



Increasing Legal Effectiveness in Cipasung Village, Lemahsugih District, Majalengka Regency, West Java

Belardo Prasetya Mega Jaya^{1*}, Chatri Pratiwi Ningrum², Trixi Karinina Dewi Sindhutomo³ Akbar Ari Rangga Prabu Zulkifar⁴ Wilda Riva Fadhilah⁵ Anabela Callista Zahwa⁶ Firanda Bery Amini⁷ Meutia Irdina Khairunnisa⁸ Yoshi Daud Shimada⁹ Christian Sandy Pangestu¹⁰ Nasrul Hidayat¹¹

^{1*} Departement of International Law, University of Sultan Ageng Tirtayasa

² Departement of Criminal Law, University of Brawijaya

³ Departement of Public Policy, University of Gadjah Mada

⁴ Department of Business and Finance, University of Diponegoro

⁵ Department of Communication Studies, Indonesia University of Education

⁶ Department of Mass Communication, Indonesian Television Academy

⁷ Department of public administration, University of Brawijaya.

⁸ Departement of Food Science and Biotechnology, University of Brawijaya

⁹ Department of Economi Development, University of Airlangga

¹⁰ Department of Analytical Chemistry, Bandung Institute of Technology

¹¹ Senior High School 01, Pekalongan.

belardoprasetya@untirta.ac.id^{1*)}

Abstrak

Salah satu permasalahan yang terjadi di Desa Cipasung adalah mengenai kesadaran hukum masyarakat dan penyelesaian sengketa/konflik antar warga tidak terselesaikan dengan baik sehingga hukum tidak berlaku efektif. Oleh karena itu, tujuan penelitian ini adalah untuk: (1) Menjelaskan dan menganalisis efektivitas hukum dalam masyarakat; (2) Menjelaskan dan menganalisis Bagaimana Implementasi dalam meningkatkan efektivitas hukum di Desa Cipasung Kecamatan Lemahsugih Kabupaten Majalengka Jawa Barat. Pendekatan yang digunakan dalam penelitian ini adalah pendekatan kualitatif, dengan metode deskriptif. Efektivitas hukum dalam masyarakat ditentukan oleh berbagai faktor; faktor hukum, faktor penegakan hukum, faktor fasilitas, faktor kesadaran hukum masyarakat, dan faktor budaya hukum. Pelaksanaan peningkatan efektivitas hukum di Desa Cipasung adalah dengan melakukan beberapa program yaitu program ruang baca tulis, sekolah alam, diskusi dengan perangkat desa dan masyarakat mengenai hukum, tujuan dan fungsi hukum, tata cara & cara penyelesaian masalah hukum kesadaran hukum, dan budaya hukum. Dengan program-program tersebut akan meningkatkan pengetahuan dan kesadaran hukum masyarakat sehingga hukum dapat diterapkan secara efektif di Indonesia Desa Cipasung.



Kata Kunci: Kesadaran Hukum; Desa Sadar Hukum; Desa Cipasung; Majalengka; Jawa barat

Abstract

One of the problems that occurred in Cipasung Village is regarding the legal awareness of the community and the resolution of disputes/conflicts between citizens was not resolved properly so that the law did not apply effectively. Therefore, the objectives of this study are to: (1) Explain and analyze the effectiveness of law in society; (2) Explain and analyze How the Implementation in increasing the effectiveness of law in Cipasung Village, Lemahsugih District, Majalengka Regency, West Java. The approach used in this study is a qualitative approach, with a descriptive method. The effectiveness of law in society is determined by various factors; legal factors, law enforcement factors, facilities factors, community legal awareness factor, and legal culture factor. The implementation of increasing the effectiveness of law in Cipasung Village is by carrying out several programs, namely the literacy room program, nature school, discussions with village officials and the community regarding law, purposes and functions of law, procedures & methods for solving legal problems, legal awareness, and legal culture. With these programs, it will increase public knowledge and legal awareness so that the law can be applied effectively in Cipasung Village.

Keywords: Legal Awareness; Law-Conscious Village; Cipasung Village; Majalengka; West Java

Introduction

Life in society will not be separated from a problem. In addressing these problems, basic rules are needed or better known as “law”. As the adage mentioned by Cicero, “*ibi societas, ibi ius*” means “where there is society there is law”.¹ That statement means, in a community there are rules or laws that are obeyed. Article 1, paragraph (3) of The 1945 Constitution of the Republic Indonesia (UUD NRI) states that, “Indonesia is a state of law”. It means that every state administration must be based on applicable rules/laws, and the law must always be upheld in the life of the nation, state, and society. Not only the government as a legal structure that must implement the law consequently, but also the community is obliged to obey the existing law in order to fulfill the synergy between the rule of laws as a substance, law enforcement as a structure, and the community as a conduit of legal culture in order to achieve legal purposes.² Indonesia has known laws, not only in the modern times but since Indonesia was colonized by other countries, there has been a law that regulates the society, which is called Customary Law of Adat Recht (term from the Dutch language). The Customary Law was born in the midst of the local

1 Rahman Amin, *Pengantar Hukum Indonesia*, Deepublish, Yogyakarta, 2019 as quoted by Elpia Simahara, Teuku Yudi Afrizal, Fauzah Nur Aksa, “Pelaksanaan Perkawinan Angkap Pada Masyarakat Adat Gayo Ditinjau Menurut Kompilasi Hukum Islam (Studi Penelitian Di Kabupaten Bener Meriah)”, *Jurnal Ilmiah Mahasiswa Fakultas Hukum (JIM FH)*, Volume IV Nomor 3, Oktober 2021, p. 407.

² Puspa Yuliasari, Idrus Affandi, Dwi Iman Muthaqqin, “Implementation of Legal Conscious Village Program in Improving Legal Awareness of Trusmi Wetan Villagers”, *Jurnal Civicus*, Vol. 19 No. 2, Desember 2019, p. 39

community, with negotiations or deliberation attended by the community and led by a Customary Chief (Kepala Adat) or the equivalent.

The existence of legal pluralism in Indonesia during the colonial era are customary law, Islamic law, and Western law. Furthermore, the government is trying to unify the existing regulations in national law in the hope of providing legal certainty and regulations can be centralized properly. The term is known as national law. National laws are made by the government as a form to regulate, protect, and enforce human rights.

The lack of access to information regarding legal rules in Indonesia sometimes makes people confused or “blind” to the applicable law. Usually it is experienced by people who live far from urban areas because of the absence of internet access due to difficult signals, the absence of technology, and the absence of competent people in the field of law to share their knowledge, as well as other causes that cause people to be blind to existing legal rules. In addition, Article 2 paragraph (3) of the 145 Constitution of the Republic Indonesia also explains that the community has an equal position before the law or the principle of equality before the law. The principle of equality before the law is something that must be carried out. With this principle, justice can be felt by the community.³ People in voicing the legal protection for themselves, they must first understand the basics of law regulated in this country.

The activity under one of the non-government organizations, namely Lintang Nuswantara, succeeded in collaborating with 30 young people from various regions throughout Indonesia to carry out community service (volunteer) and research based on *community local tourism*, named Lintang Muda Mengabdi #1: *The Exotic Sundaland Majalengka*. The community service was carried out in Cipasung Village, Majalengka Regency with a total population of 2143 people with details of 1040 men and 1094 women.⁴ The community service program is divided into 4 (four) divisions; Education and culture division, Health division, Social and Environmental division, and Tourism and creative economy division. Each division has its own agenda to provide advice and find solutions related to the problems that exist in the village.

One of the problems that occurred in Cipasung Village was regarding the legal awareness of the community and the resolution of disputes/conflicts between residents was not resolved properly. Dedi Hermanto, the Head of Cipasung Village, Lemahsugih District, Majalengka Regency, West Java, said that “it was happen because of a lack knowledge about the law”. Disputes or conflicts that occur in the community per 3rd month of 2022 where there are cases of fights and cases of robbery/theft where the perpetrators are local villagers. Based on the statement when doing the sharing session that the problems that occurred were not completely closed. Dedi Hermanto also said, “perhaps, competent human resources (HR) in the legal field are one of the main factors so that the resolution of existing conflicts does not run optimally. The law has not been obeyed effectively by the community, both in obeying the law and in solving the law.”

Based on this description, this study aims to (1) explain and analyze how appropriate steps are to increase legal awareness in the village; and (2) Explaining and analyzing how to implement in increasing legal effectiveness in Cipasung Village, Lemahsugih

³ Ridwan, Ahmad Lanang Citrawan, Belardo Prasetya Mega Jaya, dkk, “Penerapan Prinsip Persamaan di Depan Hukum Dalam Penanganan Perkara Tindak Pidana Korupsi di Pengadilan” *Masalah-Masalah Hukum*, Jilid 51 No.2, April 2022, p.171.

⁴ The data is taken from the 3rd month of 2022 Cipasung Village Profile.

District, Majalengka Regency, West Java. Based on the background of the existing problems, this research was made with the title, “**Increasing Legal Effectiveness in Cipasung Village, Lemahsugih District, Majalengka Regency, West Java**”.

Implementation Method

The approach used in this research is a qualitative approach, with a descriptive method. Researchers used this approach and method because it made it easier for researchers to observe, process research data, and describe the implementation of the law-conscious village program in Cipasung Village, Lemahsugih District, Majalengka Regency, West Java.

The data collection techniques used were interviews with predetermined research subjects, documentation studies, and also observations by observing research subjects concerning behavior, habits, environmental conditions of the people of Cipasung Village, Lemahsugih District, Majalengka Regency, West Java.

Result and Discussion

A. Factors of Legal Effectiveness in Society

Soerjono Soekanto also stated that the effectiveness of law in society is determined by various factors, namely legal factors, law enforcement factors, facilities factors, community legal awareness factors, and legal culture factors.⁵ The legal factor itself is seen from whether the law meets the juridical, sociological, and philosophical requirements. In essence, the implementation of law does not only include law enforcement, but also peace maintenance, because the implementation of law is a process of harmonization between the values of the rules and real behavior patterns that aim to achieve peace. Every social problem can not only be solved by written law, laws and regulations can not regulate all human behavior, the contents of which are clear to every member of the community they regulate and match the need to implement regulations and the facilities that support them. Then the statutory regulations can be complemented by laws that are recognized and applicable in the community or what is called customary law.

The law enforcement factor is seen from how the performance of law enforcers is, whether law enforcers have really carried out their duties and obligations properly. The facilitation factor is seen from whether the infrastructure has supported the law enforcement process. Without the existence or support of adequate facilities, it is not easy for law enforcement to take place properly, which includes, among others, highly educated and skilled human workers, good organization, adequate equipment, sufficient finances, and others. If these are not fulfilled, it will be difficult for law enforcement to achieve its objectives. Education about the law is very important for law enforcers and the public, because the law will be obeyed if law enforcers and the public understand the law.

The community's legal awareness factor is seen from whether the community has the awareness and commitment to obey the law. This factor becomes very important to determine whether the law is obeyed or not by the community. Among people who are not familiar with the law are of the opinion that the existence of law enforcement institutions and apparatus as well as strict legal sanctions are essential factors for the

5 Soerjono Soekanto, *Faktor - Faktor yang Mempengaruhi Penegakan Hukum*, Jakarta, Raja Grafindo Persada, 2004, p. 8.

existence of a legal rule, but the existence of a legal norm is actually more determined by the attitudes and views and legal awareness of the community. . Legal awareness also includes how to enforce the law in the community. The community should not take justice into their own hands against the perpetrators of crime, but must take good legal procedures.

Legal awareness is one of the most essential elements in achieving legal values and objectives. This statement is supported by the opinion of Muthaqin who stated that "harmony can be carried out if a citizen has awareness of the applicable laws and lives in his country, this is needed to uphold justice and truth and promote public welfare", thus, it can be said that legal awareness is a basis for the realization of legal values and objectives, because if the existing law in society is implemented with full awareness, then the values of legal certainty, expediency, justice and the purpose of the law to achieve prosperity, happiness, and order for the people who run it will also be materialized.⁶

Soekanto suggested that there are 4 indicators that form legal awareness sequentially (step by step) in his journal, namely:⁷

1. Legal knowledge; is a person's knowledge regarding certain behaviors regulated by written law, namely about what is prohibited and what is allowed.
2. Legal understanding; information owned by a person regarding the contents of the rules (written), which about the content, purpose, and benefits of the regulation.
3. Legal attitude (legal attitude); is a tendency to accept or reject the law because of an appreciation or realization that the law is beneficial for human life. In this case, there is already an element of appreciation for the rule of law.

The legal culture factor can be seen from the existence of a "shame culture" or a culture of guilt feelings from members of the public. "shame culture" is a culture where notions such as "respect", "reputation" "good name", "status" and "prestige" are highly emphasized. When someone commits a crime, this is not considered something bad for granted, but something that must be hidden for other people, when a mistake is known to other people, the perpetrator loses self-esteem.⁹

In daily life, people often talk about culture. Culture, according to Soerjono Soekanto, has a very large function for humans and society, namely to regulate so that humans can understand how they should act, act, and determine their attitudes when they relate to other people. Thus, culture is a basic line of behavior that sets rules about what to do, and what is forbidden.¹⁰

B. Increasing the effectiveness of law in Cipasung Village, Lemahsugih District, Majalengka Regency, West Java

As previously explained, the effectiveness of law in society is determined by various factors, namely legal factors, law enforcement factors, facility factors, community legal awareness factors, and legal culture factors. With the intention of increasing the effectiveness of law in Cipasung Village, Lemahsugih District, Majalengka Regency, West Java, these five factors must be considered. The law can apply effectively if the five

6 Dwi Iman Muthaqin, "Analisis Kesadaran Hukum Masyarakat terhadap Kegiatan Perbankan Tanpa Izin sebagai Bentuk Kejahatan Korporasi". *Jurnal Civicus*, Vol. 20 No. 2, 2016. p. 14.

7 Soerjono Soekanto in Elly Rosana. "Kepatuhan Hukum sebagai Wujud Kesadaran Hukum Masyarakat". *Jurnal TAPIS*, Vol. 10 No. 1, 2014. p. 14.

factors have been implemented by the village. In this discussion, the situation, conditions and problems that exist in the village regarding these five factors will be described along with the solutions provided based on the discussion of the research team and officials in Cipasung Village, Lemahsugih District, Majalengka Regency, West Java.

1. Legal Factors

Based on interviews with the village head, the problem with the rule of law in Cipasung Village is the lack of dissemination of the rule of law regulated by the government, it is causing the community to not have the idea of the rules of law that applied (*Ius Constitutum*). The solution is to conduct outreach or counseling on applicable law (*Ius Constitutum*) in Indonesia to the public. In addition, the dedication and research team Lintang Muda Nuswantara supported by the village head to create a literacy program. In the literacy room, the Lintang Muda Nuswantara service and research team collaborated with several parties (stakeholders), namely the Ministry of Education and Culture, Sultan Ageng Tirtayasa University and other parties to contribute and complete the books as well as the applicable laws and regulations so that the community can read and add to his knowledge of the law.



Figure 1. Literacy Room Program

The second problem is regarding the absence of strict sanctions or law enforcement for residents against actions committed by villagers, such as for example there is no law enforcement against residents who litter, traffic violations and so on. The solution is for village officials to make rules or policies that will give sanctions to people who still violate them. In addition, the efforts of the Lintang Muda Nuswantara service and research team are to educate young people to obey traffic rules and provide understanding to children in Cipasung village about the dangers of littering, recognize types of waste and understand how to manage waste through natural school program.



Figure 2. Nature School Program

2. Law Enforcement Factors

The problem that occurs in law enforcers in Cipasung Village is that conflict resolution often does not run optimally and is not resolved properly. The solution is to hold discussions and briefing law enforcers and the public on how to resolve conflicts or legal issues.



Figure 3. Discussion Program on Procedures and Methods of Settlement of Legal Issues

During the discussion, procedures and ways to resolve legal issues were discussed. The Lintang Muda Nuswantara servicer and research team recommends that every legal issue in the village be resolved first in the village by means of mediation because going to court is a last resort (*ultimum remidium*). In addition, the settlement of legal issues can also be resolved with restorative justice. Restorative justice is a method that is philosophically designed to be a resolution to what is happening by improving the situation or losses arising from the conflict. Restorative justice is a model of punishment handed down by courts/law enforcers based on restoring the victim's rights as much as possible so that they are like before the crime occurred.

3. Facilitation Factor

The facilitation factor is seen from whether the infrastructure supports the law enforcement process, including education about law. Based on an interview with the Village Head, Dedi Hermanto said that "perhaps" Human Resources (HR) who are competent in the field of law are one of the main factors in the ineffectiveness of law enforcement in Cipasung village. The solution is to hold discussions and brief the public regarding the law.

Figure 4. Discussion Program on Law



4. Public Legal Awareness Factor

The factor of public legal awareness is seen from whether the community has awareness and commitment to obey the law. The problem in Cipasung village is that there are still many Cipasung village people who do not have awareness of the law. The solution is to hold discussions and brief the public regarding the purpose of the law and the importance of obeying the law. Legal awareness is the output of the process of discussion activities.

The stage of legal awareness becoming law-abiding can occur if in the process of understanding, the public appreciate the existence or the benefits of law to life together

in the public concerned, and this is if the community members know the purpose and duties of the law that are actually needed.



Figure 5. Discussion Program Regarding Legal Awareness, Legal Purposes and Functions

5. Legal Culture Factors

The legal culture factor can be seen from the existence of a "shame" culture or a culture of feelings of guilt from members of the public. The problem in Cipasung Village is that there are still many Cipasung Villagers who do not yet have a culture of "shame" and "fear" when breaking the law. The solution is to hold discussions and brief the public regarding legal sanctions and legal consequences. With this discussion, the village community will better understand the consequences or consequences if they break the law.



Figure 6. Discussion Program on Legal Culture

In this discussion, this concept is relatively newly developed, and one of its uses is to be able to find out about the values of legal procedures and their substance. If the teachings about legal awareness are compared with the conception of legal culture, the conception of legal culture is broader in scope. This is because law exists in every human society, no matter how simple and small that society is. Because the law is part of the culture, the law can not be separated from the soul and way of thinking of the people who support that culture. In fact, even further, it can be said that the law is the embodiment of the soul and way of thinking of the people concerned.⁸

Conclusion

The effectiveness of law in society is determined by various factors, namely legal factors, law enforcement factors, facilities factors, community legal awareness factors, and legal culture factors. The implementation of increasing the effectiveness of law in Cipasung Village is by carrying out several programs, namely the literacy program, children's natural schools, discussions with village officials and the community regarding law, the purpose and function of law, procedures & ways of solving legal problems, legal awareness and legal culture. The existence of these programs will increase the community's knowledge and understanding of the law so that the law can apply effectively in Cipasung Village.

8 Atang Hermawan Usman, "Kesadaran Hukum Masyarakat Dan Pemerintah Sebagai Faktor Tegaknya Negara Hukum Di Indonesia", *Jurnal Wawasan Hukum*, Vol. 30 No. 1 Februari 2014, p. 35.

Acknowledgments

The author would like to thank the Lintang Nuswantara Foundation and the committee for holding a community service program in Cipasung Village, Lemahsugih District, Majalengka Regency, West Java. The author also thanks the Head of Cipasung, Lemahsugih District, Majalengka Regency, West Java and his staff who have helped provide data and information related to this research.

References

- Amin, Rahman. (2019). *Pengantar Hukum Indonesia*, Deepublish, Yogyakarta.
- D.I. Muthaqin. (2016). "Analisis Kesadaran Hukum Masyarakat terhadap Kegiatan Perbankan Tanpa Izin sebagai Bentuk Kejahatan Korporasi". *Jurnal Civicus*, Vol. 20 No. 2. 12-22. DOI: <https://doi.org/10.17509/civicus.v16i2.5128>
- Ridwan, Ahmad Lanang Citrawan, Belardo Prasetya Mega Jaya, dkk. (2022). "Penerapan Prinsip Persamaan di Depan Hukum Dalam Penanganan Perkara Tindak Pidana Korupsi di Pengadilan" *Masalah-Masalah Hukum*, Jilid 51 No.2,171-178. DOI: 10.14710/mmh .51.2.2022.171-178
- Rosana. (2014). "Kepatuhan Hukum sebagai Wujud Kesadaran Hukum Masyarakat". *Jurnal TAPIS*, Vol. 10 No. 1. 1-25. DOI: <https://doi.org/10.24042/tps.v10i1.160>
- Simahara, Elpia. Afrizal, Teuku Yudi. Aksa, Fauzah Nur. (2021). "Pelaksana Perkawinan Angkap Pada Masyarakat Adat Gayo Ditinjau Menurut Kompilasi Hukum Islam (Studi Penelitian Di Kabupaten Bener Meriah)", *Jurnal Ilmiah Mahasiswa*, Fakultas Hukum (JIM FH), Volume IV Nomor 3, Oktober, 406-420. DOI: <https://doi.org/10.29103/jimfh.v4i3.6031>
- Soekanto, Soerjono. (2004). *Faktor - Faktor yang Mempengaruhi Penegakan Hukum*, Jakarta, Raja Grafindo Persada
- Usman, Atang Hermawan. (2014). "Kesadaran Hukum Masyarakat Dan Pemerintah Sebagai Faktor Tegaknya Negara Hukum Di Indonesia", *Jurnal Wawasan Hukum*, Vol. 30 No. 1 26-53. DOI: <http://dx.doi.org/10.25072/jwy.v30i1.74>
- Yuliasari, Puspa. Affandi, Idrus. Muthaqin, Dwi Iman. (2019). "Implementation of Legal Conscious Village Program in Improving Legal Awareness of Trusmi Wetan Villagers", *Jurnal Civicus*, Vol. 19 No. 2, Desember, 39-48, DOI: <https://doi.org/10.17509/civicus.v19i2.16624>