

Law Enforcement based on Community Social Culture Approach

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Abstract. Policing an interaction is basically the use of circumspection that includes pursuing choices that are not rigorously managed by lawful principles but rather will have individual components. As per Roscoe Pound, carefulness' embodiment lies among regulation and ethics. The variables that impact policing the actual law, policing, offices or offices, local area factors, and social elements. Differences in public perception of the provisions and regulations will result in different law enforcement between certain community groups and other community groups, or cultural pluralism will lead to the emergence of pluralism in cultural enforcement which can affect law enforcement. It happens especially if the culture already has its method of dealing with cases of violations or other disgraceful actions that occur in the community. In this case, even law enforcement based on positive law must first be put aside and prioritize a cultural approach. "Het recht hinkt achter de feiten aan" means that the law shuffles along with the facts. So, the law is behind the facts, in the sense that reality is what inspires the emergence of law. Of course, many facts are happening around us, yet not all of it must be confirmed as legal norms. Facts that deserve to be confirmed as law are facts that occur repeatedly, which then form the same pattern of behavior repeatedly. The pattern is felt to be binding, in the sense that it imposes obligations on those who carry it out. If there are people who violate these obligations, there is a strong impression that sanctions should be imposed on that person.

Keywords: law enforcement; culture; society

1 Introduction

More or less fifteen years ago the demands for reform echoed so loudly, this was a proactive attitude from most of the Indonesian people, especially from students, scholars, scholars, and academics, in line with the economic, political, and socio-cultural crisis and the crisis of trust. The condition is indeed very complex, the issues that arise are not only limited to reforms in the economic and political fields but also reforms that are no less important, namely reforms in the field of law.

The tidal wave of reform fifteen years ago also dragged the legal field which had been almost drowned. The trigger is none other than economic fragility. The legal reforms emerged and were voiced in various mass actions, dialogues, and symposiums, which raises the question for us now of where to start the legal reforms. Legal experts believe that legal reform begins with constitutional amendments and is no longer laws and regulations that respond to the current situation, and issues of law enforcement and legal awareness must be continuously socialized, and people often We think forgetting is just as important, that is, a cultural question. In the 1998

GBHN, legitimate culture is one of the advancement focuses in the field of regulation where the turn of events and improvement of lawful culture are aimed at forming the perspectives and conduct of local area individuals including state directors by the qualities and standards of Pancasila so lawful culture is more assimilated in public activity so mindfulness, dutifulness, and lawful consistence is expanding and basic liberties are progressively being regarded and maintained. Plus, the legitimate culture is likewise pointed toward making harmony and request and maintaining the law with the center of trustworthiness, truth, and equity to acknowledge legitimate conviction with regards to developing and creating public discipline.

Social variety previously existed in the archipelago even before Indonesia as a cutting edge country state was conceived. In this way, it sounds very sensible assuming there is a case that multiculturalism has been an honorable social legacy of the country since days of yore. The achievement or disappointment of lawful culture in the public eye generally relies upon the construction of society all in all. Concerning lawful qualities he complies with, the field of life is dependent upon legitimate culture, lawful specialized instruments, strategies, and administration characteristics. There is a presumption that each individual from the local area is considered to know the material regulation. Individuals submit to the law ordinarily out of dread of negative approvals to keep up with great relations with the public authority and other local area individuals. Legitimate culture has a fundamental and pivotal job in policing Indonesia on the grounds that the law is for the not entirely set in stone by the lawful culture as values, perspectives, and mentalities of individuals concerned. Hence, it is important to work on the nature of the job of legitimate culture, among others through the work culture and expert way of behaving of cops.

2 Research Method

The strategy utilized is the Juridical Experimental Technique, specifically the law of all peculiarities of society, as a social establishment or designed conduct, which is a sort of humanistic legitimate examination and can be referenced by field research, which looks at relevant legitimate arrangements and what has happened in individuals' lives.

3 Discussion

Custom is an impression of the character of a country, it is likewise one of the signs of the spirit of the country worried from one hundred years to another. Thusly, every country in this world has customs are not equivalent to one another. Nonetheless, it is exactly a result of its disparity that we can say that standard is the main component that offers personality to the country concerned.

Custom is also a habit of society when viewed from the development of human life. The occurrence of the law starts from the human person who is given by God reason, thought, and behavior. Continuous behavior carried out by individuals gives rise to personal habits. If the personal habit is imitated by others, it will also become that person's habit. Gradually, one person and another in the community unit also participate in this habitual behavior. If all members of the community carry out these habits, then these habits will eventually become the customs of that community.

From custom which is a habit of the community and community groups, over time it makes the custom a habit that should apply to all members of the community and is equipped with sanctions if it is not carried out so that the habit becomes customary law. It can be said that customary law is an accepted habit and must be implemented in the community concerned. To maintain the implementation of customary law so that there are no deviations or violations, then some members of the community are assigned the task of supervising it.

Social norms are partly incorporated into other norms and are transformed into social institutions or institutions, all of which make it easier for people to realize behavior that is by the demands of their group or following the ideal picture of the way of life adopted in their group. To explain the relationship between law and culture, an example of kinship in the kinship system in Bali will be given. According to Balinese culture, the calculation of lineage is a very important thing. Its main value is the idea that the son is recognized as a link in the lineage. This results in a social norm, ie one considers his lineage through the father so that a continuous (conceptual) lineage can be constructed, which connects men as lineage liaisons. Social norms regarding lineage are related to other social norms concerning the regulation of matters relating to kinship, such as the social norm that a wife must follow her husband to the residence of her husband's relatives (patrilocal), and other social norms are the property of a husband. father passed on to his son. These social norms all merge into an institution or social institution, namely a family institution or institution. The institution is followed applicable guidelines by all members of the community, if there are community members who do not heed the social norms, it means that the underlying cultural values are denied. If these violations occur frequently, the underlying cultural values will eventually fade and are threatened with disappearance.

Some of these social norms, if violated, will result in concrete sanctions imposed by legal officers or people's representatives who are authorized to do so. For example, if there is a wife in Bali who does not want to follow her husband to his relative's residence, then he will be subject to sanctions, namely divorce. So some of the cultural values that are reflected in social norms are also included in legal regulations, and because their protection occurs through legal processes, efforts to prevent violations are carried out with legal sanctions, compared to social norms which are just routines.

Because these activities or actions have become a culture in that society. So, all members of the community are required to live this habit and if someone violates it, there will be sanctions for them so that people are afraid to break the habit. Then it is referred to as customary law that is not directly written but lives in society with the aim that community members live what is customary in their environment for their welfare and peace of mind. A habit that has become a culture in a community environment although it does not have sanctions if any of its members violate it still lives well in society and becomes a necessity to be lived without coercion (because it has become a culture so that people will feel strange if you don't live the habit).

The privileges and commitments as well as the place of residents have been controlled in the 1945 Constitution. One of them is in Article 27 passage 1. This article likewise supports that Indonesia is a condition of regulation. The 1945 Constitution is the state constitution of the Republic of Indonesia. This composed essential regulation has been changed multiple times in the period 1999-2002. Matters connecting with the position and commitments of residents, both, legally speaking and the public authority are controlled in it. In the event that there is a disparity between matched values and appears in confounding principles, and undirected ways of behaving that will disturb the serene public activity, policing be understood. This implies that policing not work as expected or will be disturbed in its excursion and policing. The primary issue of policing in the elements that impact it, including:

3.1 Community Factors

From a social and social perspective, Indonesia is a pluralistic culture with numerous ethnic gatherings with a wide range of societies. A regulation master should perceive the social delineation or social separation that exists in a climate alongside the current status/position and jobs. Each friendly delineation should have its establishments. Something else that should be known and perceived is the social organizations that exist, and are exceptionally esteemed by most of the current local area individuals. Knowing and understanding these things can make it more straightforward for regulation authorities to recognize the qualities and standards or decides that apply in the climate. Overall, in Indonesia is separated into two, specifically the privileged (the rich) and the lower class (poor people).

Policing the two is additionally altogether different. This is on the grounds that the outlook and information are changed. If the lower class individuals, want or comply with a regulation by somebody is impossible or doesn't have any desire to submit to the law that has been controlled. This is because of the absence of information and training they have exceptionally restricted, and they can't realize that there are sanctions that will be restricting whenever abused (common wrongdoing). In the mean time, high society individuals will generally keep the current regulations or guidelines, since they have more information about the law and know the assents. This happens will in general be more precise. In this high society, on the off chance that a wrongdoing happens, it very well may be supposed to be a middle class wrongdoing (for interest as it were). Individuals in Indonesia are progressing in years, and the quantity of needy individuals is expanding. So when seen from the local area factor, the issue of wrongdoing or policing in this layer. Every social delineation has its essentials so it tends to be finished in different ways, including giving legitimate information to individuals who may not comprehend the law, making it more straightforward for them to distinguish the qualities and standards that apply in their current circumstance.

3.2 Cultural Factors

As per Soerjono Soekanto, culture has an exceptionally huge capability for people and society, to be specific to control so people can comprehend how they ought to act, act, and decide their mentalities while managing others. Culture incorporates the qualities that underlie the material regulation, which values are unique originations of what is viewed as great (so it is embraced) and what is viewed as awful (so it is kept away from). Social elements have likenesses with local area factors. Nonetheless, in the social element, more accentuation is put on the issue of the worth framework that exists locally. As far as local area factors, it is said that the degree of local area consistence with local area rules and guidelines is still low since there is a compromising society that frequently happens in Indonesian culture. There will be a propensity for individuals' way of life to escape from the guidelines that apply to be so.

Legitimate culture (framework) incorporates the qualities that underlie relevant regulation, so which values are unique originations of what is viewed as great and what is viewed as terrible. These qualities are typically a couple of values that reflect two outrageous circumstances that should be fit. The sets of traditionalism values and creative qualities generally assume a part in the improvement of regulation on the grounds that from one viewpoint some express that the law just keeps changes that happen and expects to keep up with the state of affairs. Under these circumstances, policing additionally have the option to comprehend the issues of social components that can influence policing. Policing saw from culture, can be followed from old times, during the times of the realm.

Certain people if they want to meet the king or want a position from the king or other wishes will give tribute to the person concerned or the king so that what he wants is quickly achieved. It still continues, it's just that the form and name have been different. Nowadays, it is known as bribery. It is no stranger because it has become an open secret for almost all government agencies have experienced it. These bribes continue to exist for the sellers and buyers of these bribes and can sometimes become a culture. The sellers are law enforcers, who take advantage of themselves and do not enforce the existing regulations properly. Meanwhile, the buyer is the person who is willing to pay the official or agency so that what is desired can be quickly realized by ignoring the law itself. It shows a cultural weakness in law enforcement. Of course, until whenever this culture is not lost, law enforcement will run as it should.

4 Conclusion

Article 27 passage (1) affirms that all residents are all the while equivalent, legally speaking, policing clear that the truth of their relationship will be firmly related on the grounds that in policing another will actually want to impact each other over its authorization. One shortcoming affects different deterrents since every one of them are the primary things in policing, well as to get benchmarks of the viability of policing. The actual law is likewise a good example for the more extensive local area so its position turns out to be exceptionally conclusive in policing. In spite of the fact that it is recognized that Soerjono Soekanto didn't make sense of which elements are the most powerful of this large number of variables, what ought to be noted is that one of the elements can uphold molding the viability of the law in policing. Nonetheless, by focusing on the systematics of these five variables, on the off chance that policing ideally working, essentially the law can be viewed as powerful.

What is implied is that systematics can assemble the viability of policing, ought to be begun by addressing how the law is, then, at that point, trailed by how the law authorities are, then how are the supporting offices and offices, then, at that point, how the local area answers and the way of life that is fabricated. That is the request wherein it tends to be anticipated as the premise of reasoning in authorizing the law. Hence, the issues that happen in policing so perplexing and confounded when concentrated on more profoundly and not as may be obvious. A methodical, coordinated, and executed public joint-step development is expected to cultivate fair policing favor one side with minimized local gatherings. Likewise, it is the ideal opportunity for regulation authorities to give close consideration to Soerjono Soekanto's perspective as material for reflection and thought in completing their job as regulation implementers who need to coordinate where policing point.

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