

LEGAL DISCRIMINATION WITHIN THE PRINCIPLE OF EQUALITY BEFORE THE LAW FOR MINORITY GROUPS

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Abstrak

Prinsip kesetaraan di hadapan hukum (*equality before the law*) merupakan salah satu pilar utama negara hukum yang menjamin perlakuan yang sama bagi setiap warga negara tanpa diskriminasi. Namun, dalam praktiknya, prinsip tersebut kerap belum terimplementasi secara optimal, terutama terhadap kelompok minoritas yang berada pada posisi sosial, politik, dan hukum yang rentan. Artikel ini bertujuan untuk menganalisis bentuk-bentuk diskriminasi hukum yang dialami oleh kelompok minoritas dalam penerapan prinsip kesetaraan di hadapan hukum, serta mengidentifikasi faktor-faktor penyebab terjadinya ketimpangan tersebut. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan, konseptual, dan kasus. Hasil penelitian menunjukkan bahwa diskriminasi hukum terhadap kelompok minoritas muncul baik dalam substansi hukum, struktur penegakan hukum, maupun budaya hukum masyarakat. Faktor-faktor seperti bias aparat penegak hukum, kelemahan perlindungan hukum, serta pengaruh stigma sosial dan politik identitas menjadi penghambat utama terwujudnya kesetaraan hukum yang substantif. Artikel ini berargumentasi bahwa penerapan prinsip kesetaraan di hadapan hukum tidak cukup dipahami secara formal, melainkan harus diwujudkan melalui pendekatan substantif yang berpihak pada perlindungan hak asasi manusia dan keadilan bagi kelompok minoritas.

Kata Kunci: Diskriminasi hukum, kesetaraan dalam hukum, kelompok minoritas, negara hukum

Abstract

The principle of equality before the law is one of the main pillars of the rule of law, guaranteeing equal treatment for all citizens without discrimination. However, in practice, this principle is often not optimally implemented, especially for minority groups who are in vulnerable social, political, and legal positions. This article analyzes the forms of legal discrimination experienced by minority groups in the application of the principle of equality before the law and identifies the factors that cause this inequality. This study uses a normative legal research method with a legislative, conceptual, and case-based approach. The results show that legal discrimination against minority groups occurs in both the substance of the law and the structure of law enforcement, as well as in the legal culture of society. Factors such as bias among law enforcement officials, weaknesses in legal protection, and the influence of social stigma and identity politics are the main obstacles to the realization of substantive legal equality. This article argues that the principle of equality before the law is not sufficient in itself; it must be realized through a substantive approach that protects human rights and ensures justice for minority groups.

Keywords: Legal discrimination, equality before the law, Minority groups, Rule of law

A. INTRODUCTION

1.1. Background

The principle of equality before the law ensures that every individual receives equal recognition and treatment before the law without any special privileges. This principle serves as a benchmark or standard for affirming minority groups.¹ However, due to resource inequalities in power, capital, and access to information, this principle is often dominated by those in power or by capital, serving as a shield to control personal assets or even as a tool for profit-oriented purposes.² This principle will continue to shift towards applicable legal umbrellas, whether general or singular. The unity of law takes on a holistic form across social dimensions such as law, services, social, and economic matters. Equality before the law only seems to convey the understanding that people may not receive equality in law, services, social, and economic matters.³ This difference in “equality” treatment across the legal, social, and economic spheres is what erodes the principle of equality before the law amid the dynamics of law, society, and the economy, giving rise to discrimination between the spheres.⁴

Various acts of discrimination, both from law enforcement officials and the legal procedural system in Indonesia, have given rise to human rights violations and crimes against humanity, such as harassment, rape, kidnapping, anarchic acts such as the destruction of educational institutions and religious institutions, and the exploitation of a group’s powerlessness.⁵ In the context of the right to religious freedom, for example, acts of violence and discrimination were experienced by the KGI Yasmin and HKBP Filadelfia congregations in establishing houses of worship, as well as violence due to discrimination at the Santa Clara Church in Bekasi.⁶ Furthermore, as reported by Human Rights Watch, discrimination was found in the process of mosque construction. Since 2022, Muslim families in Batuplat, Alak

¹ M. Rizki Yudha Prawira, “Problematika Pemenuhan Kebutuhan Hukum Terhadap Kelompok Rentan Dalam Mengakses Keadilan,” *Jurnal Hukum Lex Generalis* 5, no. 12 (December 2024), <https://ojs.rewangrencang.com/index.php/JHLG/article/view/636>.

² Julita Melissa Walukow, “Perwujudan Prinsip Equality Before The Law Bagi Narapidana Di Dalam Lembaga Pemasyarakatan Di Indonesia,” *LEX ET SOCIETATIS* 1, no. 1 (March 2013), <https://doi.org/10.35796/les.v1i1.1320>.

³ Alina Asadullina, *Principle Of Equality Before The Law And Courts In The Context Of The Legal Concept Of An Amnesty Aimed At The Repatriation Of Capital*, October 20, 2025, <https://doi.org/10.5281/ZENODO.17394295>.

⁴ William Lucy, “Equality Under and Before the Law,” *The University of Toronto Law Journal* 61, no. 3 (2011): 411–65.

⁵ Salomo Jitmau, Sokhib Naim, and Muh Akhdharisa Sj, “Implementation of the Principle of Equality Before the Law in the Dynamics of Indonesian Law,” *JUSTISI* 11, no. 2 (April 2025): 441–55, <https://doi.org/10.33506/js.v11i2.4088>.

⁶ Danang Risdianto, “Perlindungan Terhadap Kelompok Minoritas Di Indonesia Dalam Mewujudkan Keadilan Dan Persamaan Di Hadapan Hukum,” *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 6, no. 1 (May 2017): 125–42, <https://doi.org/10.33331/rechtsvinding.v6i1.120>.

District, Kupang, have faced difficulties in building mosques.⁷ Discrimination is still vulnerable to being carried out by majority groups who have power over minorities. Therefore, in the legal context, the legal principle of equality before the law should be a strength and support for minorities whose rights are still often neglected by specific individuals.

Minority groups have not yet fully achieved equality and protection. Violence and discrimination stem not only from the government but also from a small group of people who claim a particular identity. The presence of these groups seems to bring oligarchic power to the forefront of state power and the rest of society. Discriminatory treatment of certain citizens increasingly solidifies institutionalized and widespread social institutions.⁸ Minority groups are often forced to comply with government policies that actually create a trap and harm them. Furthermore, they lose political rights due to the unequal alignment between the majority and minority groups.⁹

Philosophically, in accordance with article 28D paragraph (1) of the 1945 Constitution, which states “everyone has the right to recognition, guarantee, protection, and certainty of fair law and equal treatment before the law”. This article strengthens the principle of legal justice and equal rights for Indonesian citizens. The explicit prohibition against discrimination is also stated in Article 28I, Paragraph (2), of the 1945 Constitution, which provides “every person has the right to be free from discriminatory treatment on any basis and has the right to receive protection against such discriminatory treatment”. This philosophical basis is very strong, as it holds that the state is obliged to protect its citizens, including minority groups, from any form of discriminatory treatment.¹⁰ Article 4 of Law number 40 of 2008 concerning the Elimination of Racial and Ethnic Discrimination states, “Racial and ethnic discriminatory acts are in the form of treating distinctions, exceptions, restrictions, or selection based on race and ethnicity, which result in the revocation or reduction of the recognition, acquisition, or implementation of human rights and basic freedoms in an equal manner in the civil, political, economic, social, and cultural fields.” Strengthening other policy supporters is also recorded in several international instruments. Indonesia has ratified international human rights instruments, such as the International Convention on the Elimination of All Forms of Racial Discrimination 1965 (ICERD), through Law No. 29 of 1999, which concerns the ratification of the ICERD. One of the reasons for the establishment of this convention is that the international community agreed to regulate the elimination of racial discrimination in all forms and manifestations immediately worldwide and to guarantee

⁷ Yogi Zul Fadhli, “Kedudukan Kelompok Minoritas Dalam Perspektif HaM Dan Perlindungan Hukumnya Di Indonesia,” *Jurnal Konstitusi*, no. Vol 11, No 2 (2014) (2014): 352–70.

⁸ Anna Chorążewska, “The Principle of Equality as a Challenge to the Democratic Rule of Law the Constitutional Idea of Equality,” *Scientific Journal of Bielsko-Biala School of Finance and Law* (PL) 28, no. 4 (2024): 5–12, <https://doi.org/10.19192/wsfp.sj4.2024.1>.

⁹ Zul Fadhli, “Kedudukan Kelompok Minoritas Dalam Perspektif HaM Dan Perlindungan Hukumnya Di Indonesia.”

¹⁰ Ismail Marzuki, “The Rule of Law and the Principle of Equality Before the Law: Theory and Its Manifestation in Indonesia,” *Jurnal Idea Hukum* 10, no. 1 (March 2024), <https://doi.org/10.20884/1.jih.2024.10.1.495>.

understanding and respect for human dignity through a single international instrument legally binding on all states parties.¹¹

Although Indonesia's legal framework recognizes and protects minority rights, implementation is often inconsistent. Many cases fail to reach a just legal resolution due to political pressure or a lack of transparency. Law enforcement practices often demonstrate inequality, disproportionate action by officials, criminalization of minority political expression, and discrimination.¹² The above situation demonstrates how state policy actually mandates the state to fulfill substantive justice to prevent systemic and institutionalized discrimination. Based on the background above, this study examines how the principle of equality before the law is implemented for citizens classified as minority groups and how efforts are made to realize legal equality for these groups, as their rights are often neglected.

1.2 Research Question

The principle of equality before the law has not been fully implemented substantively. The factors contributing to this problem are complex, including social discrimination and stigma against minority groups, which remain strong and influence the attitudes of law enforcement officials. On the one hand, institutional bias, both in policy formulation and in law enforcement practices, tends to lead the law to follow the majority's pressure. Therefore, this study aims to unpack several questions:

1. How is the principle of equality before the law applied to minority groups within the legal system and law enforcement practices in Indonesia?
2. What factors constitute structural, normative, and sociological obstacles to realizing the principle of equality before the law for minority groups?
3. What are the implications of the problematic implementation of the principle of equality before the law for the principles of the rule of law and the guarantee of human rights for minority groups, and how can it be addressed?

B. RESEARCH METHOD

This research is a qualitative study of a normative, juridically based legal research. The research sources are focused on primary legal data, namely the 1945 Constitution, Law No. 39 of 1999 concerning Human Rights, Law No. 40 of 2008 concerning the Elimination of Racial and Ethnic Discrimination, and Law No. 12 of 2006 concerning citizenship. Law No. 29 of 1999 concerning the Ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, 1965, Law No. 12 of 2005 concerning the ratification of the International Covenant on Civil and Political Rights. While secondary legal data will support the study, it will be literature

¹¹ Aftab Alam, "Minority Rights Under International Law," *Journal of the Indian Law Institute* 57, no. 3 (2015): 376–400.

¹² Rofingi, Umi Rozah, and Adifyan Rahmat Asga, "Problems of Law Enforcement in Realizing The Principle of Equality Before The Law in Indonesia," *Law Reform: Jurnal Pembaharuan Hukum* 18, no. 2 (September 2022): 222–37, <https://doi.org/10.14710/lr.v18i2.47477>.

related to legal science and scientific works from other literature that have a relational nature, in the form of other legal science themes. Data collection was conducted using documentation methods from references and literature. The chosen approach was conceptual and legislative. Then, notes were made on the implementation of legal norms that failed to reflect substantive justice. This article will then examine the genesis of stagnation, the framework of diversity, changes, and developments in legal discourse.

C. DISCUSSION

1.1 The Position of The Principle of Equality Before The Law as a Primary Element

This central and fundamental position strongly embodies the principle of equality before the law, a principle that underpins a state based on the rule of law. This principle serves as the spirit of the legal system, demanding that all citizens be treated equally, that there be no immunity from the law, and that the law be a tool of justice, not a tool of power. Thus, the foundation of a state based on the rule of law, both in Indonesia and abroad, can be said to be upright and consistent in real life.¹³

Constitutionally, this principle is outlined in the 1945 Constitution, specifically in Article 27, paragraph 1, which states “all citizens are equal before the law and government and are obliged to uphold the law and government without exception”. This means the article has the highest legal force and serves as the basis for all regulations or policies issued under it. This article apparently provides an understanding for all of us about the enforcement of the principle of legal justice for all citizens, the guarantee of legal certainty and protection of rights that must be equal, the realization of a state of law (*rechstaat*) not a state of power (*machtsstaat*) even though the leader of the country when leading a country must submit to the applicable law, as well as procedures for fostering good legal awareness and obedience for every citizen to the rules and the legitimate government.

Article 1, paragraph 3 of the 1945 Constitution states that Indonesia is a state of law. This is based on A.V. Dicey’s classical theory on the rule of law. Dicey posits that a state of law has three main elements. *First*, supremacy of law, meaning the law holds the highest place over all power. *Second*, equality before the law, meaning everyone must be subject to the same law. *Third*, due process of law, meaning legal protection through the enforcement of a fair judicial system.¹⁴

The principle of equality before the law, if properly implemented, will be crucial for the enforcement of a sound rule of law. This implementation can be seen in the extent to which law enforcement is impartial against perpetrators of violations or crimes, whether officials or ordinary citizens. This requires prioritizing legal protection. This aligns with the principle of maximum safety for citizenship, as stipulated in Law No. 12 of 2006 concerning Citizenship. The judicial process is

¹³ Iwan Riswandie, “Perlindungan Hukum Bagi Masyarakat Marginal Dalam Perspektif Asas ‘Equality Before The Law,’” *SULTAN ADAM: Jurnal Hukum dan Sosial* 1, no. 2 (July 2023): 298–310, <https://doi.org/10.71456/sultan.v1i2.545>.

¹⁴ Dylan Lino, “Albert Venn Dicey and the Constitutional Theory of Empire,” *Oxford Journal of Legal Studies* 36, no. 4 (2016): 751–80.

independent of any person or thing. And the eradication of corruption and abuse of authority is a concrete manifestation of the principle of legal equality. However, in reality, this principle is always hampered by, for example, economic and social inequality, the influence of political power related to power, discrimination against certain groups, and the weak integrity of law enforcement agencies.¹⁵ Therefore, this principle does not work perfectly. The commitment of the state and society is needed to strengthen the rule of law and ensure that no one is immune from the law.

Article 7 of the 1948 Universal Declaration of Human Rights (UDHR) states that "all are equal before the law and are entitled without any discrimination to equal protection of the law". This means that everyone has the right to equal legal standing before the law without discrimination. Furthermore, equal standing before the law is also stated in Article 26 of the International Covenant on Civil and Political Rights, which states that all are equal before the law and are entitled without any discrimination to equal protection of the law. The protection of fundamental and human rights without any distinction is a fundamental policy inherent in international human rights law. In this regard, the law prohibits all forms of discrimination and guarantees equal and effective protection to all persons against discrimination on any basis, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. This international covenant has also been ratified by Indonesia through Law Number 12 of 2005 concerning the Ratification of the International Covenant on Civil and Political Rights. Thus, Indonesia has internationally agreed to guarantee equality before the law for all people, including vulnerable minority groups.

A state based on the rule of law is a concept in which all aspects of state life, including government, society, and state institutions, are conducted in accordance with applicable laws, both written and unwritten. The perspective of a state based on the rule of law holds that law is the supreme law, or the highest authority that regulates and limits the actions of all parties, including the government. Several principles of a state based on the rule of law include the supremacy of law, meaning that all citizens, including those in power, are subject to the law; justice and legal certainty must be enforced fairly and consistently. It is mean citizens have the right to equal treatment before the law.¹⁶ Furthermore, the protection of human rights, so that the state absolutely respects, protects, and fulfills the basic rights of its citizens. In addition, independent and impartial justice towards judicial institutions that are free from the influence of political power and have the authority to test and enforce the law objectively.

As concrete evidence that Indonesia adheres to the principle of a state of law, article 1, paragraph (3), of the Indonesian constitution states that the state of

¹⁵ Suhendar and Rino Dedi Aringga, "Equality Before the Law in Law Enforcement in Indonesia," *Sinergi International Journal of Law* 2, no. 1 (January 2024): 38–48, <https://doi.org/10.61194/law.v2i1.109>.

¹⁶ Haryoko Bambang Widjayanto and Yoga Tri Hartanto, "The Rule Of Law, The Constitution, And Democracy In In-Donesian State Administration Practice," *International Journal of Law, Crime and Justice* 2, no. 4 (December 2025): 54–59, <https://doi.org/10.62951/ijlcj.v2i4.838>.

Indonesia is a state of law. The characteristics of an Indonesian state of law are based on Pancasila and the 1945 constitution, recognizing the supremacy of law, aligning with the values of social justice, guaranteeing human rights, and placing the judiciary as an independent power. However, the real challenge in realizing the principle of equality before the law is not easy, regarding equal treatment before the law. The law may guarantee it, but enforcement practice is often undermined by power, prejudice, and social stigma. One of the main keys in a state of law is equality before the law, because this principle is a pillar and a solid foundation for protecting citizens, including those classified as minorities, who must receive equal treatment in the eyes of the law without any hint of discrimination.

1.2 Sub Implementation of The Principle of Equality Before The Law for Minority Groups in Indonesia

A minority group is a group in society whose members are fewer than the majority group, or whose social, economic, political, or cultural position is weaker or marginalized. These groups can be distinguished based on various aspects such as (1) religion, for example, Christians in a Muslim-majority country, or vice versa, (2) ethnicity or race, for example indigenous tribes in a country, or immigrant groups, (3) language, for example speakers of regional languages in a country where the majority speak the national language. Social or economic status, (4) physical or mental disabilities, and (5) sexual or gender-based orientation, for example: LGBTQ+. Despite their large numbers, they are still considered minorities. This is because they lack equal power, access to resources, and influence in society. Ethnic or racial minorities are often considered a threat and often give rise to legal problems in Indonesia.¹⁷ Yet every citizen has the right to be treated fairly and to exercise various inherent rights. Non-derogable rights, as stipulated in Article 4 of Law No. 39 of 1999 concerning Human Rights, have become a strong legal basis for protecting legal rights, including the right to be recognized as a human being and the right to freedom of conscience and religion for every citizen.

This reinforces the states obligation to protect citizens from discriminatory treatment, even in emergencies. A similar concept comes from the legal interpretation of the National Human Rights Commission on Article 9 of Law No. 39 of 1999 which states that every citizen has the right to receive equal treatment regarding civil, political, economic, social, and cultural rights in accordance with applicable law, without distinction on the basis of race or ethnicity, which meaning that the state should provide equal treatment to all citizens in legal rights, such as civil, political, socio-economic and cultural rights, without distinction of race or ethnicity.

Various academic studies and the development of new policies have not resolved the issue of discrimination against minority groups, often ignoring the principle of

¹⁷ Fx Hastowo Broto Laksito, "Policy Discrimination against the Minority Group of Flows of Believers Citizens in Indonesia: An Administrative Justice Perspective," *Journal of Law, Environmental and Justice* 1, no. 1 (April 2023): 36–49, <https://doi.org/10.62264/jlej.v1i1.5>.

equality before the law in all matters related to their legal rights.¹⁸ The rise of legal studies in Indonesia demonstrates the emergence of new studies as a benchmark for developing existing laws. Still, some legal issues remain unresolved, such as systemic discrimination against minority groups, which does not fully guarantee substantive justice within society.¹⁹ Legal thinking on substantive justice represents a significant shift that mutually reconstructs the patterns and character of legal action, tangentially influenced by sociopolitical settings, primordialism, and authoritarianism, thereby impacting marginalized and stereotyped communities.

In the Indonesian context, discrimination will evolve into systemic discrimination, a form embedded in the structure, policies, and practices of an institution or social system, creating and maintaining inequality for specific groups. This discrimination is not always blatant or intentionally perpetrated by individuals, but occurs because the existing system has been designed or developed unfairly. Systemic discrimination often occurs in legal and judicial games that are directed towards specific groups by seeing the status of minority ethnic groups being highlighted more often, being punished more severely, or even not receiving fair and proper legal defense.

Justice, according to John Rawls, demands that fundamental freedoms and rights be fulfilled and applied equally to every member of society. Rawls himself sought to establish and organize a just and wise society in which every member has equal opportunities without sacrificing individual freedom. According to him, justice should not simply be a matter of equal distribution, but rather a fair and proportional distribution free of bias or personal interest.²⁰ The above is directly related to the liberty principle and the difference & quality of opportunity principle, which powerfully illustrates the values of equality before the law. A just legal system will be agreed upon by all parties rationally and without personal interest, meaning that the laws created must reflect the common good, not group interests. Inconsistency in the application and enforcement of the principle of equality, where the law can provide special treatment to anyone (the principle of non-privilege), because such a law will be considered blunt at the top and sharp at the bottom.

1.3 An Effort to Realize Legal Equality for Minority Groups

Legal equality for minority groups embodies the principle of equality before the law. John Locke's view teaches that humans agree to form a social contract by delegating some authority to the state. If the state fails to fulfill its obligations to protect the principle of equality before the law by acting arbitrarily, then the people have the right to resist. This explanation also reinforces the intent of Article 28D, Paragraph 1, of the 1945 Constitution, which states that everyone has the right to

¹⁸ Muh Zuhud Al Khaer et al., "Minority Rights in a Multicultural Society in Indonesia," *Golden Ratio of Social Science and Education* 5, no. 1 (March 2025): 53–58, <https://doi.org/10.52970/grsse.v5i1.991>.

¹⁹ Laksito, "Policy Discrimination against the Minority Group of Flows of Believers Citizens in Indonesia."

²⁰ Pan Mohamad Faiz, "Teori Keadilan John Rawls (John Rawls' Theory of Justice)," *SSRN Electronic Journal*, ahead of print, 2009, <https://doi.org/10.2139/ssrn.2847573>.

recognition, guarantees, protection, and certainty of fair law. Furthermore, the legal basis for non-discrimination is stipulated in article 28I Paragraph 2 of the 1945 Constitution, which states that everyone has the right to be free from discriminatory treatment on any basis. The constitutional basis should provide protection for all citizens, regardless of race, ethnicity, or other factors. According to Satjipto Rahardjo, the law must side with the people, especially vulnerable groups, to provide substantive justice, not just formal justice.²¹ The state is obligated to ensure legal equality for all citizens, including minority groups, regardless of ethnicity, culture, or religion.

Enforcing the rule of law in a state based on the rule of law will not be complete if any state action fails to protect existing minority groups. State policies and actions must ensure that they provide benefits to minority groups or the least advantaged. There are several factors that need to be considered together to realize legal equality for minorities. This is referred to as legal efforts or support to maximize the implementation of the principle of equality before the law in a state based on the rule of law and to prevent and minimize systemic discrimination against minority groups. Preventive efforts can be implemented in terms of creating non-discriminatory legislation and bridging legal needs in the aspect of just substance, strengthening legal awareness in every line of society to continue to accept differences without any boundaries so that acceptance of minorities is more open, increasing the application of substantive justice that does not only look at the legal aspect but also sees how the impacts exist in the midst of society as well as monitoring government policies so as not to harm existing minority groups.

Systemic discriminatory treatment is clearly a violation of Human Rights and does not reflect equality, and is contrary to existing policies, both national and international. Meanwhile, the principle of Equality before the law, which is the highest legal basis of Indonesia, holds that every person or citizen has equal standing before the law, regardless of differences, in terms of legal rights, civil rights, etc. The principle of Equality before the law is the primary foundation of a state based on law and democracy. Without this principle, the law can be used as a tool of oppression or discrimination. This is in accordance with Article 27, Paragraph (1) of the 1945 Constitution, which states, "all citizens have equal standing before the law and government and are obliged to uphold the law and government without exception". This means that the law must be applied neutrally and fairly, without favoring the rich, officials, or specific groups. In practice, enforcing this principle requires the integrity of law enforcement officers, public awareness, and the courage to uphold justice without discrimination

Furthermore, repressive legal efforts, this recovery can be achieved through several steps, such as litigation if a citizen's safety is threatened, rights are neglected, and systemic discrimination is violated. Undertake tiered legal efforts such as appeals, cassation, or even judicial review if you feel the decision received through litigation

²¹ M. Zulfa Aulia, "Hukum Progresif Dari Satjipto Rahardjo: Riwayat, Urgensi, Dan Relevansi," *Undang: Jurnal Hukum* 1, no. 1 (June 2018): 159-85, <https://doi.org/10.22437/ujh.1.1.159-185>.

has not achieved true justice. Utilize and seek protection from independent institutions such as the Ombudsman, the National Commission on Human Rights, or the National Commission on Violence Against Women. Judicial review of laws or policies deemed discriminatory so they can be revised according to the wishes of the community. These steps can restore the rights of minority groups, ensuring legal justice and the enforcement of the principle of equality before the law and the rule of law in a state of law.

Law enforcement officials, such as the police, prosecutors, and judges, play a crucial role in upholding the principle of equality before the law for citizens belonging to minority groups. The legal structure within these institutions must not be paralyzed and must act as representatives of the state in protecting its citizens. According to L.M. Friedman, in his theory, the legal system is the set of institutions created by the legal system, such as the police, district courts, and administrative courts, whose function is to support the legal system.²² This component enables the provision of services and the regular administration of law. Beyond the legal structure, there is also the legal substance and legal culture, which are part of the legal system itself.

Guaranteeing access to justice and the state as guardian of justice is an absolute must for every country's citizens, without discrimination. Law enforcement must be neutral and guided by justice and human rights. Law enforcement must understand and respect the collective rights of minorities, as stipulated in international human rights instruments such as the ICCPR and the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

D. CONCLUSION

The principle of equality before the law is a fundamental principle in a state based on the rule of law. This principle affirms that everyone, regardless of religious background, ethnicity, race, gender, social status, or political views, has equal standing before the law and is entitled to fair legal protection and treatment. In Indonesia, this principle is explicitly recognized in Articles 27, paragraph (1), and 28D, paragraph (1) of the 1945 Constitution of the Republic of Indonesia. However, in practice, implementing this principle still faces various problems, particularly for minority groups. This research shows that the main problem is evident in several real-life cases demonstrating unequal legal treatment of minority groups. For example, cases of restrictions or bans on the religious activities of the Ahmadiyah and Shia groups in several regions are often not accompanied by adequate legal protection from the state. Instead of enforcing the law against perpetrators of violence or intimidation, law enforcement officials encourage minority groups to "conform" to maintain public order. Another example is the closure of places of worship belonging to religious minorities, such as churches that have fulfilled administrative requirements but are still closed due to pressure from the majority group. This situation reflects the weak guarantee of equality before the law for minority citizens.

²² Askari Razak, "Mewujudkan Pemilu Adil Dan Bermartabat: Suatu Tinjauan Sistem Hukum Lawrence M. Friedman," *Fundamental: Jurnal Ilmiah Hukum* 12, no. 2 (December 2023): 471-88, <https://doi.org/10.34304/jf.v12i2.185>.

To improve the implementation of the principle of equality before the law for minority groups, several strategic steps are needed. *First*, strengthening the state's commitment to the principle of non-discrimination through firm and consistent regulations and policies. *Second*, increasing law enforcement officials' capacity and sensitivity to human rights and diversity issues, and *third*, strengthening independent oversight bodies so that violations of the principle of equality before the law can be effectively prosecuted. *Fourth*, expanding access to legal aid for minority groups so they can fight for their rights equally. With these steps, the principle of equality before the law will not only become a constitutional norm but also a reality experienced by all Indonesian citizens.

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