

# Crisis of Public Trust in The Legal Justice System: Institutional and IMplementative Analysis

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## ABSTRACT

Public trust is the primary foundation for the sustainability of the legal justice system in a democratic state governed by the rule of law. A judicial system trusted by the public serves not only as a mechanism for dispute resolution and law enforcement, but also as a source of state legitimacy in ensuring justice, legal certainty, and the protection of human rights. However, in recent decades, legal justice systems in various countries, including Indonesia, have faced a growing crisis of public trust. This crisis is reflected in negative public perceptions of judicial independence, the integrity of law enforcement officials, and the quality of court decisions, which are deemed not to fully reflect substantive justice. This study aims to analyze the institutional and implementation factors contributing to this crisis of public trust in the legal justice system. The research method used is a normative juridical approach with a statutory and conceptual approach through a review of legal norms, doctrines, and contemporary scientific literature. The results indicate that the crisis of public trust stems from weak institutional integrity, low transparency and accountability, and a gap between legal norms and judicial practice. Therefore, strengthening institutional reform and improving the implementation of law enforcement are key prerequisites for restoring public trust in the legal justice system.

**Keywords:** Public Trust, Law Enforcement, Institutional Reform, Judicial System, Rule of Law

## INTRODUCTION

In the construction of a modern democratic rule of law, the legal justice system occupies a central position as the primary guardian of the rule of law and of substantive justice. The judiciary is understood not only as a formal mechanism for resolving disputes and imposing sanctions for violations of the law but also as a concrete manifestation of the state's presence in guaranteeing the protection of human rights, equality before the law, and legal certainty for all citizens. Therefore, the sustainability and effectiveness of the legal justice system are largely determined by the level of public trust placed in it by the community, both legal subjects and justice service recipients (Asshiddiqie, 2023).

Theoretically, public trust in the judicial system is the primary basis for legal legitimacy. From a modern sociological perspective, law is not merely understood as a set of written norms but rather as a social institution whose validity depends heavily on public acceptance and trust. Tyler (2020) asserts that public compliance with the law is determined more by perceptions of procedural justice than by the threat of sanctions. When the public believes that the judicial process is conducted fairly, transparently, and impartially, the law tends to be complied with voluntarily. Conversely, when public trust weakens, the law risks losing its social binding power and persists only through coercion by state power (Tyler, 2020).

Globally, the crisis of public trust in the judicial system has become a cross-border and cross-legal phenomenon. The Rule of Law Index report released by the World Justice Project (2023) shows that in various parts of the world, public trust in courts has tended to stagnate or even decline. This phenomenon occurs not only

in developing countries with legal systems still in development but also in several developed countries with institutionally established judicial traditions. This decline in public trust is generally triggered by perceptions of increasing corruption in judicial institutions, the politicization of judicial decisions, unequal access to justice, and the weak transparency and accountability of law enforcement officials (Project, 2023).

The global crisis of confidence in the judiciary is inextricably linked to the dynamics of global social, political and economic change. In the era of globalization and digitalization, the public has increasingly broad access to information about judicial practices, including legal scandals and ethical violations by law enforcement officials. This transparency of information, on the one hand, strengthens public control over judicial institutions, but on the other hand, accelerates the formation of negative perceptions when judicial institutions fail to meet the public's expectations of justice. Garoupa and Ginsburg (2021) state that the reputation of judicial institutions (judicial reputation) is a fragile institutional asset because when public trust is eroded, the recovery process requires a long time and substantial reform. Furthermore, the increasing demands for the principles of good governance and open justice further emphasize that judicial legitimacy rests not only on a normative framework but also on the quality of legal implementation in everyday practice (law in action) (Garoupa, Nuno, 2021).

These global issues illustrate that the crisis of public trust in the judicial system is a structural issue with far-reaching impacts on the quality of democracy and stability of the rule of law. When the public no longer trusts the courts as institutions for seeking justice, the potential for conflict resolution outside formal legal mechanisms increases. This situation has the potential to create legal uncertainty, increase horizontal conflict, and weaken state authority. Therefore, the crisis of public trust in the judicial system cannot be viewed as merely an internal issue of legal institutions, but rather as a fundamental issue that touches the very foundations of the national life (Rawls, 2020).

In the national context, Indonesia, as a state of law, as affirmed in Article 1, Paragraph (3) of the 1945 Constitution of the Republic of Indonesia, faces similar challenges, some of which are more complex. Indonesia's legal justice system is constitutionally mandated to uphold law and justice independently, free from intervention by executive power or other political interests (Hirschl, 2020). Post-reform, various institutional reform steps have been taken, including strengthening the independence of the judiciary, establishing the Constitutional Court, establishing the Judicial Commission as an institution to monitor the ethics of judges, and implementing bureaucratic reform in the judicial environment. However, empirical reality shows that public trust in the judicial system has not been fully restored since. Various cases of ethical violations by law enforcement officers, allegations of bribery and judicial mafia practices, and court decisions that are considered inconsistent and do not reflect the public's sense of justice continue to strengthen the public's negative perception of judicial institutions (Habermas, 2021).

To understand the complexity of the crisis of public trust in the legal justice system more systematically, conceptual mapping is needed to describe the dominant factors influencing public perception of the judiciary. The problem of public trust does not exist as a single phenomenon but rather as the result of an interrelated interaction between institutional and implementation factors. The weak integrity and independence of the judiciary, suboptimal oversight mechanisms, and a less than fully meritocratic recruitment and promotion system for law enforcement officers are institutional issues that contribute significantly to the decline in public trust in the police. However, implementation factors such as inconsistent decisions, lengthy judicial processes, high litigation costs, limited access to justice for vulnerable groups, and low transparency in trial processes further deepen this crisis of trust (Zurn, 2020).

In contemporary legal studies, conceptual mapping is a crucial analytical tool for simplifying the complexity of multidimensional legal issues. This mapping is not intended as a mere empirical statistical representation but rather as a synthesis of theoretical findings, international reports, and relevant recent academic studies. Garoupa and Ginsburg (2021) emphasize that the institutional mapping of judicial issues is a crucial initial step in formulating legal reform strategies based on the real problems faced by society (Garoupa, Nuno, 2022).

Based on the above description, this research is important and relevant for analyzing the crisis of public trust in the legal justice system through institutional and implementation approaches. This study aims to examine the concept of public trust in the context of the legal justice system, analyze the institutional factors that contribute to the crisis of public trust, and identify implementation obstacles in law enforcement that affect judicial legitimacy. Therefore, this research is expected to provide scientific contributions to the development of legal studies and

serve as a conceptual basis for the formulation of a more comprehensive and sustainable judicial reform strategy to restore public trust in the law as a means of justice and protection of citizens' rights (Bingham, 2021).

#### Problem Formulation

1. What is the concept of public trust in the context of the legal-justice system?
2. How do institutional factors contribute to the crisis of public confidence in the legal justice system?
3. What are the obstacles to implementing law enforcement that affect public trust in the judiciary?

#### Research Objectives

1. Analyzing the concept of public trust in the legal justice system.
2. Examining the institutional factors that have caused the crisis of public confidence in the judiciary.
3. Identifying implementation challenges in law enforcement that impact the legitimacy of the justice system.

### METHOD

This research uses a normative juridical legal research method, which focuses on the study of positive legal norms, legal principles, and legal doctrines and theories relevant to the judicial system and public trust. The choice of the normative juridical method is based on the character of the problem being studied, namely, the crisis of public trust in the legal justice system, which is conceptually closely related to normative design, the principles of a democratic rule of law, and the institutional legitimacy of judicial power. Thus, this research is not directed at empirical measurements of community behavior but rather on analyzing how law is constructed, regulated, and should be implemented within the framework of a just rule of law.

The research approaches used include statutory and conceptual approaches. The statutory approach is carried out by examining constitutional provisions and laws governing the principles of the rule of law, judicial power, judicial independence, and mechanisms for the oversight and accountability of judicial institutions. Through this approach, the research analyzes the consistency and adequacy of legal norms in ensuring the upholding of the principles of justice, legal certainty, and the protection of human rights, and assesses the extent to which this normative framework has the potential to influence public trust in the judiciary.

Meanwhile, a conceptual approach was used to examine and deepen the understanding of key concepts that form the basis of the analysis, such as public trust, legal legitimacy, procedural justice, and judicial independence. This approach allows researchers to link the phenomenon of declining public trust with theories of law and judicial governance developed in contemporary academic literature, so that the analysis is not only descriptive, but also critical and argumentative.

The legal sources used consist of primary and secondary materials. Primary legal materials include laws and regulations relevant to the administration of justice and law enforcement. Secondary legal materials include legal textbooks, national and international scientific journal articles, and reports from national and international institutions discussing the justice system and public trust from 2020 to 2025. All legal materials were collected through a literature review and analyzed qualitatively using systematic legal reasoning to produce normative conclusions and prescriptive recommendations for strengthening the legitimacy of and public trust in the legal justice system.

### RESULT & DISCUSSION

This section presents the results of a normative and conceptual analysis of the crisis of public trust in the legal justice system and discusses the significance of these findings in the context of a democratic state governed by the rule of law. The discussion focuses on three main aspects: the concept of public trust in the judicial system, the institutional factors that trigger the crisis of trust, and the implementation challenges in law enforcement. The analysis in this section is not intended to repeat theoretical studies descriptively but rather to link legal concepts to the realities of the administration of justice, thereby providing a comprehensive and prescriptive understanding of the issues under study (Jackson et al., 2021).

#### The Concept of Public Trust in the Legal Justice System

Public trust is a fundamental element that determines the legitimacy and effectiveness of the legal justice system in a democratic state governed by the rule of law. From the perspective of constitutional law and sociology of law, public trust not only reflects the public's psychological attitude toward judicial institutions but also serves as a form of social legitimacy that supports the actual application of the law. Law derives its binding force not only from its existence as a written norm but also from the level of public acceptance and trust in the institutions that enforce it (Marzuki, 2020).

In the legal justice system, public trust is multidimensional because it is directed not only at the legal product in the form of court decisions but also at the entire process and the actors involved. Public trust encompasses the public's assessment of the integrity of judges, independence of the judiciary, procedural fairness, and transparency and accountability of the trial process. Thus, public trust cannot be understood in isolation but rather as the result of a complex interaction between legal norms, institutional structures and law enforcement practices (Kelsen, 2020).

Conceptually, judicial legitimacy is formed through the alignment of legal norms and judicial practice. Beetham (2020) explains that the legitimacy of public institutions, including the judiciary, rests on three main dimensions: normative, procedural, and performance legitimacy. In the judicial context, normative legitimacy relates to the legal basis and authority of judicial institutions, procedural legitimacy relates to the fairness and transparency of the trial process, and performance legitimacy relates to the quality and consistency of the resulting decisions. When any of these dimensions weaken, public trust in the judiciary tends to decline (Beetham, 2020).

The analysis shows that in practice, the public tends to judge the justice system not solely on the final verdict but also on how the legal process is carried out. Tyler (2020) emphasized that procedural fairness is a key factor in shaping public compliance with and trust in laws. Equal treatment, the opportunity to express opinions, the neutrality of judicial officials, and the transparency of the process are key indicators that influence public perception. When the judicial process is perceived as fair and dignified, the public is more likely to accept the verdict, even when it does not entirely favor a particular party (Tyler, 2020).

Within the framework of modern judicial governance, public trust is viewed as an indicator of the quality of judicial governance. The OECD (2021) positions public trust as a measure of the success of judicial reform, as it reflects the public's perception of the integrity and professionalism of judicial institutions. Therefore, the crisis of public trust in the legal justice system is not simply a matter of perception but rather a reflection of structural and functional issues that require serious attention in the legal reform agenda (Cappelletti & Bryant Garth, 2020).

#### Institutional Factors Causing the Crisis of Public Trust

The discussion results indicate that the crisis of public trust in the legal justice system cannot be separated from structural and systemic institutional factors. These institutional factors include the design of the judicial organization, oversight mechanisms, recruitment and promotion systems for judicial officials, and the relationship between the judiciary and other branches of state power. Imbalances in institutional design have the potential to undermine judicial independence and accountability, ultimately leading to a decline in public trust.

Judicial independence is the most crucial institutional factor in building public trust in the judiciary. Independence is not only defined as freedom from executive and legislative intervention but also encompasses internal independence, namely, the freedom of judges from hierarchical pressures, political interests, and other non-judicial influences. Garoupa and Ginsburg (2021) emphasize that a judiciary that is not institutionally designed to guarantee independence and accountability will struggle to gain social legitimacy, even if it is normatively regulated as an independent institution (Garoupa, Nuno, 2021).

In addition to independence, oversight mechanisms of judicial institutions play a crucial role in fostering public trust. Weak and non-transparent oversight opens the door to ethical violations and abuse of authority, while excessive oversight threatens judicial independence. Therefore, oversight systems must be designed in a proportional and accountable manner. Bovens et al. (2022) emphasized that effective institutional accountability is a key prerequisite for fostering public trust in legal institutions (Bovens et al., 2022).

Another institutional factor that contributes significantly is the recruitment and promotion system for judicial officers in Indonesia. Non-transparent and non-merit-based processes tend to foster negative perceptions of the quality and integrity of law enforcement officers. In the long term, this situation reinforces the perception that the



judicial system is not fully run by competent and honest individuals. Therefore, institutional reforms that emphasize transparency, professionalism, and integrity are essential prerequisites for restoring public trust in the legal justice system (Asshiddiqie, 2022).

#### Implementation Challenges in Law Enforcement

In addition to institutional factors, the crisis of public confidence in the legal justice system is influenced by implementation challenges in law enforcement practices. These challenges relate to the gap between ideal legal norms and the reality of their application in daily judicial processes. This discrepancy is often a major source of public disappointment and dissatisfaction with the justice system (Chemerinsky, 2022).

One of the most prominent implementation challenges is the inconsistency of court rulings. Differences in decisions on cases with similar characteristics create legal uncertainty and reinforce the perception that the law is applied subjectively. Posner (2021) emphasized that consistency in decisions is a crucial element in maintaining the credibility and stability of the judicial system. When consistency is lacking, public confidence in the judiciary's ability to uphold justice tends to decline (Posner, 2022).

Another challenge is the lengthy judicial process and high costs of legal proceeding. Protracted proceedings not only hinder access to justice but also create a perception that the judiciary is elitist and unresponsive to community needs. The World Justice Project (2023) notes that limited access to justice, particularly for poor and vulnerable groups, is a major factor in low public trust in the judicial system in developing countries. Furthermore, low levels of transparency in the judicial process contribute to a deepening crisis of public trust. The lack of transparency regarding trial proceedings and judicial deliberations limits public oversight and weakens the accountability of judicial institutions. The OECD (2022) emphasizes that transparency and the use of judicial technology are strategic instruments for increasing efficiency, accountability, and public trust in the judicial system (Fisher & Vernon Bogdanor, McLean, 2020).

Overall, these results and discussion demonstrate that the crisis of public trust in the legal justice system is a multidimensional issue stemming from both institutional and implementation factors. Therefore, efforts to restore public trust must be undertaken comprehensively through institutional reforms oriented toward integrity and independence, as well as by improving the quality of law enforcement practices that uphold the principles of justice, certainty, and legal benefit.

#### CONCLUSION

Based on this systematic discussion, it can be concluded that the crisis of public trust in the legal justice system is a fundamental issue that directly impacts the sustainability of the rule of law and the quality of democracy. Public trust serves as the basis for the social legitimacy of judicial institutions and a primary prerequisite for effective law enforcement. When public trust degrades, the law risks losing its social binding power and being perceived solely as an instrument of power rather than as a normative means of realizing justice, certainty, and protecting citizens' rights. The results of this study confirm that the concept of public trust in the legal justice system is multidimensional and cannot be reduced to a single dimension. Public trust is built through the integration of normative, procedural and performance dimensions. The existence of sound and progressive legal norms does not automatically generate public trust if they are not accompanied by fair, independent, consistent, and transparent judicial practices. Public perception of procedural fairness, the integrity and independence of judges, the consistency of decisions, and the openness of the judicial process are determining factors in shaping the legitimacy of judicial institutions. Thus, judicial legitimacy stems not only from positive law (law on the books) but also from the experience of justice felt by the public in practice (law in action). Further discussion shows that the crisis of public confidence in the legal justice system is rooted in a combination of interrelated institutional factors and implementation challenges. From an institutional perspective, issues of judicial independence, which has not been fully guaranteed, weak accountability and transparency oversight mechanisms, and a recruitment and promotion system for judicial officers that is not fully based on meritocracy and integrity, have significantly contributed to the decline in the credibility of judicial institutions in Indonesia. These structural weaknesses reinforce the public perception that the judiciary remains vulnerable to interference from powerful parties and abuse of authority by the same. From an implementation perspective, inconsistent

court decisions, lengthy judicial processes, high legal costs, and limited access to justice for the poor and vulnerable have further deepened the crisis of public trust. Judicial practices perceived as unresponsive, elitist, and lacking transparency have created a widening gap between the justice system and the public as justice seekers. This situation demonstrates a clear gap between the ideals of legal norms and the reality of law enforcement, ultimately weakening the social legitimacy of the judiciary. Overall, this study confirms that restoring public trust in the legal justice system cannot be achieved piecemeal or sectorally. Such efforts require a comprehensive, integrated, and sustainable approach through institutional reforms that guarantee judicial independence, integrity, and accountability, as well as improvements in law enforcement practices oriented toward procedural justice, transparency, and inclusive access to justice. With these steps, the legal justice system is expected to restore its social legitimacy and optimally fulfill its constitutional function as a key pillar of a democratic state, based on the rule of law.

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