

Elite dominance in Indonesian legal politics and its implications for democracy and social justice

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Abstract

This study examines elite domination in legal politics in Indonesia and its implications for constitutional democracy and social justice. The research is motivated by the condition of lawmaking processes that are strongly influenced by political and economic elites, which limits meaningful public participation and reduces the substantive quality of democracy. Using a qualitative approach based on literature review, this study analyzes various scholarly sources related to legal politics, democracy, and social justice in Indonesia. The findings indicate that elite domination leads to a shift from substantive democracy to procedural democracy, where public participation exists only formally without significant influence on policy outcomes. In addition, it contributes to social inequality because legal policies tend to favor dominant groups rather than the broader public interest. This condition also weakens public trust in legal institutions and reduces the legitimacy of the democratic system. Therefore, strengthening inclusive participation, transparency, and limiting elite dominance in legal politics is essential to ensure a more substantive democracy and fairer social justice in Indonesia.

Keywords: Elite domination, legal politics, constitutional democracy, social justice

Introduction

Law and politics are two inseparable elements within the constitutional system of a state, including Indonesia. In a democratic country, law should function as a primary instrument to achieve justice, legal certainty, and the protection of citizens' rights. However, in practice, the lawmaking process is often not free from political interests, which may lead to a shift in the function of law from an instrument of justice to an instrument of power.

The phenomenon of elite dominance in legal politics has become an increasingly prominent issue in Indonesia's constitutional dynamics. Political and economic elites possess significant access and influence in determining policy directions and the substance of regulations. This condition results in the legislative process not always reflecting broader public aspirations, but rather being shaped by compromises among actors who hold dominant power within the political structure.

On the other hand, the ideal of democracy, which places the people as the ultimate holders of sovereignty, has not been fully realized in the law-making process. Public participation is often merely formalistic, while decision-making processes take place in limited and less transparent spaces. This creates a gap between the principles of constitutional democracy and the reality of legal and political practice, as well as triggering a crisis of public trust in regulatory institutions.

Based on these conditions, the study of elite dominance in legal politics is important to be critically analyzed. This analysis aims to understand how elite influence in regulatory formation affects the quality of democracy and the principle of social justice in Indonesia. Thus, it is expected to highlight the urgency of strengthening legal politics that is more transparent, participatory, and oriented toward the broader public interest.

Problem Formulation

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

How does elite domination in Indonesia's legal politics affect constitutional democracy and social justice?

Discussion

1. Elite Dominance in the Formation of Legal Politics

Elite dominance in legal politics in

Indonesia indicates that the regulatory making process does not fully reflect the principles of substantive democracy. Political elites who occupy strategic positions within legislative and executive institutions tend to determine legal policy directions based on their political interests. As a result, law no longer functions as a neutral instrument of justice, but rather as the outcome of power negotiations that benefit dominant groups^[1].

Furthermore, this dominance is reinforced by the close relationship between political elites and economic elites, forming an oligarchic pattern within the legislative process. Regulations are often directed toward supporting investment interests and capital accumulation, causing law to transform into a tool for legitimizing specific politico-economic interests. In this condition, the rule of law loses its neutrality because the law-making process is controlled by mutually beneficial networks of power^[2].

On the other hand, public participation in law-making remains largely formalistic and does not have strong influence over the substance of regulations. Democratic mechanisms that are supposed to ensure openness are instead reduced by elite dominance in decision-making spaces. This highlights that legal politics in Indonesia is still elitist in nature and has not fully reflected the principles of inclusive and participatory democracy^[3].

2. Elitist Legislative Process

In practice, the legislative process in Indonesia still demonstrates an elitist character, where law-making is largely controlled by political elites who have access to formal power. Although, normatively, the principle of public participation has been guaranteed, in reality the legislative process remains dominated by state actors and

interest groups. This condition causes law to not fully represent public aspirations, but rather to become the result of elite compromise within the power structure.

Elite dominance in the legislative process shows that public participation in the formation of laws has not yet been substantively implemented. Recent studies confirm that in Indonesian legislative practice, public involvement is still largely formalistic and has not been able to significantly influence the final substance of policies, meaning that the principle of meaningful participation has not yet been fully realized ^[4].

In addition, the legislative process also shows a tendency in which public participation is placed at the final stage of deliberation, so that public input does not have a significant influence on the substance of regulations. This indicates that public participation functions more as procedural legitimacy rather than as a substantive instrument in law-making ^[5].

Inequality in access to the legislative process further reinforces this elitist character. Recent studies show that groups with political and economic power, as well as access to institutional networks, are more dominant in influencing the substance of regulations compared to the wider public. As a result, legal products tend to reflect elite interests rather than the general needs of society, leading to an imbalance of representation in law-making ^[6].

Thus, an elitist legislative process reveals a gap between the ideal of participatory democracy and the actual practice of law-making in Indonesia. Without strengthening genuinely meaningful public participation, legislation will continue to serve as an arena of elite dominance rather than a space for substantive representation of the people's interests.

3. Implications of Elite Dominance on Democracy and Social Justice

Elite dominance in legal politics in Indonesia indicates a structural shift from the principle of rule of law toward rule by elite. In this condition, law no longer functions as a neutral instrument that equally accommodates public interests, but instead becomes the result of an elite capture process, namely the control of law-making by groups with political and economic power. As a consequence, democracy loses its substantive character and is reduced to a formalistic procedural mechanism.

Within this framework, democracy cannot merely be understood as an electoral system, but as a space for the distribution of power that should remain open and inclusive. However, studies show that in practice, Indonesia's democratic structure is still dominated by political oligarchy, where elite networks maintain significant control over public decision-making processes. This condition causes political representation to not function in an aggregative manner, but rather to be constructed through closed negotiations among elites ^[7]. Elite dominance creates a distortion in the mechanism of public participation. Although society is formally accommodated within the legislative process, its involvement does not have significant influence over the substance of policies.

This indicates a gap between procedural democracy and substantive democracy, where political decisions remain controlled by actors who possess access to power and resources.

From the perspective of social justice, this condition produces an unequal pattern of policy distribution. The resulting legal products tend to reflect the interests of

dominant groups, while vulnerable groups remain in a marginal position within the legal protection structure. Thus, law does not function as an instrument of justice redistribution, but rather becomes a mechanism that reproduces existing social inequalities.

Other studies confirm that elite dominance in legal politics contributes to the reinforcement of social inequality because public policies are more responsive to the interests of groups with access to power. In this situation, law is not neutral, but instead becomes an instrument that strengthens structures of domination within society ^[8]. Furthermore, the consequence of elite dominance is the erosion of public trust in state and legal institutions. When law is perceived as an instrument serving the interests of specific groups, the legitimacy of democracy experiences a significant decline. Studies also indicate that this condition can widen the gap between the state and its citizens, ultimately weakening the overall stability of democracy ^[9].

Thus, elite dominance in legal politics is not merely a procedural issue in law-making, but a structural problem within the democratic system itself. Without reforms that strengthen meaningful public participation and limit elite dominance in the legislative process, Indonesian democracy will continue to experience a deficit in substantive justice.

4. Public Trust Crisis in Legal Institutions due to Elite Dominance

Elite dominance in legal politics in Indonesia indicates that the processes of law-making and law enforcement do not fully operate within the framework of substantive democracy. Normatively, law should function as an instrument that guarantees justice, legal certainty, and the protection of citizens' rights. However, in practice, the elitist configuration of political power causes law to increasingly transform into an instrument that reflects the interests of dominant groups. This condition becomes the starting point for the emergence of a public trust crisis in legal institutions.

Recent studies show that the low level of public trust in state institutions, particularly the legislature and law enforcement agencies, is closely related to public perceptions of weak integrity, low accountability, and a significant representational gap between political elites and citizens. In this context, the crisis of trust cannot merely be understood as an issue of institutional performance, but rather as a consequence of a political structure that enables the concentration of power in the hands of certain elites ^[10].

From the perspective of legal politics, this condition can be explained through the concept of elite capture, namely a situation in which the legislative process and public policymaking are controlled by groups that have access to political, economic, and power networks. This mechanism causes law to no longer function as a product of neutral public deliberation, but rather as the outcome of elite interest compromises. As a result, there is a distortion in the function of law from an instrument of justice into a tool for legitimizing power, which ultimately widens the gap between the state and society ^[11].

This inequality is further reinforced by inconsistent law enforcement practices, particularly in the differential treatment between elite groups and the general public. When the law is applied selectively in its implementation, society develops the perception that the principle of equality before the law does not function effectively. This situation directly

undermines institutional legitimacy, as justice is no longer understood as a universal value, but rather as a sociopolitical privilege reserved for certain groups^[12].

The further impact of this condition is the weakening of voluntary compliance with the law. In this context, compliance no longer arises from the internalization of justice values, but rather from fear of formal sanctions. This shift indicates a degradation of the law's function as a normative system that should be grounded in social legitimacy, rather than merely relying on the coercive power of the state.

Thus, the crisis of public trust in legal institutions is a logical consequence of elite domination in legal politics. As long as the power structure remains concentrated in certain groups and public control mechanisms are not functioning effectively, the law will continue to experience interest bias, which ultimately weakens the legitimacy of democracy and the principles of the rule of law.

5. Implications of Elite Domination on Democracy and Social Justice in Indonesia

Elite domination in legal politics has serious implications for the quality of democracy in Indonesia. In an ideal democratic system, law should serve as an instrument to ensure public participation, protection of citizens' rights, and the equitable distribution of social justice. However, when the lawmaking process is dominated by elite groups, there is a shift in the function of democracy from substantive to merely procedural, where formal mechanisms continue to operate but lose the true meaning of public involvement.

In practice, the legal political process shows a tendency toward the concentration of power in certain groups that have greater access to state institutions, whether through political positions, economic networks, or proximity to policy-makers. This situation causes the legislative process not to fully represent broader public interests, but rather to be more influenced by compromises among elites that take place within closed spheres of power.

Furthermore, studies on oligarchy in Indonesian democracy show that the consolidation of elite power strengthens inequality in political and legal decisionmaking processes, thereby narrowing the space for public participation. In this condition, society is no longer the main actor in democracy but merely becomes an object of formal legitimation for decisions that have already been determined in advance^[13].

Elite domination also has an impact on the weakening of the principle of social justice, as legal policies tend to favor groups that have closer ties to political and economic power. As a result, law no longer functions as an instrument for correcting social inequality, but instead may reproduce the injustices already embedded within social structures.

In addition, studies on regulatory capture in law-making in Indonesia indicate that the legislative process is often influenced by the interests of particular actors, thereby reducing the independence of law and the quality of procedural democracy. In such a situation, the resulting regulations are more likely to be responsive to the interests of powerful groups rather than the overall needs of the public^[14]. From the perspective of constitutional democracy, the phenomenon of dynastic politics also illustrates how the reproduction of elite power can weaken the principle of healthy political competition and narrow political access for the broader society. This has an impact

on the narrowing of elite circulation, so that political regeneration does not proceed optimally and the quality of democratic representation becomes stagnant^[15].

On the other hand, the persistence of political corruption within the legal system strengthens elite domination and reduces the effectiveness of law as an instrument of social justice. Corruption in this context not only damages legal institutions but also deepens public distrust in the state and weakens the overall legitimacy of democracy^[16].

Thus, elite domination in legal politics has a direct impact on the weakening of democracy and social justice in Indonesia. As long as the lawmaking process is not fully inclusive, transparent, and not dominated by certain groups, democracy will remain merely procedural, and social justice will be difficult to realize evenly in practice.

Conclusion

Based on the discussion presented, it can be concluded that elite domination in legal politics in Indonesia reflects an imbalance in the law-making process. The legislative process does not fully reflect the principles of substantive democracy, as it is more influenced by the interests of political and economic elite groups. This condition causes the law to lose its neutrality as an instrument of justice.

This elite domination also contributes to the weakening of constitutional democracy. Public participation, which should be meaningful, tends to be merely formal, so that society has no significant influence on legal decision-making processes. As a result, democracy becomes more procedural rather than substantive.

From the perspective of social justice, elite domination in legal politics shows that the resulting policies tend to benefit certain groups that have access to power. This causes law to function suboptimally as a tool for correcting social inequality and may even reproduce existing injustices in society.

In addition, this condition also strengthens the crisis of public trust in legal and state institutions. When law is perceived as an instrument of elite interests, the legitimacy of democracy declines. Therefore, elite domination in legal politics is a serious issue that has broad implications for Indonesia's constitutional system.

Suggestions

It is necessary to strengthen the principle of meaningful public participation in every law-making process so that society has greater space to influence policy substance. In addition, transparency and accountability in the legislative process must be improved to reduce elite domination and ensure that the law truly serves the public interest.

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