

INTISARI

Penelitian ini mengambil judul “Relasi Hukum–Kekuasaan dalam Gagasan Negara Hukum Albert Venn Dicey (1835-1922)”. Isu ini diangkat karena konsep negara hukum Dicey menjadi landasan pembatasan kekuasaan supaya tidak adanya kesewenang-wenangan. Namun, dalam praktik hukum modern masih terdapat jarak antara prinsip negara hukum dan pelaksanaannya. Penelitian ini bertujuan untuk mengeksplorasi prinsip-prinsip negara hukum Dicey dan menganalisis secara kritis implikasi prinsip-prinsip negara hukum dalam konteks sistem hukum modern.

Penelitian ini menggunakan model kualitatif filsafat historis-faktual tokoh. Objek kajian penelitian ini adalah konsep *rule of law* (negara hukum) Dicey dalam karyanya berjudul “*Introduction To The Study Of The Law Of The Constitution*” sebagai sumber primer. Sumber sekunder didukung berbagai literatur berupa buku, jurnal, artikel, dan tulisan akademik lain yang relevan. Analisis dilakukan dengan unsur-unsur metodis kesinambungan historis, interpretasi, deskripsi, dan refleksi untuk menelaah konsistensi gagasan Dicey serta relevansinya dalam konteks filsafat hukum.

Hasil penelitian ini menunjukkan bahwa pertama, konsep negara hukum Dicey bertumpu pada tiga prinsip utama, yaitu supremasi hukum, kesetaraan di hadapan hukum, dan perlindungan hak individu. Kedua, relasi hukum–kekuasaan dalam kerangka Dicey bersifat subordinatif secara normatif, namun terbatas pada dimensi prosedural-formal. Meskipun demikian, teori Dicey belum memadai dalam menjawab persoalan keadilan substantif, ketimpangan akses, dan terdapat adanya potensi hukum dijadikan alat kekuasaan. Oleh karena itu, teori negara hukum Dicey penting menjadi fondasi awal negara hukum, tetapi perlu dilengkapi dengan dimensi moral, sosial, dan institusional supaya efektif dalam membatasi kekuasaan.

Kata Kunci : *Supremasi Hukum, Kesetaraan di Hadapan Hukum, Konstitusi berdasarkan Hak-Hak Individu, Negara Hukum, Relasi Hukum-Kekuasaan*

ABSTRACT

This research is titled “The Law–Power Relation in Albert Venn Dicey’s Concept of the Rule of Law (1835-1922)”. This issue is raised because Dicey’s concept of the rule of law serves as the foundational basis for limiting state power and preventing arbitrariness, however, in modern practice a persistent gap remains between the normative principles of the rule of law and their actual implementation. This research aims to explore Dicey’s principles of the rule of law and to critically analyze the implications of those principles within the context of modern legal systems.

This research uses a qualitative historical-factual philosophical model of the figure. The object of study of this research is Dicey’s concept of the rule of law in his work entitled “Introduction to the Study of the Law of the Constitution” as the primary source. Secondary sources are supported by various literature in the form of books, journals, articles, and other relevant academic writings. The analysis was carried out using the methodical elements of historical continuity, interpretation, description, and reflection to examine the consistency of Dicey’s ideas as well as their relevance within the context of legal philosophy.

The results of this research show that, first, Dicey’s concept of the rule of law rests on three main principles, namely the supremacy of law, equality before the law, and the protection of individual rights. Second, the law–power relation within Dicey’s framework is normatively subordinative, yet limited to the procedural-formal dimension. Nevertheless, Dicey’s theory is not yet adequate in addressing the issues of substantive justice, inequality of access, and the potential for law to be used as an instrument of power. Therefore, Dicey’s theory of the rule of law is important as an initial foundation for the legal state, but it needs to be supplemented with moral, social, and institutional dimensions in order to be effective in limiting power.

Keywords : *Supremacy of Law, Equality before the Law, Constitution based Individual Rights, Rule of Law, Law-Power Relation*