaui teks hukum yang kaku dan mempertimbangkan realitas sosial. Studi ini menyoroti bahwa penalaran hukum berbasis hukum progresif dapat menjembatani kesenjangan antara hukum dalam buku dan hukum dalam tindakan, menghasilkan keputusan hukum yang lebih mencerminkan kebutuhan masyarakat dan keadilan. Namun, masih terdapat tantangan dalam penerapannya, terutama dalam menyeimbangkan kepastian hukum dan diskresi yudisial. Pengintegrasian prinsip-prinsip hukum progresif dalam penalaran hukum dapat meningkatkan responsivitas sistem hukum Indonesia terhadap dinamika sosial. Penelitian lebih lanjut dan pelatihan yudisial diperlukan untuk mengoptimalkan implementasinya demi tatanan hukum yang lebih adil.

Kata kunci: Hukum Progresif, Keadilan Substantif, Penalaran Hukum



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1. Introduction

Law is a set of social norms that governs interactions among individuals within a community. It evolves alongside societal regulations that stem from moral values inherent in humans, shaped by prevailing beliefs, social conventions, customs, and other cultural practices (Septiningsih, 2024). The legal system in Indonesia still faces various challenges in achieving substantive justice for society. One of the main obstacles is the approach to legal reasoning, which tends to be formalistic and textual, often failing to address the evolving social dynamics (Farida, 2023). Law is often treated as a rigid set of rules, without taking into account human aspects and the values of justice that exist within society (Herlambang, 2019). This creates a gap between the law as written in legislation (law in books) and the law as applied in practice (law in action).

In this context, the concept of progressive law introduced by Satjipto Rahardjo has become increasingly relevant. Progressive law emphasizes that law should be dynamic and adaptable to social changes. This approach prioritizes justice, utility, and societal well-being over rigid legal certainty (Setiaji & Ibrahim, 2018). Thus, progressive law provides a solution to issues within Indonesia's legal system, particularly by offering a more flexible legal reasoning approach that prioritizes social justice.

In Indonesia, many legal decisions are still based on legal positivism, which tends to prioritize legal certainty over the aspect of justice (Rahmatullah, 2022). This results in many legal cases failing to provide a sense of justice for society, especially for vulnerable groups that often do not receive adequate legal protection. In practice, the law is frequently used as an instrument of power rather than as a means to achieve social welfare (Hermanto, 2016). As a result,

the law becomes stagnant and less capable of responding to the rapid social changes occurring in society.

Progressive law emerges as a critique of legal positivism by emphasizing that law should be oriented toward substantive justice rather than merely written rules. This approach enables judges and other legal enforcers to explore the broader meaning of the law, not only adhering to legal texts but also considering social realities and societal needs (Sarmadi, 2012). Therefore, legal reasoning based on progressive law is expected to bridge the gap between law and true justice.

The implementation of progressive law in practice still faces various challenges. One of the main challenges is finding a balance between judicial freedom in interpreting the law and the need for legal certainty. On one hand, interpretive flexibility is necessary to ensure that the law remains adaptable to emerging legal issues within society. On the other hand, excessive interpretive freedom may lead to legal uncertainty, which could be detrimental to the public (Rismawati, 2015). A more systematic approach is needed in implementing progressive law to ensure both legal certainty and substantive justice for society.

Moreover, resistance still exists among academics and legal practitioners who firmly adhere to the positivist legal approach. Many believe that law must remain objective and should not be influenced by factors outside the legal text. This perspective has the potential to hinder the development of progressive law in Indonesia. Therefore, broader education and socialization efforts are needed to emphasize the importance of progressive law in building a legal system that is more responsive to societal needs.

The advancement of progressive legal thought in Indonesia is closely tied to the active involvement of key institutions such as the judiciary, legal scholars, and policymakers in integrating progressive legal principles into the broader framework of the national legal system. These stakeholders play a pivotal role in steering legal reform efforts that prioritize justice, inclusivity, and responsiveness to societal change. It is through their collaborative efforts that the foundations for a more humane and equitable legal order can be established.

Judicial institutions, in particular, bear significant responsibility in shaping legal interpretations and setting precedents that reflect a commitment to substantive justice. By adopting a progressive lens in adjudicating cases, judges can help ensure that legal outcomes are not only legally sound but also socially fair and morally defensible. This requires a willingness to look beyond the literal wording of statutes and consider the broader implications of legal decisions on society, especially for marginalized and vulnerable groups.

Academics and legal scholars, meanwhile, contribute through critical analysis, research, and the development of theoretical frameworks that support the evolution of progressive legal thought. Their work helps to challenge outdated legal doctrines and propose alternative approaches that better align with contemporary social realities. By producing knowledge and engaging in public discourse, they can influence both educational institutions and legislative bodies to adopt more progressive stances.

Equally important is the role of policymakers, who are in a position to translate progressive legal ideals into concrete legislative and regulatory reforms. Through policy initiatives that emphasize equality, human rights, and access to justice, lawmakers can lay the groundwork for a legal system that is better equipped to serve the public interest in a rapidly changing society.

Moreover, the effectiveness of progressive law depends significantly on the competence and mindset of legal practitioners, especially judges and law enforcement officials. Enhancing their capacity through targeted training, continuing legal education, and exposure to interdisciplinary perspectives is essential. This enables them to better understand and apply legal principles in ways that are responsive to social needs and attuned to the moral dimensions of justice.

In sum, the successful development of progressive law in Indonesia relies on a coordinated and sustained effort across various sectors of the legal system. By fostering a culture of justice-oriented legal reform and building institutional capacities that support progressive practices, Indonesia can move closer to realizing a legal system that truly embodies the values of fairness, human dignity, and social responsibility.

Research on the relevance of progressive law in legal reasoning in Indonesia is crucial to identifying more effective approaches for achieving a responsive and just legal system. By understanding how progressive law can be applied in practice, it is expected that Indonesia's legal system will become more adaptable to social changes and better able to provide substantive justice for society.

2. Research Method

This research employs a normative legal research method with a conceptual and philosophical approach. The conceptual approach is used to analyze progressive legal theories and how these concepts can be applied within the Indonesian legal system. The philosophical approach explores the philosophical foundations of progressive law and its relevance to substantive justice. Data collection in this study is conducted through a literature review, examining various primary and secondary legal sources, including legislation, court rulings,

legal doctrines, and relevant academic literature. This research is prescriptive, aiming to provide recommendations on the application of progressive law in legal reasoning in Indonesia. The collected data is analyzed qualitatively, focusing on aspects of substantive justice and the flexibility of law in responding to social changes. Through this method, the study is expected to contribute to the development of progressive legal theory and practice in Indonesia.

3. Result and Discussion

3.1. Formalistic Legal Reasoning and the Crisis of Substantive Justice in Indonesia

Indonesia's legal system remains entangled in a variety of complex issues that hinder its ability to deliver meaningful and substantive justice to its citizens. Among the most pressing challenges is the entrenched reliance on formalistic and textual legal reasoning. This dominant mode of thinking treats legal texts as fixed and absolute, often disregarding the broader socio-cultural and moral dimensions that inevitably shape the context in which laws are applied. In this rigid framework, laws are interpreted based solely on their literal wording, resulting in legal decisions that, while perhaps procedurally correct, may fail to reflect the lived realities and needs of the people, particularly marginalized or vulnerable groups.

Such a narrow approach has contributed to the growing disconnect between *law in books* – the law as it is codified in legislation – and *law in action* – the law as it is experienced and implemented in everyday life. This discrepancy has been well documented by legal scholars such as who argue that formalistic legal practice in Indonesia often leads to outcomes that are legally sound but socially unjust. It creates a stagnant legal culture that prioritizes procedural order and predictability over equity and responsiveness (Islamiyati, 2018).

Satjipto Rahardjo is known for his influential theory of progressive law, which views law as part of an ongoing quest for truth. Progressive law, seen as a concept in search of its identity, emerges from the empirical realities of how law functions within society. It is rooted in a sense of dissatisfaction with the effectiveness and quality of law enforcement in Indonesia (Yustia, Abdulgani, & Mulyani, 2024). Within this context, the progressive legal theory pioneered by Satjipto Rahardjo offers an alternative framework that challenges the rigidity of positivist traditions. Rahardjo's concept of *hukum progresif* (progressive law) insists that law should not be an autonomous, sterile system isolated from human experience. Instead, it must be viewed as a dynamic, evolving institution that is deeply embedded in the fabric of society and responsive to the ever-changing social, economic, and political conditions.

Progressive law proposes that the core objective of legal practice should be the pursuit of justice in its substantive form. This means prioritizing societal welfare, fairness, and human dignity above strict adherence to legal formalities. Progressive legal reasoning invites judges and legal practitioners to engage with law not merely as technicians applying rigid rules, but as moral agents tasked with delivering outcomes that are just and humane certainty (Ansori, 2018). It encourages legal decision-makers to go beyond the text and take into account the broader context, including historical injustices, cultural traditions, and social inequalities.

By emphasizing adaptability, moral responsibility, and contextual interpretation, progressive law provides a framework capable of addressing the shortcomings of Indonesia's current legal system. It calls for a transformation in legal consciousness – one that moves away from rigid rule-following and toward a more empathetic, responsive, and justice-oriented legal reasoning. This paradigm shift is not only necessary to close the gap between legislation and its implementation but also to realign the law with the fundamental values of a democratic society that aspires to uphold justice for all.

In Indonesia, many court rulings are still based on legal positivism, which tends to prioritize legal certainty over justice. This has resulted in numerous legal cases that fail to provide a sense of justice for society, particularly for vulnerable groups who often do not receive adequate legal protection. In practice, the law is frequently used as a tool of power rather than as a means to achieve social welfare. As a consequence, the law becomes stagnant and is unable to respond effectively to the rapid social changes occurring in society (Triwahyuningsih, 2017). Progressive law emerges as a critique of legal positivism by emphasizing that law should be oriented toward substantive justice rather than merely adhering to written rules. This approach enables judges and other legal enforcers to explore a broader interpretation of the law, not just focusing on legal texts but also considering social realities and the needs of society (Gani, 2016). Therefore, legal reasoning based on progressive law is expected to bridge the gap between law and true justice.

However, the implementation of progressive law in practice still faces various challenges. One of the main challenges is how to balance judicial freedom in interpreting the law with the need for legal certainty. On one hand, interpretative freedom is necessary to make the law more flexible in addressing emerging legal issues in society. On the other hand, if this freedom is too broad, it may lead to legal uncertainty that could be detrimental to society (Hakim, 2016). Therefore, a more systematic approach is needed in implementing progressive law to ensure legal certainty while also guaranteeing substantive

justice for society. Additionally, there is still resistance from academics and legal practitioners who adhere to the positivist approach. Many believe that law must remain objective and should not be influenced by factors beyond legal texts. This perspective has the potential to hinder the development of progressive law in Indonesia. Hence, broader educational efforts and public awareness campaigns are necessary to emphasize the importance of progressive law in building a legal system that is more responsive to societal needs.

The development of progressive law in Indonesia also depends on the role of the judiciary, academics, and policymakers in incorporating progressive legal principles into the national legal system. Legal reforms oriented toward social justice must be encouraged to ensure that the law becomes more adaptable to social dynamics. Furthermore, enhancing the capacity of judges and law enforcement officers in understanding and applying progressive law is a crucial factor in establishing a more just legal system (Taufiqurrahman, Ibnuususilo, & Melina, 2023). Examining the relevance of progressive law in legal reasoning in Indonesia is essential for identifying more effective approaches to achieving a responsive and equitable legal system. By understanding how progressive law can be implemented in practice, it is hoped that Indonesia's legal system will become more adaptable to social changes and better equipped to deliver substantive justice to society.

For example, in some cases related to human rights and public interest, judges who apply progressive law tend to take a more contextual approach. For instance, in cases concerning indigenous land rights, a progressive law approach can provide a fairer solution compared to a positivist approach that strictly adheres to written law without considering historical, cultural, and long-recognized indigenous rights (Wiguna, 2021). These cases demonstrate that with more flexible legal reasoning, substantive justice can be more effectively achieved.

Furthermore, progressive law can also play a role in influencing legal policy reforms in Indonesia. For example, in the reform of the criminal justice system, progressive legal principles can be applied to reduce overly repressive judicial practices and promote rehabilitation for offenders (Christianto, 2012). This way, the law serves not only as a tool for punishment but also as a means to build a more just and harmonious society.

However, to effectively implement progressive law, support from various stakeholders, including academics, legal practitioners, and civil society, is essential. Training for judges and law enforcement officers on understanding progressive legal concepts should be expanded to ensure more consistent application. Additionally, legal education in Indonesia needs to be updated to

move beyond a solely positivist approach and incorporate a more contextual and humanistic understanding of the law.

By understanding the relevance of progressive law within Indonesia's legal system, opportunities for a more inclusive legal transformation that upholds substantive justice can emerge. A more flexible legal approach focused on social welfare can have a positive impact in shaping a legal system that is more responsive to societal needs. Therefore, legal reforms emphasizing progressive legal principles must continue to be promoted to achieve a more equitable justice system for all citizens.

3.2. Legal Education as the Cornerstone of Progressive Legal Practice

Progressive legal thought represents a dynamic and socially responsive approach to understanding and applying the law. Rather than treating the law as a rigid set of written rules detached from real-world contexts, this perspective emphasizes the need for law to serve as a vehicle for achieving substantive justice and promoting the broader welfare of society. It challenges the foundations of legal positivism, which traditionally confines itself to interpreting and enforcing statutory texts without considering the underlying social, moral, and humanitarian dimensions. Legal positivism, in its narrowest sense, tends to overlook how laws operate within and affect the complex fabric of human society.

In contrast, progressive legal theory asserts that law enforcement and judicial decision-making should not be reduced to the mechanical application of legal norms. Judges, prosecutors, and other law enforcement officials are called upon to move beyond mere procedural compliance and to engage actively with the values of justice, fairness, and human dignity. This entails a more holistic view of the law, one that requires legal actors to be aware of the social dynamics at play and to take into account the real-life consequences of legal decisions on individuals and communities.

From this standpoint, the law is not simply a coercive instrument wielded by the state to maintain order, but rather a transformative tool that can be harnessed to address social inequalities and protect vulnerable populations. Progressive legal thought holds that the law must be flexible and capable of evolving in response to the ever-changing needs, aspirations, and challenges of society. It insists on a continuous dialogue between legal norms and social realities, ensuring that legal systems remain relevant, humane, and just.

Furthermore, this approach underlines the ethical responsibility of legal practitioners to interpret and apply the law in a way that fosters social justice, rather than perpetuating structural injustices or rigid formalism. By advocating

for a more empathetic and context-sensitive approach to legal reasoning, progressive legal thought envisions a legal system that is both principled and adaptable—one that sees justice not as an abstract ideal confined to legal texts, but as a lived reality that must be actively pursued and protected through thoughtful legal interpretation and practice (Suhardin, 2020).

In practice, progressive legal reasoning allows law enforcers to be more flexible in interpreting statutes. They do not solely refer to legal texts but also take into account humanitarian values and the principles of social justice (Maruf & Harefa, 2023). For example, in cases involving indigenous rights, a progressive approach can be used to protect their rights even if they are not explicitly regulated by law. Consequently, law does not become a rigid and repressive tool but rather an inclusive and adaptive mechanism that serves the interests of society. The legal decisions produced are therefore more capable of reflecting substantive justice rather than merely formalistic justice. Thus, progressive legal reasoning serves as the foundation for a more responsive and humane legal system.

Furthermore, progressive law also plays a role in driving criminal justice system reforms. In an overly repressive legal system, law enforcement is often solely focused on punishment without considering the rehabilitation of offenders. With a progressive approach, law enforcers can take into account factors such as the offender's social background and motivations before imposing a sentence. For instance, in cases of crimes committed due to economic pressure, judges may impose rehabilitative rather than purely punitive measures. This approach aligns with the principle that law should function to improve individuals and society, rather than merely punish. As a result, the legal system becomes fairer and not solely aligned with the interests of the ruling authorities.

In the context of human rights, progressive law thought also plays a crucial role in ensuring protection for vulnerable groups. Law enforcers who apply this principle will prioritize the interests of victims rather than merely enforcing legal provisions textually. For example, in cases of violence against women and children, a progressive approach can encourage policies that are more victim-oriented. This includes ensuring effective legal protection, access to legal aid, and policies focused on victim recovery. Consequently, the legal system functions not only as a tool for enforcing rules but also as a mechanism for social protection. This demonstrates that law should serve society rather than the other way around.

Legal education must undergo a significant and comprehensive transformation in order to effectively support the implementation and advancement of progressive legal principles by future legal professionals. It is no

longer sufficient for law schools to focus solely on doctrinal instruction or the rote memorization of statutes and legal procedures. Instead, there must be a deliberate and thoughtful integration of contextual, ethical, and socially responsive dimensions into the legal curriculum. This transformation requires that legal education not only impart technical legal knowledge but also cultivate a deeper understanding of the broader social, cultural, and moral implications of the law.

To achieve this, law school curricula must be restructured to include courses and pedagogical approaches that highlight the real-world impact of legal systems, especially on marginalized and vulnerable communities. Students should be exposed to interdisciplinary perspectives and encouraged to critically analyze how the law functions within complex societal frameworks. This includes recognizing the role of law as both a mechanism of justice and a potential tool of oppression, depending on how it is interpreted and applied.

Prospective legal professionals must be taught to view law not merely as a static collection of rules and regulations but as a living institution that reflects and shapes societal values. Through this lens, law students can begin to see themselves not just as future legal technicians or practitioners bound by formalities, but as ethically conscious individuals with the potential to serve as agents of social transformation. Legal education should therefore place strong emphasis on developing critical thinking, empathy, ethical judgment, and a strong sense of social responsibility.

By fostering these attributes, law schools can produce graduates who are not only well-versed in the technicalities of the law but are also capable of navigating its complexities with moral clarity and social awareness. These individuals will be better prepared to challenge unjust legal structures, advocate for necessary reforms, and contribute meaningfully to the development of a more equitable legal system. In this way, reforming legal education becomes an essential foundation for building a more progressive, responsive, and justice-oriented legal system for the future.

In addition to education, training for law enforcement officers must also be expanded to enhance their understanding of progressive legal concepts. Judges, prosecutors, and police officers need to be equipped with skills to interpret the law in a more contextual and flexible manner. This training can include case studies that highlight how a progressive approach can be applied in various legal situations. Thus, they will not rely solely on written rules but also consider social justice values. This awareness will help law enforcement officials make fairer decisions that prioritize the interests of the wider community. With continuous

training, the implementation of progressive law can be carried out more effectively.

The application of progressive law also requires policy support from the government and legislative institutions. More flexible regulations oriented toward substantive justice must be developed to support this approach. For instance, reforms in the criminal justice system should include policies that emphasize rehabilitation over mere punishment. Similarly, in civil cases involving impoverished communities, regulations should be designed to favor them. With supportive policies, progressive law can be more easily implemented in practice (Putuhena, 2013). This will strengthen a legal system that is more inclusive and socially welfare-oriented.

In essence, progressive legal thought introduces a transformative paradigm in the realm of law enforcement—one that prioritizes the pursuit of justice and the protection of human dignity over the rigid and often mechanical application of legal norms. This school of thought calls for a profound shift in the mindset of legal practitioners, urging them to move beyond a narrow, text-based interpretation of the law and instead adopt a more empathetic, contextually aware, and socially engaged approach. Law, from this perspective, should not be perceived as a fixed or unchanging institution, but rather as a dynamic and evolving tool that must continually adapt to the complexities and challenges of contemporary society.

For law to be truly effective and relevant, it must be capable of responding to the real needs, struggles, and aspirations of the communities it is meant to serve. This requires the development of a legal system that is both flexible and responsive—one that allows room for discretion, moral reasoning, and adaptation to specific societal circumstances. Law enforcement officers, including judges, prosecutors, and police, must therefore be equipped not only with technical legal knowledge but also with a deep understanding of the social, economic, and cultural contexts within which the law operates.

Achieving such a progressive vision for law enforcement necessitates comprehensive and sustained efforts across multiple dimensions. Foremost among these is the reform of legal education. Law schools must play a pivotal role in nurturing critical, reflective, and socially conscious legal minds by incorporating curricula that emphasize ethics, justice, and public service. Alongside this, ongoing training and professional development for law enforcement personnel are essential to ensure that they are prepared to apply the law in a manner that aligns with progressive values.

Additionally, the success of progressive legal thought hinges on the presence of robust policy support. Governments and legal institutions must

commit to enacting and upholding laws and policies that reflect the principles of equity, inclusiveness, and social justice. This multi-faceted reform process is not only desirable but necessary if the law is to fulfill its highest purpose – as a force for justice, social harmony, and the common good.

Ultimately, progressive legal thought challenges us to reimagine the role of law in society. Rather than functioning solely as a mechanism for control or compliance, law must also act as a proactive and constructive instrument for building a more just, compassionate, and harmonious social order. In doing so, it reaffirms its legitimacy and reestablishes its foundational commitment to serve the people it governs.

4. Conclusion

Progressive law offers a transformative approach to the legal system by prioritizing substantive justice over rigid legal formalism. It calls for law enforcement that is adaptive to social changes, ensuring that the law serves as an instrument of justice rather than oppression. By integrating progressive legal principles into education, training, and policy-making, the legal system can become more responsive to societal needs. The success of progressive law implementation depends on collaboration among lawmakers, legal practitioners, and civil society. Therefore, continuous efforts must be made to promote progressive law as a means of achieving a fairer and more equitable legal system.

The role of education and training is fundamental in fostering legal professionals who embrace progressive law. Law schools should emphasize critical thinking, ethical considerations, and social justice to produce graduates who are not only well-versed in legal doctrine but also committed to fairness and human rights. Additionally, continuous training for law enforcers ensures that they apply the law in a way that prioritizes justice and social welfare. A more holistic approach to legal education and professional development is essential in establishing a more humane and responsive legal system. This long-term investment in education and training will help bridge the gap between legal theory and practice.

Ultimately, for progressive law to have a lasting impact, strong governmental and institutional support is necessary. Legal reforms should be directed at creating a system that balances flexibility with certainty, ensuring that laws evolve alongside social realities. Policymakers must enact laws that reflect the principles of substantive justice while fostering a legal culture that values human dignity and social equity. With sustained commitment from all stakeholders, progressive law can transform the legal landscape into one that

truly serves the people. This will ensure that the legal system is not only a mechanism for control but also a powerful force for justice and societal harmony.

Bibliography

- Ansori, L. (2018). Reformasi Penegakan Hukum Perspektif Hukum Progresif. *Jurnal Yuridis*, 4(2), 148–163. <https://doi.org/10.35586/.v4i2.244>
- Christianto, H. (2012). Penafsiran Hukum Progresif Dalam Perkara Pidana. *Mimbar Hukum*, 23(3), 479–500. <https://doi.org/10.22146/jmh.16170>
- Farida, A. (2023). Faktor-Faktor Yang Mempengaruhi Pergeseran Nilai-Nilai Otentik Keindonesiaan Ke Hukum Positivistik Dalam Sistem Hukum Nasional. *JPeHI (Jurnal Penelitian Hukum Indonesia)*, 4(2), 1–14. <https://doi.org/10.61689/jpehi.v4i2.504>
- Gani, A. W. (2016). Hermeneutika Sebagai Metode Penemuan Hukum Yang Progresif. *Jurnal Komunikasi Hukum (JKH)*, 2(1), 1–10. <https://doi.org/10.23887/jkh.v2i1.7276>
- Hakim, M. R. (2016). Implementasi Rechtsvinding Yang Berkarakteristik Hukum Progresif. *Jurnal Hukum Dan Peradilan*, 5(2), 227–248. <https://doi.org/10.25216/jhp.5.2.2016.227-248>
- Herlambang, P. H. (2019). Positivismisme Dan Implikasinya Terhadap Ilmu Dan Penegakan Hukum. *Indonesian State Law Review (ISLRev)*, 2(1), 336–342. <https://doi.org/10.15294/isrev.v2i1.36187>
- Hermanto, A. B. (2016). Ajaran Positivismisme Hukum Di Indonesia: Kritik Dan Alternatif Solusinya. *Jurnal Hukum Dan Bisnis (Selisik)*, 2(2), 108–121. <https://doi.org/10.35814/selisik.v2i2.650>
- Islamiyati, I. (2018). Kritik Filsafat Hukum Positivismisme Sebagai Upaya Mewujudkan Hukum Yang Berkeadilan. *Law, Development and Justice Review*, 1(1), 82–96. <https://doi.org/10.14710/ldjr.v1i1.3574>
- Maruf, S. A., & Harefa, S. (2023). Penegakan Hukum Di Indonesia Dalam Perspektif Hukum Progresif. *Wijaya Putra Law Review*, 2(2), 204–219. <https://doi.org/10.38156/wplr.v2i2.140>
- Putuhena, M. I. F. (2013). Politik Hukum Perundang-Undangan: Mempertegas Reformasi Legislasi Yang Progresif. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 2(3), 375–395. <https://doi.org/10.33331/rechtsvinding.v2i3.66>
- Rahmatullah, I. (2022). Filsafat Positivismisme Hukum (Legal Positivismisme). *Adalah*, 6(1), 1–12. <https://doi.org/10.15408/adalah.v6i1.26427>
- Rismawati, S. D. (2015). Menebarkan Keadilan Sosial Dengan Hukum Progresif Di Era Komodifikasi Hukum. *Jurnal Hukum Islam*, 13(1), 1–12. <https://doi.org/10.28918/jhi.v13i1.485>

- Sarmadi, A. S. (2012). Membebaskan Positivisme Hukum Ke Ranah Hukum Progresif (Studi Pembacaan Teks Hukum Bagi Penegak Hukum). *Jurnal Dinamika Hukum*, 12(2), 331-343. <https://doi.org/10.20884/1.jdh.2012.12.2.58>
- Septiningsih, I. (2024). The Relevance of Progressive Law to Legal Reasoning in Indonesia. *LAW&PASS: International Journal of Law, Public Administration and Social Studies*, 1(2), 162-167.
- Setiaji, M. L., & Ibrahim, A. (2018). Kajian Hak Asasi Manusia Dalam Negara The Rule Of Law: Antara Hukum Progresif Dan Hukum Positif. *Lex Scientia Law Review*, 2(2), 123-138. <https://doi.org/10.15294/lesrev.v2i2.27580>
- Suhardin, S. (2020). Penegakan Hukum Konflik Sosial Perspektif Hukum Progresif. *JIHAD: Jurnal Ilmu Hukum Dan Administrasi*, 2(1), 1-9. <https://doi.org/10.58258/jihad.v2i1.1108>
- Taufiqurrahman, F., Ibnususilo, E., & Melina, M. (2023). Pergesaran Penegakan Hukum Yang Positivistik Menuju Ke Penegakan Hukum Yang Progresif. *Journal Equitable*, 8(1), 159-183. <https://doi.org/10.37859/jeq.v8i1.4450>
- Triwahyuningsih, T. (2017). Penegakan Hukum Progresif Untuk Mewujudkan Keadilan Substantif Berdasarkan Nilai-Nilai Pancasila. *Hukum Transendental*, 1(1), 241-251.
- Wiguna, M. O. C. (2021). Pemikiran Hukum Progresif untuk Perlindungan Hukum dan Kesejahteraan Masyarakat Hukum Adat. *Jurnal Konstitusi*, 18(1), 112-137. <https://doi.org/10.31078/jk1816>
- Yustia, D. A., Abdulgani, R. K., & Mulyani, L. W. (2024). Progressive Legal Perspective in Providing Legal Protection for Educators.: English. *Journal of Law, Politic and Humanities*, 4(6), 2374-2383. <https://doi.org/10.38035/jlph.v4i6.646>