

# Law Enforcement in the Context of Legal Culture in Society

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Conceptual Article

Law Enforcement in the Context of Legal Culture in Society

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ABSTRACT

Law enforcement is a series of processes to describe values, ideas, ideals, and subsequently become legal objectives. The awareness and compliance of sailing administration to Matras fishermen in catching fish is very much determined by the legal culture of the community. The purpose of this discussion is to determine law enforcement in the context of legal culture in society. The results of the discussion conclude that the legal culture of Matras fishermen displays something unique, namely a spiritual presence and a contextual existence. Therefore, law enforcement in the cultural context is sharing space with the other side of the value that is believed to be sacred in religious substance and believing in the value of local wisdom. The pattern of law enforcement with a cultural dimension is a manifestation of synchronization of the various aspects of substance, structure and culture itself

Keywords: Legal Culture; Law Enforcement; Society.

ABSTRAK

Penegakan hukum merupakan rangkaian proses untuk menjabarkan nilai, ide, cita, dan selanjutnya menjadi tujuan hukum. Kesadaran dan kepatuhan adminitrasi berlayar pada nelayan Matras dalam menangkap ikan sangat ditentukan oleh budaya hukum masyarakatnya. Tujuan dari pembahasan ini adalah untuk mengetahui penegakan hukum dalam konteks budaya hukum di masyarakat. Hasil pembahasan menyimpulkan, bahwa budaya hukum nelayan Matras menampilkan sesuatu yang unik yaitu beresensi spiritual dan bereksistensi kontekstual. Maka penegakan hukum dalam konteks budaya berbagi ruang dengan sisi lain nilai yang diyakini sakral dalam subtansi keagamaan dan mempercayai nilai kearifan lokal. Pola penegakan hukum yang berdimensi budaya merupakan perwujudan sinkronisasi atas pelbagai aspek subtansi, struktur dan budaya itu sendiri.

Kata kunci: Budaya Hukum; Penegakan Hukum; Masyarakat.

A. INTRODUCTION

Law can play a role as a support for realizing the development goals in Indonesia. An ineffective legal system will certainly hinder the realization of the objectives to be achieved.

When observed, law enforcement in Indonesia is still not going well and of great concern. The

problem of law enforcement always tends to be in the imbalance of dynamic interactions between the aspects of law in hopes or das sollen, and the aspects of law enforcement in reality or das sein (Rifah 2015).

Law enforcement is a series of processes to define values, ideas, ideals, and subsequently legal



objectives. The ideals of law or legal purpose contain moral values of justice (*Rechtsvaardigheid*), certainty (*rechtszekerheid*), and expediency. The existence of law is recognized when the moral values contained in the law can be implemented. The failure of law to realize this legal value is a threat to the "bankruptcy" of the existing law. Laws with "poor" implementation of moral values will be distant and isolated from the community (Sukriono, 2014)

Satjitpto Rahardjo emphasizes that progressive law emphasizes the human aspect who sees law as a product that is not final but one that still has to be built continuously (*Law in the making*) (Rahayu, 2015).

Progressivism departs from the viewpoint of humanity that humans are basically good and have the qualities of love and concern for others as important assets in building a legal life in society. Progressivism does not want to make law as a technology that has no conscience but an institution with human moral values. Therefore, the assumptions underlying legal progressivism are: a. law is for man and not for oneself; b. law is always in the status of *law in the making* and not final; c. law is an institution that has human moral and not technology which has no conscience (Rahardjo, 2006).

Legal culture is a whole factor that determines how a legal system gets a logical place within the framework of the culture belonging to the public, which is not just a collection of fragments of behavior and thoughts that are independent of each other but

interpreted as a whole social value related to law and attitudes that influence law. (Rahardjo, 2007).

Daniel S. Lev tries to use the concept of legal culture proposed by Friedman to analyze the changes in the legal system in Indonesia since the revolutionary era. Lev divides the two legal cultures into procedural and substantive legal values. Lawrence M. Friedman suggests that there is a legal culture component in legal system, which consists of the values and attitudes that affect the operation of the law.

This legal culture shows how the public and law enforcement officials perceive the law and how the law must be enforced. Legal culture is all forms of human cultural behavior that affect or are related to legal issues.

Jawardi in his research emphasizes that legal culture development strategy wants to create a law-smart society through education, socialization and legal counseling of various laws and regulations in order to comply with and obey the law and uphold the rule of law (Jawardi, 2016).

Syafruddin Makmur in the conclusion of his research says that the success or failure of law enforcement is highly dependent on the legal culture in society through its legal values, work culture and professional behavior of law enforcement officials and education and fostering individual and social behavior. In addition, the awareness of legal ideals (*rechtdede*), moral ideals, political ideals and state goals should reflect the values of life that exist in society and the values contained in Pancasila (Makmur, 2015).

When law enforcement is connected with a systems approach, the pattern will be largely determined by the synchronizations of legal substance, legal structures, and legal culture. From a functional point of view, law enforcement is tested by how capable law enforcers (structures) function and work in maintaining social order and providing protection for the community. From the point of view of substantive norms, law enforcement will be largely determined by the substance of the law to be applied.

The important thing of all is that legal culture is an essential factor in realizing law enforcement in achieving the prospect of awareness and compliance with the law. Legal culture in society is a value that affects the operation of law both functionally and substantially.

An interesting new thing from the legal culture of the fishing community in Matras village, Sungailiat Regency, Bangka Belitung Province is that the awareness of sailing administration for safety in fishing is strongly influenced by a culture that has spiritual potential (divine values) and contextual existence (local wisdom values).

There was a lack of awareness in the fishermen in Sungailiat on the appeal of Indonesian Fishermen Association (HNSI) of Bangka Regency to complement sailing administration as a follow-up to Article 42 of Law No.31 of 2004 concerning Fisheries, stating that every ship that will sail from a fishing port is required to have a Sailing Approval Letter (SPB). When the Fishermen first complete the administration of fishermen, during bad weather, the Waters Police Force (Satpol Air), PSDKP (Supervision of Marine

and Fisheries Resources), and HNSI can easily do monitoring where fishermen do fishing and detect when something happens at sea as an effort to minimize accidents at sea and also receive supervision and security.

The legal awareness of sailing administration for Matras fishermen is highly determined by a culture of obedience that has spiritual importance by believing and trusting in avoiding the risk of accidents in search of fishing livelihoods and fully submissive to the Almighty. Catching fish in the right way that does not damage the ecosystem in the sea is believed to get safety away from harm (accidents).

Besides, contextually, the existence of local wisdom believed by Matras fishermen, when before sailing with the natural signs such as weather conditions and the tide of sea water, is a tradition that passes down to wisdom in determining fishermen to decide when to sail for fishing.

This condition is actually a modality for enforcing the sailing administration law on Matras fishermen when viewed from the system aspect that wants to realize the synchronization of legal substance, legal structure, and legal culture of society.

Thus, the legal regulations governing the sailing administration of Matras fishermen appear on the surface that there is a need for synchronization with the legal culture of society which has settled into daily behavior. Human and behavioral aspects are important discussions in the midst of law enforcement objectives.

Humans are conscious and reflective actors

who unite the objects they know through what Blumer calls *Self Indication*. *Self-indication* is an ongoing communication process in which an individual knows something, evaluates it, gives it meaning and decides to act on that meaning. This process of *self-indication* occurs in a social context in which individuals try to anticipate the actions of others and adjust their actions as he interprets those actions. Symbolic interaction theory contains the main conclusion that social life is formed through the process of interaction and communication between individuals and between groups using symbols that are understood by means of the learning process.

From the explanation above, it can be seen in a concrete manner how legal culture determines how law is implemented. For example, the people's mining activities in the Bangka Belitung Islands are very much influenced by the economic factors of the community to mine as a way to meet their daily needs which forces them to keep mining ( Rahayu, 2012).

In addition, the fishermen in Matras Village, Sungailiat District, Bangka Regency did not carry out sailing administrative procedures for small fishermen there (Suhargo, 2020).

## **B. DISCUSSION**

### **1. The Meaning and Law Enforcement in the Context of Community Legal Culture**

Satjipto Rahardjo gave an explanation of the views of an ancient Greek philosopher named Cicero, who once said, "*Ubi societas, ibi ius*." It means, "Where there is society, there is law." This

expression shows that law has basically always appeared since the first time society existed which was marked by a clash of interests (Rahayu, 2018).

That is just a simple statement that humans are the creatures that cannot live out of the order. However, he did not talk about the complexity between "*societas*" and "*ius*". How intensive and complicated the relationship between the two is not illustrated (Rahardjo, 2007).

The basic or the highest norms are found in society, and these norms are the most prominent and the strongest work on members of society. Parsons argues that what is called a norm is a written description of a series of concrete actions that is seen as something desired. The presence of law in society is not only driven by social imperatives but because of the duties it must carry out.

Sociologically, law is important because it contains a collection of values, rules and patterns of behavior that revolve around basic human needs. Law was created for humans, so law always influences and affects various components around humans, In other words, law does not move in a value-free vacuum.

A rule is made or issued, of course, with the content of expectations that should be carried out by legal subjects as role holders. However, the operation of these expectations is determined not only by the presence of regulations, but also by several other factors. The factors that determine how the response will be given by the stakeholders include: (1) the sanctions contained therein, (2) the activities of law enforcement agencies, and (3) all



social and political forces, and others who work on those role holders.

Law is not only understood as a building of regulations, but also as a building of ideas, culture and ideals. Therefore, it can be understood that law is not only seen as rules and procedures, which all mean value-free. Law is seen as functionally related to the efforts to maintain the continuity of social life, such as maintaining peace, resolving disputes, and eliminating deviations. Briefly, law maintains order and exercises control. When it is related to the process of making up to implementation, law should be seen in relation to the operation of law as a social institution, so the making and implementation of law is seen as a function of society which is full of values. Law in this case plays a very significant role in protecting the rights of people.

According to Seidman, social forces greatly influence the process of law operation starting from the stage of making laws, implementing them, and coming to expected roles. Social forces start to work at the stage of creation and will continue to try to enter and influence every legislative process effectively and efficiently. Then, the regulations issued produce the desired results, but the effect depends on the social forces that surround them.

Law as an institution that works in society has at least three perspectives and functions (AAG Peters, 1985). *First*, the social control perspective of law is one of the most commonly used concepts in social studies. In this perspective, the main function of legal system is integrative because it is intended to

regulate and maintain social regularity in a social system.

Therefore, Berger correctly argues that no society can live permanently without social control from the law as its means. In order for the law to carry out this control function, there are four functional requirements of a legal system; (1) the basic problem of legitimacy which concerns the ideology that is the basis for structuring the legal rule, (2) the problems and obligations of the people who are the target of legal regulation and process, (3) the problem of sanctions and the institutions that apply the sanctions, (4) the problem of law enforcement authority. *Second*, the perspective of *social engineering* is the review most widely used by officials (*the officials perspective of law*) to multiply the sources of power that can be mobilized by using law as the mechanism.

With regard to the function of law, especially the function of social engineering, nowadays what is expected is to make the efforts to mobilize people so that they behave in accordance with new ways to achieve a state of society as envisioned. In order to achieve this goal, the legal awareness of society is needed which contains values, views and attitudes that influence the operation of law, which according to Lawrence M. Friedman is called legal culture.

Law as a means of engineering society involves the use of regulations issued by lawmakers in order to have an effect on the roles played by members of the public and officials. The factors that influence the efforts to utilize law as a means of engineering the community are the activities of the

officials applying for sanctions. The actions of officials applying for sanctions are the basis for any attempt to bring about effective change in society by using the law as a means. For each of these officials, there are a set of objectives for their respective positions, and there are also norms that determine how they should act.

Written law is made to be applied in society because it is a legal ideal. As a result, law can be realized as much as possible in reality. In other words, between *law in books* and *law in actions* should not be much different even though the desire for law in a book with the law in exactly the same fact is just wishful thinking. With the assumption that written law is an ideal law, the gap between written law and in reality is an indication of a problem in *law enforcement* or its effectiveness which is an effort and process carried out and accountable to the government and its officials or to other delegated parties. Ineffective law will certainly affect the goals to be achieved. Law can be said to be effective if human behavior in society is in accordance with what has been determined in the applicable legal rules. Paul and Dias put forward five conditions that must be met to make a law effective: a. It is easy or not the meaning of the legal rules to be grasped and understood; b. The extent to which people in society know the contents of the legal rules concerned; c. efficient and effective mobilization of legal rules; d. the presence of dispute resolution mechanism that is not only easily accessible and accessible to every member of the community but also quite effective in resolving disputes; e. The presence of opinion and

recognition evenly distributed among members of the community that the legal rules are capable of being effective.

According to Phillip Selznick, the development phases of law enforcement are;

1. Primitive stage/ dissemination; law has begun to be penetrated and disturbed from its isolation by a sociological perspective by introducing basic and general sociological justifications into the study of law.
2. Sociological skills stage; sociological action is not just a demonstration and theoretical effort but has begun to enter into in-depth exploration and research using sociological methods.
3. The stage of autonomy and intellectual maturity; the experts again talk about sociological theories but at a very deep level.

Then, in order for a law to be effective and can achieve its goals, several basic elements in the law must work or function properly, i.e: a. Legal rules must be complete and *up to date*; b. Law enforcement must run well and fairly; c. Law enforcement must work sincerely, imaginatively and impartially; d. Legal culture and public awareness must support law enforcement; e. Reward/ punishment must be effective, preventive and repressive

## **2. Concept of Legal Culture**

The concept of legal culture has the advantage of being able to draw attention to the values related to law and legal process but which can be analytically distinguished from them and considered independent. These values are the cultural basis of

legal system, and they are very helpful in determining the system of giving place to legal, political, religious and other institutions at any time in the history of a society. Legal culture consists of fundamental assumptions regarding the distribution and use of social resources, social good and evil, and so on (Rahayu, 2012)

Legal culture has also been included in one of the development programs in the field of law, which is contained in the 1998 GBHN which reads in full as follows : the development in the field of law is directed towards the realization of a national system that is rooted in Pancasila and the 1945 Constitution which includes the development of legal materials, officers, facilities and infrastructure, and culture as the manifestation of a rule of law that more respects and upholds human rights to create an orderly, safe and secure community life. Legal development is carried out through legal reform while still paying attention to the plurality of the prevailing legal order and includes the efforts to increase legal awareness, legal certainty, legal protection, law enforcement and legal services with the core of justice and truth in the framework of an increasingly orderly and orderly administration of the State and the administration of national development. which is getting smoother. The legal culture as meant in the 1998 GBHN concerns the behavior of individuals, wider community, and State officials.

Law enforcement can be observed in reality, which involves a cultural dimension, namely the legal culture which shows how the public and law enforcement officers perceive the law and how the

law must be enforced. Legal culture is all forms of human cultural behavior that affect or are related to legal issues (Rahayu, 2012).

Satjipto Rahardjo sees legal culture as the basis whether a positive law is implemented in society or not because the implementation of positive law is largely determined by the attitudes, views and values they live in.

Mark van Hoecke places legal culture by strengthening his definition by focusing his concept on traditional law, as follows:

*Defining legal traditions or cultures by demarcating them from one another, has, in the Western binary thinking, led to a sometimes rather strict separation, which, in its turn, has led to the 'separation thesis' that denies the possibility of intercultural communication, let alone integration. The separation approach to (legal) cultures is, according to Glenn, largely a typical Western construction of reality, not something which would be 'naturally' or sociologically given. This approach leads to ontological claims as to typical characteristics of those cultures and as to unbridgeable differences when comparing them* (Hoecke, 2006)

Legal culture or legal culture is one of the components to understand the operation of legal system as a process in which the legal culture serves as a bridge that connects legal regulations with the legal behavior of all members of society. Thus, without being supported by a conducive legal culture, a rule or law can be realized as expected by both lawmakers and society as the target of law.

The legal culture that connects legal regulations with the behavior, values and legal attitudes of all citizens of society where these values and attitudes are considered as the basis for the



motor of justice. The legal culture provides fuel for the motor of justice that will drive the motor of existing legal order. Without this driving motor, the legal regulation will become a dead institution, so these values and attitudes are then formulated as legal culture (Rahayu, 2012)

Thus, in brief, it can be said that what is called legal culture is none other than the overall attitude of citizens and the existing system of values in society that will determine how the law should apply in the society concerned.

With the inclusion of legal culture component in the discussion of law, we will be able to see the law more realistically, the law as it is in people's life, so that it can be seen whether the law is used or not in people's lives, including the errors in the use and abuse of law in society. Thus, the legal culture will function as a soul that will animate the legal mechanism as a whole.

The definition of legal culture has a very broad scope. According to Soerjono Soekanto, the concept of legal culture is broader than the teachings on legal awareness as people often discuss because the concept of legal culture also includes legal awareness. Other than legal awareness, there are many other aspects that can be included in the legal culture component.

To provide a broader picture of legal culture, it can be viewed from the opinion of Daniel S. Lev who tried to use the concept of legal culture to analyze the changes in the Indonesian legal system which divide the legal culture into procedural and substantial legal values. The value of procedural law questions how to

organize society in an orderly manner and how to resolve disputes, so it will help determine how the place is given to legal, political and other institutions at all times in the history of the nation and society concerned. Meanwhile, substantial values consist of basic assumptions regarding the distribution and use of resources in society on what is considered good, true, fair or not in the community concerned.

Satjipto Rahardjo explained in the book *Exploiting Social Sciences For Development of Legal Studies concerning Parsons Theory* on the role to understand the legal position in society. The cultural pattern system is one of the centers or supporters of actions taken by society. A person's actions are not without a certain pattern, but they are determined and limited by legal culture. Law can be seen as a force that works normatively by determining explicitly what roles are required from the citizens to carry out. In response to this request, the community embodies it in the form of behavior (Rahayu, 2012).

Concerning the public relations in which a law operates, we can argue that legal system works side by side with other social institutions that operate informally. From this point of view, law can be seen as an *outer framework* dealing with a substantial social order (*inner order of society*). The awareness of the operation of such a substantial social order will greatly assist us in determining the steps that will be taken by law to deal with a problem. Knowing quite well the operation of such an order is like knowing well where the steps will be taken, not only for the purposes of lawmaking but also law enforcement, by knowing the causes of the congestion in there.

Law can be included in both the cultural and social sub-systems respectively because it contains value and performs the function of integrating societal relations and processes. In terms of dynamics, these sub-systems and functions are a cybernetic relationship. One direction shows the energy levels, starting from the highest level (economic sub-system) to the lowest level (cultural sub-system).

The world of culture with the input of values into a legal system is one of the resources for the operation of law. The source of legal system does not only come from cultural sub-system but also other fields in society; one of which is the economy. This economic activity is capable of changing various resources that are useful for their survival. The function of political sub-system is to achieve goals. Society always strives to achieve various goals considered good. What is meant by cybernetical control is that the systems with high information but low energy regulate the systems with less information but higher energy.

### 3. Law Enforcement on the basis of Community Justice.

Law enforcement is aimed at improving legal order and legal certainty in society. It is executed by curbing the functions, duties and powers of the institutions in charge of enforcing the law according to the proportion of their respective scope and based on a good system of cooperation and supporting the goals to be achieved. The level of development of the society where the law is enforced affects the pattern of law enforcement because in a modern society that is rational and has a high level of specialization and

differentiation the organization of law enforcers is also increasingly complex and very bureaucratic (Sanyoto, 2008).

What has changed that is that, previously non-instrumental views of law still substantially held sway, at least among the legal elite (judges, scholars, and leaders of the bar), whereas presently the entire legal culture has come over to a consummately instrumental view. Now instrumentalism permeates every aspect of law. Remaining non-instrumental understandings of and approaches to law continue to circulate, but they have been shunted to the margins as the instrumental view sweeps through the legal culture (Tamanaha, 2008).

IS Susanto in So Woong Kim provides an explanation that there are at least four dimensions that can affect the quality of environmental law enforcement, such as the existence of real environmental laws, violators, victims (communities), and law enforcement officials. The four dimensions are mutually exclusive. influencing and taking place in a political, social, economic, and cultural structure under certain circumstances (Kim, 2013)

Sudarto, as quoted by Zainab Ompu Jainah, means that law enforcement is the cultivation of acts that violate the law that actually or may occur (Jainah, 2012)

Satjipto Rahardjo in his book entitled *Law in the Universe of Order*, as quoted by Derita Prapti Rahayu explains that Law exists in society with the task of maintaining order and providing justice. The question "Law for society" or "society for law" which first raised a dynamic atmosphere were both static

and loss (Rahardjo, 2007) Humanitarian into the framework when talking about the law, grip its own long philosophy conceptual consequences when it began to be implemented in a concrete manner. Talking and working on the law, first begins with discussing and completing the conversation on humans first before discussing the law (Rahayu, 2014).

Carrying out the law is not the same as just applying the letters of the rules, but looking for and finding the true meaning of a rule with spiritual intelligence. *First*, the use of spiritual intelligence to wake up from the adversity of the law gives an important message to us to dare to find a new path (*rule-breaking*) and not allowing oneself to be restrained in carrying out old and traditional laws which clearly hurt the sense of justice. *Second*, the search for deeper meaning should become a new measure in carrying out law and having a rule of law, what are the meaning of regulations, procedures, principles, doctrines and others. *third*, law should be run not according to the principles of logic alone but with feelings, care and a spirit of compassion to the nation.

These aspects of law-the legal culture-influence all of the legal system. But they are particularly important as the source of demands made on the system. It is the legal culture, that is, the network of values and attitudes relating to law, which determines when and why and where people turn to law or government, or turn away (Friedman, 1969).

When it is related to the law-making process, it should be seen in relation to the operation of law as a

social institution, so law-making is seen as a function of society which is full of values.

According to Soerjono Soekanto, law enforcement is an activity to harmonize the relationship of values outlined in principles, solid views and embody them in attitude, acting as a series of final-stage value descriptions to create social peace in life (Soekanto, 1983). Therefore, the law enforcement can be marked by several factors that are closely related: First, the law and rules alone, so there is a need for harmony between existing laws and regulations. Second, the facilities for implementing law are adequate because law is often difficult to enforce and even cannot be handled because the facilities to enforce it are inadequate or unavailable. Third, it is the behavior of the community itself and, fourth, the mentality of law enforcement officers.

The explanation above shows that law enforcement, apart from being determined by the legal rules, facilities and the mentality of law enforcers also very much depends on the awareness and compliance factor of society which is called legal culture, both personally and within their respective social communities. In the end, it returns to the human element (culture) which determines the true colour. In the last analysis, it is the human being that counts so that the existence of a good and correct law does not automatically guarantee a good and right community life. The existence of police, prosecutors, judges, lawyers or in this case the n Civil Service Police (Satuan Polisi Pamong Praja) as

direct and formal law enforcers has not guaranteed the enforcements of law and rule of law.

In line with law enforcement efforts, as expressed by Lawrence M. Friedman, law must be interpreted as a legal substance (content of law), legal administration (structure of law) and a culture of law (culture of law). The first element of "legal substance" speaks of the content rather than the written provisions of law. The second element is that "legal officers" is a device in the form of a system of work procedures and implementation of what is regulated in the substance of law. Meanwhile, the last element is "legal culture" which is complementary to encourage the realization of "legal certainty" on how the community's legal culture is based on legal provisions and officers.

Cultural factors require the presence of legal awareness (conviction) of community members to avoid prohibited actions, to carry out their duties and obligations as community members, and to suffer legal consequences when violating law. The legal awareness of the 'jusciabel' is strongly influenced by culture, knowledge, and community education (Sukriono, 2014).

Satjipto Rahardjo quoted by Muhammad Zulfadli, formulates law enforcement as a process to make legal desires come true (Ruman, 2012).

This element of legal culture is no less important than the two elements above because the upholding of legal regulations will greatly depend on the "legal culture" of the community. The legal culture of society depends on the legal culture of its members which is influenced by educational

background, environment, culture, position or titles, and even interests. Thus, law enforcement is not only applied through legislation, but also how to empower legal officials and facilities. Similarly, what is equally important is how to create a community legal culture that is conducive to law enforcement.

Legal relations do not only include the relationship between legal subjects, but also between legal subjects and objects. The basis of this relationship is the principles of justice in social life. Therefore, when the public's understanding sees that positive law is a representation of the sense of justice in society, the legal awareness of society will form a legal culture that is obedient and subject to the applicable positive law.

There is something very interesting to observe in the constitutions of other countries where the basic legal arrangement is guided by a moral mindset. This shows that the legal culture adopted does not only view the law of *an sich* or law is law. The view of *an sich* law is in the context of legal institutions based on legal theory to seek appropriate and effective legal patterns. Then, the point is to find a synthesis between the legal mindset and other legal institutions like a legal institution that contains morals. Therefore, the law that overcomes legal problems becomes meaningful because this moral law is compatible with a sense of justice. This is in line with one of the aims of John Rawls's theory of justice. In *A Theory of Justice*, Rawls said; to articulate the concept of justice is to do it by incorporating moral considerations in making laws, policies, and actions to achieve justice.

Soerjono Soekanto quoted by Husein Maruapey explains that the essence of law enforcement lies in the activity of harmonizing the relationship of values that are outlined in solid and embodied principles and attitudes as a series of final stage value descriptions, to create, maintain and maintain peace in social life (Maruapey, 2017).

Therefore, it can be said that law enforcement does not merely mean the implementation of laws. Law enforcement efforts carried out based on a legal culture on the basis of justice must be put forward. When the aspect of justice is the main basis for positive legal rules and a measure of human behavior, law enforcement efforts can be made within the framework of achieving a balance of life between humans so as to create justice, peace, order and general goodness in society. Law enforcement depends on the legal culture of the community, such as various ideas, attitudes and expectations of the people about law. The legal culture of society depends on the legal culture of its members which is influenced by their educational background, environment, culture, position or titles, and even interests.

This is in line with Tracey L. Meares' opinion that the Social Organization theory focuses on the infrastructure of relationships in a community (what I have referred to elsewhere as norm highways), and it specifies how ideas, norms, and values that are centered around compliance can be promoted and promulgated (Meares, 2000).

When the "substance" of positive law is good and correct, in the sense of legitimacy and reflecting

the sense of justice of the community, the "legal structure" is adequate. Then, the last one is how the "legal culture of the community", namely all stakeholders starting from lawmakers, the people who are the target of regulation. and legal officials who will apply the positive legal sanctions. It is from this legal culture that wraps laws that contain morals and ultimately determine their form. The importance of legal culture in legal construction is in line with Friedman's illustration; when "legal system" is likened to producing a good, the position of "legal substance" is likened to what goods are produced and "legal structure" is likened to machines managing goods. Meanwhile, "legal culture" is likened to the people who run the machine and are obliged to turn on, run and turn off this machine, in order to determine the merits of the goods produced.

A good legal culture will make the members of the supporting community able to express well, positively and negatively and to produce good works (Ismayawati, 2011), and civilization of law must be carried out from an early age and starting from the household as the smallest miniature of the rule of law. to achieve a civilized society today and in the future.

As emphasized by Hummer that changes in law enforcement must be improved as long as law enforcers also care about various aspects of society, but the changes in law enforcement cannot be ignored. With other shifts in paradigm over past decades, reform may only occur when public pressure to change becomes great (Hummer, & Nalla, 2003).

### C. CONCLUSION

Law enforcement is a process to bring law into reality. Law has a reciprocal relationship with the people; that is why the law cannot be separated from legal culture. Through a systems approach, the pattern of law enforcement is determined by the synchronization of substance, structure and culture. Functionally, law enforcement will work determined by law enforcers. Substantially, legal norms are the basis for providing protection, both in terms of repression and prevention. The other most important aspect is that legal culture is an indicator of realizing law enforcement. Being aware and obeying the law is an essential goal of law enforcement. The Matras fishermen's legal culture displays something unique, with its spiritual and contextual existence. Therefore, law enforcement in the cultural context of sharing space with the other side of the value is believed to be sacred in the divine substance and believing in the value of local wisdom. The pattern of law enforcement with a cultural dimension is a manifestation of synchronization of the various aspects of substance, structure and culture.

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