
A Critical Analysis of Social Engineering Theory in the Context of Legal Development in Indonesia

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Abstract: *The theory of Social Engineering is a legal theory that views law as a tool for social engineering. However, the concept of Social Engineering in the context of legal development in Indonesia faces gaps in its implementation, often clashing with social, economic, political, and cultural realities. This research aims to analyze the concept of Social Engineering, as proposed by Roscoe Pound, within the framework of modern law. It also seeks to evaluate the relevance of this theory to legal development in Indonesia. This study adopts a normative juridical method with a conceptual approach. The data used is secondary in nature, derived from primary, secondary, and tertiary legal sources. Data collection is conducted through a literature review, while data analysis is performed qualitatively. Roscoe Pound's Social Engineering theory views law as a tool to create a balance of interests within society, aiming to meet its ever-evolving needs. In a modern context, this theory aligns with an approach that considers the impact of legal policies on social welfare. In Indonesia, the application of this theory is evident in legal reforms focused on social justice and public welfare. However, challenges such as weak law enforcement and discrepancies between policies and social realities need to be addressed in order to achieve effective legal development.*

INTRODUCTION

The social engineering theory introduced by Roscoe Pound is a key milestone in the development of modern legal science. Pound proposed that the law should not be seen merely as a tool for enforcing rigid rules, but rather as a flexible and responsive instrument attuned to the ever-changing dynamics of society. In his view, law serves a broader function than just maintaining order; it should be used to design and direct social life toward greater welfare (Lathif, 2017).

According to Pound, the role of law as a tool of social engineering demands that the law

adapt to social changes. The law must be able to address various societal challenges, ranging from inequality and conflict to the need for ensuring justice for all segments of society (Iskandar et al., 2021). This implies that the law cannot remain static but must continue to evolve in line with the changing times and society's shifting needs. For instance, in facing rapid technological advancements, the law must address emerging issues such as the right to privacy in the digital world and regulations regarding artificial intelligence (Sundari et al., 2024).

Furthermore, this theory emphasizes the importance of law as a tool for promoting social welfare. Law functions not only to regulate and control but also to promote social balance and distributive justice. It must protect vulnerable groups, bridge social disparities, and prevent the domination of powerful groups over the weak (Nurtresna & Mabsuti, 2024). For example, regulations on minimum wage and worker protection demonstrate how the law is used to ensure justice in industrial relations, protect workers' rights, and promote broader social welfare.

In this context, the law must facilitate more harmonious relationships among individuals (Salman Alfarisi & Muhammad Syaiful Hakim, 2019). This means that the law aims not only to minimize conflict but also to foster better relationships among members of society. Effective regulation should be based on principles of equitable and inclusive justice. Thus, according to Pound, modern law is not solely about formal norm enforcement; it also plays a role in building a more prosperous, just, and civilized society (Sundari et al., 2024).

The application of social engineering theory can be seen in various policies and regulations aimed at driving social change. For instance, in efforts to combat discrimination and inequality, the law may be adapted to enforce affirmative policies that provide broader opportunities for marginalized groups (Wicaksono, 2024a).

However, in practice, there is often a significant gap between the concept of law as a tool of social engineering and its real-world implementation (Orlando, 2022). The law, as a social engineering tool, is essentially designed to shape societal behavior and foster change toward a better order. This concept, known as social engineering, positions the law as an instrument for achieving justice, order, and social welfare by regulating individual and group behavior within society. Nevertheless, in its execution, this ideal concept often clashes with various social, economic, and cultural realities, creating a gap between theory and practice.

A tangible example of this gap is the imbalance between centrally formulated legal regulations and the specific needs and conditions of local communities. In a country like Indonesia, with its vast cultural and geographical diversity, laws applied uniformly across the nation often fail to accommodate these differences. Consequently, many centralized legal policies encounter resistance or rejection in the field because they do not align with local realities (Nuradhawati, 2019). For instance, regulations on environmental management often conflict with long-standing traditional practices in indigenous communities, leading to conflicts between the state and local communities.

Furthermore, socio-economic factors exacerbate the gap between legal concepts and their implementation (Rusydianta, 2017). Although the law functions to protect everyone's rights equally, in practice, individuals with stronger economic backgrounds often have greater access to the legal system than those who are less advantaged. This disparity in access creates injustice, where the law tends to favor those with economic power, while the poor and vulnerable are often marginalized in the law enforcement process. This phenomenon not only creates injustice but also widens the gap between what the law is supposed to achieve as an instrument of social justice and the reality on the ground (Iskandar & Nursiti, 2021).

In the modern era, technological developments and globalization also introduce new

challenges in aligning legal concepts with field implementation. For example, digital technology has opened the door for new forms of crime, such as cybercrime and digital fraud, which existing regulations have not fully addressed (Neto et al., 2021). Meanwhile, domestic law often lags in responding to these rapid developments. Cases of personal data theft, for instance, are not yet strictly regulated in many developing countries, leaving digital violations often beyond the reach of the law (H. Aldawood & Skinner, 2019). Moreover, globalization has blurred jurisdictional boundaries, making cross-border law enforcement increasingly complex (Lazarus, 2024).

As stated by Ashadi L. Diab in his research titled "Peranan Hukum sebagai Social Control, Social Engineering, and Social Welfare," (Diab, 2014) his study focuses on the extent to which law actively contributes to social control, social engineering, and welfare. However, the research does not critically examine social engineering theory in the legal context, particularly in Indonesia, which brings novelty to this research. Additionally, studies by Defril Hidayat and Hainadri titled " Hukum Sebagai Sarana Pembaharuan Dalam Masyarakat (law as a tool of social engineering)" (Hidayat & Hainadri, 2021) discuss how legal reforms occur in society but do not address the social theory within society, thus providing a fresh perspective or novelty in this research.

This study aims to conduct an in-depth analysis of Roscoe Pound's concept of social engineering theory within the context of modern law. This theory emphasizes the role of law as a primary instrument in designing and directing social life toward a more orderly, just, and efficient system. Through comprehensive analysis, this study will further explore how the concept of social engineering is applied in contemporary legal systems, particularly in facing increasingly complex social, political, and economic challenges. Moreover, this research aims to evaluate the relevance of social engineering theory in Indonesia's legal development. In this context, the study will highlight the gap between the ideal theory proposed by Pound and the reality of its implementation, particularly in Indonesia.

METHOD

The research method used in this study is normative juridical, focusing on the examination of applicable legal norms and the relevance of social engineering theory in the context of legal development in Indonesia. The approach adopted is a conceptual approach, emphasizing an analysis of legal doctrines formulated by Roscoe Pound. This research examines how the concept is integrated into the formation and implementation of law in Indonesia, aiming to identify its relevance and effectiveness in creating social change through law. The type of data used is secondary data, sourced from primary legal materials, secondary legal materials, and tertiary legal materials. Data is collected through library research by conducting searches and reviews of these legal materials. The data analysis technique uses a qualitative juridical method, where the data obtained is analyzed deductively, focusing on theoretical analysis of the social engineering concept and its application in Indonesia's legal system. This study aims to critically evaluate how social engineering theory is implemented in law-making and its impact on legal development in Indonesia.

RESULT AND DISCUSSION

The Concept of Social Engineering Theory According to Roscoe Pound in the Context of Modern Law

The Social Engineering theory proposed by Roscoe Pound is one of the most influential ideas in modern legal thought and serves as a critical foundation for understanding how law can play an active role in shaping society. Roscoe Pound, known as a pioneer in the field of legal sociology in the United States during the early 20th century, introduced this concept as a response to the traditional views of law. At that time, law was often regarded as a set of rigid rules governing human behavior based on written norms established by state authorities, making it appear static and unresponsive to the social changes occurring within society (Sundari et al., 2024).

However, Pound rejected this perspective, proposing a more pragmatic and progressive approach. He argued that law should not be understood as a rigid set of rules, but rather as a tool that can be used to "engineer" social changes within society. In this view, law should be seen as a dynamic system capable of adapting to changes in social, political, and economic life. Pound recognized that society is constantly evolving, and that law must keep pace by creating mechanisms that balance individual needs and interests with the common good (Latipulhayat, 2014).

This Social Engineering theory provides a more functional view of law (Safira, 2017). Pound argued that law plays an instrumental role in solving social issues, and that lawmakers must ensure that the law they create establishes a just social order, mitigates conflicts, and guides society towards better goals. He viewed law as a tool for balancing the various interests present within society, including personal, public, and social interests. Thus, law is not merely a set of passive rules governing society's behavior, but an active tool that shapes and directs behavior toward desired outcomes.

In this context, Pound's concept of Social Engineering involves a proactive role for policymakers, judges, and law enforcement to strategically design and implement laws (Wicaksono, 2024). They must consider how law can influence social changes and, more importantly, how it can be used to encourage these changes in a positive direction. This concept underscores the importance of evidence-based approaches in lawmaking, where laws are crafted not only on theoretical principles but also with their real-world impacts in mind. Pound believed that laws should be measured by their success in addressing actual social problems, not merely by their consistency with existing legal theory.

From Pound's perspective, one of the law's most important roles is as a regulatory mechanism aimed at creating a balance among conflicting interests within society (Triana et al., 2024). He divided these interests into three main categories: individual, public, and social interests. Within the concept of Social Engineering, law functions to align these interests in a way that fosters harmony and stability in society. For instance, when individual interests clash with public interests, law must offer a fair solution by considering the overall social impact (Safira, 2017).

Social Engineering in law, as conceived by Roscoe Pound, refers to an approach in which law is seen as a strategically designed instrument to address the social problems faced by society. This approach goes beyond simply formulating normative rules or laws, emphasizing how the legal system can be tailored and applied to actively direct social change, balance various interests, and create harmony within society. In this framework, Social Engineering highlights the law's role as a conflict management tool, a means of protecting rights, and a promoter of general welfare (Triana et al., 2024).

This concept suggests that law should not be static, but dynamic, responsive, and adaptive to social changes. Society is a constantly evolving entity, in terms of technology, values, and

social structure (Triana et al., 2024). Therefore, an effective legal system must be able to keep up with this evolution. This means that laws should be crafted not only to address present issues but also to anticipate and respond to future challenges. For instance, the development of digital technology like the internet and social media has introduced new challenges related to privacy, the right to information, and data security. In this case, the law must be structured to regulate the digital space, protect individual rights, and ensure that public interests are safeguarded.

Within the Social Engineering framework, law must create a harmonious balance between individual and public interests (Triana et al., 2024). This means that law must bridge two often opposing sets of interests. On one side, individuals have basic rights that must be respected and protected, such as personal freedom, property rights, and freedom of expression. On the other, public interests must also be preserved, such as public safety, social order, and general welfare. In this regard, law should reconcile these interests equitably.

One concrete example of applying Social Engineering to balance individual and public interests is in environmental regulation. For instance, laws governing mining or natural resource exploitation should be designed with the common good in mind, such as environmental sustainability and the rights of local communities. On one side, industry players have legitimate economic interests to develop their businesses and maximize profits. On the other, public interests related to environmental protection and public health must also be considered. In this context, the law serves to balance these interests fairly, for instance, through strict regulations on licensing, waste management, or corporate social responsibility (Hidayat & Hainadri, 2021).

Moreover, law as a tool of Social Engineering plays an essential role in addressing social and economic inequality (Triana et al., 2024). In many societies, vulnerable groups, such as the poor, women, or minorities, often lack equal access to rights and available resources. In such cases, the law should function as a tool to ensure that the interests of these groups are protected, while also maintaining a balance with public interests. A concrete example is affirmative policies or labor protection laws, where the state, through the law, provides special protections to vulnerable groups against exploitation or discrimination, while also ensuring overall social stability and harmony.

In designing and implementing laws, the principle of Social Engineering emphasizes the importance of an evidence-based approach grounded in social realities. Policymakers and judges should not rely solely on legal doctrine or existing norms, but must also consider the actual impact of the law on society. This means that laws must be tested in practice and evaluated periodically to ensure they truly serve as effective tools for solving social issues. If the law fails to deliver the expected results, adjustments or reforms may be necessary. For instance, legal reforms in education aimed at reducing inequality in access to quality education often require a Social Engineering approach, where laws are crafted with consideration of complex, changing socio-economic factors (Wicaksono, 2024).

In the context of modern law, Roscoe Pound's Social Engineering theory becomes increasingly relevant as the role of law is no longer limited to governing human behavior normatively; it must also function as an active instrument facilitating social change. In the past, law was often seen as a static system of rules, aiming to maintain order and prevent violations. However, as civilization advances and societal structures become more complex, law must transform into a more dynamic tool. Modern law can no longer rely on rigid approaches; it must be adaptive and responsive to changes occurring in various aspects of human life, including technological advancements, globalization, and the rapidly shifting social structure (H. A. Aldawood & Skinner, 2018).

Technological advancements, for instance, have introduced new challenges previously unaddressed by the legal system. The emergence of the internet, social media, artificial intelligence, and blockchain technology has created legal situations without precedents. For example, how should the law regulate privacy protection in the digital world, data rights, or even ethical issues surrounding artificial intelligence that could replace human jobs? Law can no longer rely solely on traditional, purely normative approaches, but must offer more flexible and innovative solutions. Social Engineering allows the law to evolve in response to these social changes by designing regulations that address new challenges while maintaining justice and order.

In addition to technology, globalization accelerates interactions between nations, creating the need to adapt the law to an international context. International trade, increasing migration flows, and global economic integration create new challenges that require the law to operate across jurisdictions. For example, in international trade, law must balance the interests of developed and developing countries while protecting workers' rights, environmental rights, and consumer interests. This is a tangible example of how law must harmonize various interests in an increasingly interconnected world, and where Social Engineering theory becomes essential. Law must not only regulate behavior but also serve as a tool for achieving broader social goals, such as creating equitable global prosperity (Hidayat & Hainadri, 2021).

The rapid social changes occurring within various nations also demand a more responsive legal approach. Many societies are becoming increasingly diverse in terms of ethnicity, religion, and culture. This diversity often generates social tensions which, if not anticipated by the legal system, may lead to broader conflicts. In this context, modern law must be capable of balancing the need to protect minority rights while maintaining public order and social harmony. For example, laws governing freedom of religion must strike a balance between individuals' rights to practice their beliefs and the need to maintain social stability. Social Engineering theory provides a flexible framework for designing laws with changing social dynamics in mind, so that law can function as a tool for preventing conflict and promoting social cohesion (Kelsen, 2005).

In this regard, the concept of Social Engineering provides a framework that enables law to evolve in response to social changes while serving as a means to achieve broader social goals, such as justice, prosperity, and general welfare. Law is no longer merely an enforcer of rules, but also a means to create a fairer social order. For instance, in efforts to reduce social and economic inequality, law can function as a redistributive instrument through progressive tax policies, social security, or labor protection. Law can also play a role in promoting economic prosperity by creating regulations that support innovation, entrepreneurship, and healthy competition while protecting the rights of consumers and workers.

Furthermore, modern law as an instrument of social change must be capable of addressing new challenges in the field of human rights. Amid growing global awareness of the importance of individual rights, law must serve as a tool for genuine protection. This includes issues such as protection against discrimination, the right to education, women's and children's rights, and environmental protection. A highly relevant example is the development of international law on climate change, where law must respond to the need for environmental protection by designing sustainable policies, such as international agreements on carbon emission reduction and renewable energy use. In this context, law becomes not only a tool for preventing violations but also a means for promoting globally just environmental policies.

Roscoe Pound emphasized that the law must be able to harmonize the diverse interests within society, including individual, public, and social interests (Lathif, 2017b). In his view, the law should ideally function as a mechanism to balance these interests in a rational and measured

way, thereby allowing society to achieve stable equilibrium. Pound also highlighted that the application of law must consider its real effects on society. This means that in drafting laws or policies, lawmakers need to pay attention to how the law will impact societal behavior and whether it can address existing social issues or inadvertently create new ones (Maulidia et al., 2022).

In the modern era, where law often confronts new issues arising from rapid developments in technology, economy, and the environment, the concept of Social Engineering has become increasingly significant. For example, in addressing privacy and data protection in the digital realm, the law must be able to respond to the need to safeguard individual rights while also allowing for technological innovation. This aligns with Pound's Social Engineering theory, where the law should function as an instrument that facilitates society's adaptation to these changes while maintaining a fair social order (Lathif, 2017).

Evaluation of the Relevance of Social Engineering Theory to Legal Development in Indonesia

Legal development in Indonesia faces very complex and multidimensional problems, involving various aspects such as politics, social, economic and culture (Gusti Muslihuddin Sa'adi et al., 2023). One of the major challenges that continues to be faced is the dualism of the legal system that affects the application and implementation of law in various sectors. This dualism refers to the existence of three different but equally operating legal systems: customary law, religious law, and Western colonial law. The three often conflict with each other, creating confusion and legal uncertainty, especially in handling cases that are related to local social norms and traditions, such as land disputes and inheritance rights.

On the one hand, customary law which is still recognized in various regions of Indonesia continues to play an important role in the daily lives of the community, especially in remote and rural areas (Yuliyani, 2023). Indigenous communities often rely more on this law because it is considered more in line with local values and traditions. On the other hand, religious law, especially Islamic law, also has a strong influence, especially in personal matters such as marriage, inheritance, and waqf. When customary and religious laws interact with laws inherited from Western colonialism, which tend to be secular and oriented towards modern legal logic, clashes occur that often complicate the law enforcement process.

This inter-legal system not only creates uncertainty for communities that need legal clarity, but also hampers efforts to modernize law in Indonesia. For example, in cases of land disputes, indigenous communities often adhere to customary law that has been recognized for generations, while national law may require different and more formal procedures. This causes the legal process to become convoluted and difficult to resolve fairly, especially if there is no clear mechanism to reconcile the differences between the three legal systems.

In addition, inconsistent regulatory changes are also one of the factors that exacerbate problems in legal development in Indonesia. Laws are often revised in a short time, resulting in legal uncertainty for the community. Frequent revisions without considering long-term impacts cause confusion, both among law enforcement officers and the wider community. For example, regulations related to investment or labor that often change make investors hesitate to invest in Indonesia because of the instability of these policies.

Policies formulated at the central level are often not effectively implemented at the local level, especially in rural communities far from the center of government. This factor is caused by a lack of understanding at the local level, limited human resources and infrastructure, and

differences in socio-cultural conditions that are not always taken into account in the preparation of national policies. As a result, even though there are laws in force, in the field their implementation often does not match expectations.

To address these issues, a more holistic and inclusive approach is needed in legal development in Indonesia. Harmonization between the various existing legal systems needs to be done in a way that is sensitive to the local social and cultural context, without neglecting the goal of legal modernization in accordance with the principles of justice and legal certainty.

The theory of social engineering has significant relevance in the development of law in Indonesia, especially when considering the dynamic nature of a continuously evolving society. (Galih Orlando, 2023) Law can no longer be viewed as a static instrument that only serves to enforce normative rules. On the contrary, in the context of legal development in Indonesia, law plays an important role as a social engineering tool that enables social change that is directed and in accordance with the needs of society.

Indonesia, as a multicultural country with various ethnicities, religions, cultures, and languages, faces a major challenge in integrating this diversity into a just and effective legal system. Each community group has different needs, interests, and values, so that the law in Indonesia can no longer be seen as one size fits all. Instead, the law must develop into a flexible tool, able to accommodate the dynamics of society and adapt to the different social, economic, and political contexts throughout the country (Taufiq & Syarkawi, 2022).

As a tool of social engineering, law can serve to drive change in various fields, such as poverty alleviation, eradication of corruption, and enforcement of human rights. One concrete example is how law can play an important role in reducing social inequality through economic redistribution policies and protection of vulnerable groups. In addition, law can also be a driver to change the mindset and culture of people who are still trapped in detrimental practices, such as discrimination against minority groups or gender inequality.

However, to achieve all of this, the law must be adaptive and responsive to changes in the times. For example, with the development of technology and globalization, the law must be able to regulate new aspects of society, such as personal data protection, cybersecurity, and digital rights. This is where the relevance of social engineering theory becomes increasingly clear, because the law in Indonesia needs to be adapted and reorganized to suit the needs of the increasingly complex modern era and society. Aldawood and Skinner, "Reviewing Cyber Security Social Engineering Training and Awareness Programs-Pitfalls and Ongoing Issues."

In legal development, it is also important to involve various stakeholders, including the community itself, so that the resulting law truly reflects their will and needs. Community participation in the process of formulating and implementing laws will increase the legitimacy of the law and strengthen the relationship between law and society. Thus, the theory of social engineering places law as the main pillar in forming a better social order, where law is not only a binding rule, but also an agent of social change that is able to respond to the challenges of Indonesian society that continues to develop. (Salahdine & Kaabouch, 2019)

One very relevant example of social engineering in the Indonesian context is the development of law in the field of human rights protection and the ongoing democratization process. After the 1998 Reformation, Indonesia entered a new era marked by fundamental changes in the legal and political systems. The reforms paved the way for a paradigm shift from authoritarianism to a more open democracy, where law becomes a key instrument in directing social and political change.

Before 1998, Indonesia was under a highly centralistic and repressive New Order

government, in which the law was often used as a tool of control to maintain power and suppress opposition (M.Wantu, 2012). Basic individual rights such as freedom of speech, freedom of the press, and the right to organize are strictly restricted (Sriwidodo, 2020). However, after the collapse of the New Order, there was a massive transformation in the legal system that reflected an effort to correct the injustices that occurred in the past.

The Indonesian Constitution, which is the main foundation of the legal system, has undergone significant amendments in order to affirm its commitment to democracy and respect for human rights (Santoso, 2013). One important outcome of these changes was a more explicit recognition of a range of human rights, including freedom of expression, freedom of assembly, and the right to a fair trial. The constitutional amendments also strengthened the role of independent state institutions such as the Constitutional Court, which is empowered to test laws against the constitution and protect citizens' rights.

This democratization process shows how law functions as a social engineering tool that enables the formation of a more democratic, inclusive, and just social structure. Through law, the government and civil society strive to create a system that not only guarantees individual rights, but also strengthens public participation in the decision-making process. For example, the existence of the National Human Rights Commission (Komnas HAM) is one concrete manifestation of efforts to ensure that human rights remain a priority in every government policy.

The development of post-Reformation law also shows how the law is no longer repressive and arbitrary, but rather more transparent and accountable. With freedom of the press and openness of information, the public is better able to monitor and criticize government policies. In addition, the existence of decentralization policies provides space for local governments to take a greater role in running the government according to local needs and characteristics, which in turn increases the sense of participation and involvement of the community in social and political development.

The main challenge in legal development in Indonesia lies in the problem of consistency between the regulations made and their implementation. This is a fundamental issue in creating a just and effective legal system. The theory of social engineering, introduced by Roscoe Pound, offers an approach to understanding how law should not only be viewed as a set of formal rules, but also as a tool for engineering social change.(Latipulhayat, 2014). This theory emphasizes the importance of interaction between law and social practice, where law can ideally shape the behavior of society, but on the other hand must also reflect existing social realities.

Although Indonesia has produced a number of progressive laws, the reality on the ground shows that the implementation of the law often does not go as expected. One of the main causes is the inconsistency between written law and the behavior of society and the institutions that are supposed to implement the law. In this context, society and government institutions often have habits or value systems that conflict with the spirit of the law, so that efforts to implement the law often encounter obstacles. When the law fails to adapt to dynamic social conditions, its effectiveness will be reduced.

One concrete example of this problem is in the effort to eradicate corruption in Indonesia. Law in Indonesia has introduced various legal instruments to eradicate corruption, ranging from anti-corruption laws to the establishment of independent institutions such as the Corruption Eradication Commission (KPK) (Safira, 2017). Normatively, this legal framework is very adequate and is often praised by many parties, both domestically and internationally, as a step forward in building a clean government. However, the effectiveness of this law in the field is often hampered by systemic corruption that has been deeply rooted in various government

institutions. Corruption in Indonesia is not only a legal problem, but also a complex social and cultural problem, where corrupt behavior is often considered normal or even part of the "unwritten rules" in many institutions.

In addition, weak law enforcement is also influenced by the integrity of law enforcers themselves (Nelson, 2023). In many cases, law enforcement officers who should be prosecuting violations are actually involved in corrupt practices, either directly or indirectly. When law enforcement officers cannot be trusted, public trust in the legal system as a whole will also collapse. This condition worsens the situation where existing laws are unable to function as instruments for controlling social behavior.

On the other hand, the existence of inequality in access to law is also an important factor that causes the implementation of law in Indonesia to be uneven. People who have less access to information or resources often become victims of legal injustice, while those who have power and wealth can exploit weaknesses in the legal system to protect their interests (Nelson, 2023).

In the context of legal development in Indonesia, one of the biggest challenges faced is how to harmonize the three main sources of law, namely customary law, religious law and state law (Soekanto, 1979). These three sources of law have different characteristics, values, and principles, so that tension often occurs between them, especially when dealing with complex situations in the field. This difference is not only theoretical, but also very real in everyday practice, especially in areas that still hold fast to customary and religious values.

In this case, the social engineering theory developed by Roscoe Pound can be used as an important approach in efforts to create harmony between the various sources of law (Latipulhayat, 2014). This theory argues that law is not merely a static normative rule, but rather a tool that can be used to engineer society in a better direction (Sundari et al., 2024). The law must be adaptive and able to respond to changes and social dynamics that occur, without sacrificing the principles of justice that are upheld by society. Thus, the law can be a bridge that integrates customary law, religious law, and state law into a harmonious and just unity.

One concrete example of the application of this social engineering theory can be seen in the context of resolving land disputes involving indigenous communities. In many areas of Indonesia, especially in the interior and coastal areas, land has very high cultural and spiritual value. Customary law usually regulates land ownership, use, and inheritance based on principles that have existed for a long time and are considered sacred by the local community (Hartini & Pabassing, 2021). However, on the other hand, state law, especially agrarian law, regulates land based on modern principles, such as certification and legal control regulated by the state. Tensions often arise when these two legal systems face each other in land dispute cases.

In this situation, the social engineering approach emphasizes the importance of using state law to adjust, modify, or even create dispute resolution mechanisms that are appropriate to local social conditions without ignoring customary law. For example, the state can consider recognizing the customary rights of indigenous peoples, which have long been recognized in customary law, into the national legal system. Thus, indigenous peoples still feel respected and protected, while state law can still be implemented effectively.

This social engineering approach can also be applied in the realm of religious law, where religious law often intersects with state law in aspects such as family law, inheritance, and marriage. The state can play a role as a facilitator that ensures that the provisions of religious law that are implemented do not conflict with universally recognized principles of justice and human rights (Khairunnisa, 2018).

To build a responsive and adaptive legal system, Indonesia needs to pay attention to three

main aspects proposed by the social engineering theory: community needs, regulatory effectiveness, and social justice. These three aspects are very important pillars in formulating and implementing relevant and sustainable legal policies in a constantly changing social context.

1. Community Needs

The first aspect, the needs of society, emphasizes that the law must always reflect existing social realities and respond to the dynamic development of needs in society. The law must not be rigid or detached from changes that occur in society, such as increased awareness of environmental issues, digitalization, and technological developments. In the context of the environment, for example, Indonesia has experienced increased public awareness of sustainability and environmental protection. Therefore, laws that support sustainable development are needed to balance economic needs with environmental conservation. This can be realized by developing regulations that regulate the management of natural resources, reduce carbon emissions, and regulate corporate responsibility in protecting the environment.

In addition, other social changes such as the development of digital technology and social media also require an adequate legal response (Marysca et al., 2021). Applicable laws must be able to accommodate these changes, especially in protecting personal data privacy, digital copyright, and cybersecurity. (Salahdine & Kaabouch, 2019). The ever-evolving needs of society are the main indicator in designing appropriate and relevant legal policies, so that there is no imbalance between what society needs and what is regulated by law.

2. Effectiveness of Regulation

The second aspect is the effectiveness of regulation, which emphasizes the importance of ensuring that the law is not only on paper, but can also be implemented in practice. The laws that are made must have a clear and effective implementation mechanism. Without consistent implementation, the law will only be a text that does not function and has no real impact on society. In this case, law enforcement is key.

For example, in the context of environmental regulation, although Indonesia has various laws governing environmental protection, the effectiveness of implementation is often a challenge. Many cases of environmental damage are not followed by strict law enforcement, so that existing laws are unable to prevent further damage. Supervision and law enforcement must be improved through authorized institutions, training of law enforcement officers, and the imposition of strict sanctions for violators of the rules.

Furthermore, the effectiveness of the law is also determined by the state's ability to provide fair and equal access to legal mechanisms. Laws that are not supported by easy and affordable access for all levels of society will be difficult to implement effectively. Therefore, reform of the judicial system, training of law enforcement officers, and provision of facilities to support law enforcement must be a priority.

3. Social Justice

The final aspect to consider is social justice (Triana et al., 2024). The law is not only intended to maintain order, but must also function as a tool to achieve balance and justice in society. This means that the law must be able to protect the rights of vulnerable groups, such as women, children, people with disabilities, and indigenous peoples, and create equality in access to justice.

A concrete example of the application of social justice in law is the law that regulates the protection of workers' rights (Sinaga & Zaluchu, 2003). In many cases, workers are often in a weaker position compared to companies or employers. Therefore, laws are needed that protect them from exploitation and guarantee basic rights such as living wages, health insurance, and

safe working conditions. In addition, laws must also ensure that minority groups have equal access to public services and legal protection.

In an era of globalization and rapid socio-economic transformation, social justice must be at the heart of every legal policy. Injustice that is allowed to continue will create a wider gap and trigger social instability. Therefore, legal policy must prioritize inclusivity and support for marginalized groups, so that social welfare can be achieved by all citizens.

CONCLUSION

Roscoe Pound, an American legal scholar, introduced the concept of Social Engineering, defining law as a tool for shaping society to achieve a balance between various interests within it. According to Pound, law should not be viewed merely as a static set of rules but as a dynamic means aimed at creating social order and meeting the evolving needs of society. In the context of modern law, Social Engineering theory aligns with a policy-oriented approach to lawmaking, where laws are crafted with consideration for their impact on social welfare. Pound emphasized that law should be designed and applied effectively to regulate human relations and protect individual rights without neglecting the public interest. Roscoe Pound's Social Engineering theory is relevant to legal development in Indonesia as it views law as a tool to engineer society to achieve a balance between individual and public interests. The application of this theory is reflected in various legal reforms aimed at achieving social justice and community welfare. However, challenges such as weak law enforcement and mismatches between policies and social realities still need to be addressed to make legal development more effective.

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