

The Existence of Law in Society in The Context of Law Enforcement

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Abstract: We want to know that on the off chance that a law and order just applies juridically, there is plausible that the standard is a dead rule, on the off chance that it just applies humanistically in the feeling of the hypothesis of force, then, at that point, the standard turns into a coercive rule, and in the event that it just applies logically, it is conceivable that the standard is just a legitimate regulation. Regulation masters or individuals responsible for carrying out the law cover an exceptionally wide extension, since it includes officials at the upper, center, and lower layers. Discussing the adequacy of regulation in the public arena implies talking about the functioning force of the law in managing and additionally compelling individuals to submit to the law. In general, people think that high awareness of citizens towards the law results in citizens complying with the provisions of the applicable laws and regulations and vice versa.

Keywords: rule of law, juridical rule, sociology of law, philosophy of law, law enforcement.

1. Introduction

Legal sociology studies " legal social organization". The objects targeted here are bodies involved in law enforcement activities. An example is the making of laws, courts, police, lawyers, and so on. When studying the making of laws, attention can be drawn to the composition of the statutory body, such as the age of its members, their education, social background and so on. These factors get attention, therefore the law is seen as a manifestation of human behavior. Therefore, the above factors are considered important to be able to explain why the work of the legislature is what it is today.

In the study of the sociology of law, there is an assumption that laws cannot be completely neutral, especially those made in a complex modern society, and it is the task of the sociology of law to explore and explain the problem and the factors that cause both to become this way. Sociology of statutory law or empirical juridical studies will ask questions that are different from normative juridical studies. Characteristics of legal sociology questions such as " why do people obey the law?" How much effectiveness of certain legal regulations? What are the factors that affect the effectiveness of certain legal rules in court?" Sociology of law, for example, does not take it for granted that law aims to resolve conflicts. The critical question from him is, "Is it impossible for the law itself to save and cause conflict?". Studies of the sociology of law at one time can address that a regulation that is pseudo, then one day it will give rise to new conflicts.

The organizational perspective from the sociology of law also reveals that even though the law provides promises to certain people, these promises can be enjoyed more by groups in society who are able to organize themselves well. Thus, between law and social organization

there is a certain relationship. For example, the ability to organize oneself in this way also depends on several other factors, such as social achievement and social stratification of a group.

Empirical juridical or what is commonly called legal sociology is a science that emerges from the development of legal science and can be known by studying social phenomena in society whose legal aspects are visible. Therefore, the existence of this knowledge is expected to help elevate the scientific degree of legal education. This statement is put forward on the assumption that the sociology of law can meet the demands of modern science to perform or make descriptions, explanations, disclosures and predictions.

2. Problem Formulation

- 2.1 What is meant by law as social control?
- 2.2 What are the benefits of the sociology of law to understand the workings of law Within Public ?
- 2.3 What is the relationship or connection between law and social phenomena ?
- 2.4 To what extent is the effectiveness of law in society?

3. Law Renewal

3.1 Law as social control

Social control is usually interpreted as a process, whether planned or not, that is educational in nature, invites or even forces citizens to comply with the prevailing system of rules and values, the manifestation of social control may be in the form of punishment, compensation, therapy or conciliation. The standard or standard of punishment is a prohibition, which if violated will result in suffering (negative sanctions for the violators). In this case, if the interests of a group are violated, the initiative comes from all members of the group (which may be delegated to certain parties).

In compensation, the standard or benchmark is an obligation, where the initiative to process it is on the aggrieved party. The aggrieved party will ask for compensation because the opposing party has defaulted. Here there are parties who lose and parties who win, as is the case with accusatory punishment.

In contrast to the two things above, therapy and conciliation are 'remedial' in nature, meaning returning the situation (social interaction) to its original state. Therefore, the important thing is not who loses and who wins, but what is important is eliminating unpleasant conditions for the parties. It appears that for consultation, the standards are normality, harmony, and equivalence which are commonly called monisan.

Each local gathering generally has issues because of contrasts between the ideal and the real, between the norm and the viable, between what ought to or is supposed to be finished and what is really being finished. Norms and gathering values in the public eye have varieties as variables that decide individual way of behaving. Deviations from ideal qualities in the public arena, for instance burglary, infidelity, failure to pay obligations, harming others, murder, criticism, etc. These models are types of degenerate way of behaving that cause issues in the public eye, both straightforward and current cultures. In such a circumstance, the gathering is confronted with the issue of ensuring request to keep up with its presence.

The capability of regulation in the gathering alluded to above is to carry out a social control component that will free society of undesirable waste from society so regulation has a

capability to keep up with the presence of that gathering. Bunch individuals will prevail with regards to conquering requests that lead to deviations, to guarantee that the gathering being referred to stays in one piece. Or on the other hand another chance is that the law bombs in doing its obligations so the gathering is obliterated and terminated. Hence, the law seems to have a double capability. On the one hand, it can be an action that may become institutionalized, that is, become established among members of a community group so that the law is easily used to achieve group goals, and the group considers this action as an obligation. On the other hand, it may be an action in the form of the group's reaction to deviant behavior, and which is held to control the deviant behavior. Law in the latter sense consists of patterns of behavior that are used by groups to return to actions that clearly interfere with efforts to achieve group goals and that deviate from institutionalized ways aimed at achieving goals. – group goals. Law in such a function is an instrument of social control.

A community group in a certain place is destroyed, disintegrated or extinct not because the law fails to function to carry out its duties, but the legal task must be carried out to become social control and social engineering in people's lives. This is because the duties and functions of law are not an end in itself, but rather an instrument that cannot be replaced to achieve balance in the activities carried out by humans.

3.2 The benefits of legal sociology to understand the workings of law within society

To comprehend the activity of the law, we can see the capability of the law in the public eye. The capability of regulation alluded to can be seen according to a few viewpoints as some have expressed, to be specific the capability of regulation as friendly control in the public eye, the capability of regulation as a device to change society, the capability of regulation as an image of information, the capability of regulation as a political instrument, the capability of regulation for the purpose of joining. This can be portrayed as follows:

A. Legal function as Social Control

The capability of regulation as friendly control is a regularizing juridical part of public activity or can be known as a meaning of freak conduct and its ramifications like restrictions, orders, discipline and remuneration. For of social control, the law is considered to work to decide great and terrible way of behaving or conduct that veers off from the law and legitimate assents against individuals who have awful way of behaving.

Every society has a different quantity of sanctions against certain deviations from the law. As an example, in the Muslim community in Mecca, a person who commits adultery is subject to 100 lashes for young adulterers and stoning for adulterers who are widows/widowers. It is different from the Muslim community in Indonesia, currently there are no such legal sanctions, both for young adulterers/girls and widowers/widowers. Thus, deviant behavior is an action that depends on social control or legal sanctions that are used as a reference for imposing punishment. That means social control is everything that is carried out to carry out planned and unplanned processes to educate and invite citizens to adapt to the habits and values of the life of the community concerned.

From the depiction above, apparently the advantages that can be gotten from social command over deviations in an individual's way of behaving that happen in the public eye are that legitimate foundations capability along with different establishments in doing social control. Moreover, it very well may be seen that

legitimate foundations are latent, in particular the law changes itself to social reality in the public eye. In this manner, the execution or disappointment of the capability of regulation for of social control not entirely set in stone by law and order and policing.

B. The function of law as a tool to change society

Regulation capabilities as an instrument to change society, which Roscoe Pound calls a device of social designing . Local area change is intended to happen when an individual or gathering acquires the trust of the local area as the head of social foundations. The initiator of progress drives the local area in changing the social framework and in doing so is straightforwardly associated with tensions to make changes, and perhaps at the same time causes changes in different establishments. As an example, it can be stated that before the Prophet Muhammad migrated (moved) from the city of Mecca to Medina, the people who inhabited the city of Medina were always at war (the us tribe and the Khazraj tribe).

However, after the Prophet Muhammad migrated to the city of Medina, the people of Medina were not found fighting because they were submissive and obedient to Muhammad's leadership as the head of state who protected all the people of Medina. Seeing this, it appears that the law that was used as a reference by the people of Medina under Muhammad's leadership changed the warlike society among the tribes into a united and law-abiding society .

There are 4 (four) minimum factors that need to be considered in terms of using law as a means of changing society. The factors referred to are as follows:

- 1) Studying the real social effects of institutions and teachings teachings .
- 2) Conduct sociological studies in preparing statutory regulations and the impact arising from these laws.
- 3) Conducting studies on effective laws and regulations
- 4) Paying attention to the legal history of how a law appeared and how it was applied in society.

In addition to the 4 (four) factors mentioned above, jurisprudence with a sociological perspective sees law as a social institution that can be perfected through intelligent human endeavors, and considers it their duty to find the best ways to advance and direct society. those endeavors.

C. The Function of Law as a Tool to Change Society

The function of law as a symbol is the meaning understood by someone from the behavior of citizens about law. For example, a person who takes other people's goods with the intention of possessing, by way of breaking the law, is defined by criminal law as an act of theft. Because of that, the symbol of a thief means that person's behavior deviates in the form of theft.

D. The Function of Law as a Political Tool

The function of law as a political tool can be understood that in the legal system in Indonesia laws and regulations are a joint product of the DPR (House of Representatives) and the government, so that law and politics are very difficult to separate. The law in question is directly related to the state. However, law as a political

tool cannot apply universally, because not all laws are produced by the DPR and the government.

E. The Function of Law as an Integration Tool

Every society always has various interests from its citizens. Some of these interests are compatible with other interests and some are not compatible, thus triggering conflict with other interests. Therefore, the law functions before a conflict occurs and after a conflict occurs. From the descriptions above, it can be seen the benefits of the study of the sociology of law on the operation of law in society so that legal functions are found in regulating citizens in interacting between a person/group and other people or groups.

3.3 The relationship or connection between law and social phenomena

Soerjono Soekanto said that *the Rule of Law* is equality before the law, that is, every citizen must obey the law. Such is the understanding that can be understood from a rule of law. However, there is a tendency for the relationship between law and social phenomena, in this case the social stratification that exists in every society. The purpose of the study is nothing but to identify facts, which may have benefits in the implementation of law enforcement which are currently being questioned by many Indonesian people, especially people who live in urban areas. Cases like this can be disclosed, for example the shooting incident of Trisakti and Tadulako University students by unscrupulous security forces during a demonstration to protest against the state's economic situation. The dual function of ABRI and the like, both in Jakarta, Makassar and Palu.

Regarding the shooting case, the question arises why the police and military officers shot students? Maybe it will be possible to reveal his social background, so that we all will understand better why these events took place in a legal state based on Pancasila.

So far, there have been many "shocking" incidents, which have come over and over again, so that it appears that the legal mechanism is ineffective, as if there had been anarchy in law enforcement activities. For practical purposes, in this paper law is defined as rules set by the authorities, these regulations can be general in nature and can also be specific from the point of view of the scope of the norms. It was then associated with social stratification. Because it still requires more in-depth research. So, the law here is defined as a type of *social control* applied by the authorities.

3.4 The Effectiveness of Law in Society

Discussing the adequacy of regulation in the public arena implies talking about the functioning force of the law in directing and additionally compelling individuals to submit to the law. The viability of the planned regulation means concentrating on lawful principles that should meet the prerequisites, in particular that they apply juridically, humanistically, rationally. Accordingly, the elements that can influence the working of the law in the public arena incorporate the accompanying:

A. Legal Rules

In legitimate hypotheses, it tends to be partitioned into 3 sorts of things seeing the establishment of regulation, generally speaking. Whenever analyzed top to bottom, for the law to work, each law and order should satisfy 3 sorts

components as above. There is plausible that the standard is a dead rule, assuming it just applies humanistically in the feeling of the hypothesis of force, then, at that point, the standard turns into a coercive rule. In view of the clarification above, apparently the issue of legitimate adequacy in Indonesia is so convoluted. Therefore, in order for a rule of law or written regulations to really function, it can always be returned to four factors (rules of law, officers/law enforcers, means or facilities used by law enforcers, and public awareness).

B. Law Enforcement

In terms of law enforcement, law enforcement officers may face the following matters :

- a) To what degree are officials limited by existing guidelines ?
- b) To what degree are officials able to give strategies?
- c) What model should the official provide for society ?
- d) To what degree is the level of synchronization of the tasks?
given to officials in order to give severe cutoff points on their power?

The representation above shows that the official variable assumes a significant part in the working of the law. Assuming the guidelines are great, yet the nature of policing low, there will be issues. Also, the other way around, assuming that the guidelines are awful, while the nature of the officials is great, issues might emerge.

C. Facilities

Offices or means are vital to make a specific rule powerful. The extent of the planned offices, particularly actual offices that capability as supporting variables. For instance, in the event that there isn't sufficient paper and carbon and a sufficient typewriter, how could the official make a report in regards to a wrongdoing. How might the police function appropriately in the event that they are not furnished with relative vehicles and specialized devices?

D. Citizens

One of the variables that make a guideline powerful is the local area. What is implied here is attention to follow a legal guideline, which is many times called the level of consistence. In basic terms, one might say that the level of public consistence with the law is a mark of the working of the important regulation. Assuming the guidelines are great, while the residents don't comply with them, what are the variables that cause it? In the event that the guidelines are great and the officials are adequately legitimate, the offices are adequate, for what reason are there still the people who don't follow the legal guidelines.

Notwithstanding the issues referenced above, there is another issue, to be specific the presence of a suspicion which expresses that the more noteworthy the job of method for social control other than regulation (religion and customs), the more modest the job of regulation. Accordingly, the law can't be implemented in that frame of mind, for however long there are other compelling means.

Regulation ought to be utilized at the last level when different means are presently not ready to tackle the issue. Nonetheless, to end this conversation, it is important to unveil matters connected with public attention to the law, to be specific: customary legitimate advising, giving genuine models from officials as far as consistence with the law and regard for the law and standardization that is arranged and coordinated.

4. Conclusions and recommendations

4.1 Conclusion

Legitimate humanism is a part of legitimate science that concentrates on the corresponding connection among regulation and other social peculiarities in the public eye through observational examination. By studying the sociology of law, as much as possible the actual conditions in society can be analyzed so that the law can apply effectively.

Meanwhile, related to social symptoms, legal conditions and legal awareness of the community, the ideals to participate in developing law and all components related to laws and regulations need to be developed. The need for synergy between law enforcement officials, legal products that are firm and impartial to one group, as well as the need for awareness and proactive nature of the community to always comply with the law.

Social unrest and social conflict can occur in people who in fact already understand and understand the law, especially if the people do not obey the law.

The need for special attention and sensitivity from the government through its law enforcement officers to various social upheavals, vertical and horizontal conflicts that might occur with various background causes.

4.2 Suggestions

To answer the challenges of various events in society with all issues related to law, the authors suggest that:

- 1) Increased public legal awareness through regular legal information and counseling and on the basis of solid planning. Legal counseling in a planned and continuous manner aims to make the community members know and understand the applicable laws.
- 2) Firm and impartial legal products, using clear language easily understood by the whole community where not all people have adequate legal knowledge.
- 3) Recruitment of law enforcement officials must be carried out properly through screening and selection so that it is in accordance with predetermined standards which in the end will really get the professional law enforcement officers that the community craves.
- 4) Adequate law enforcement apparatus facilities, starting from tools transportation, communication, and office equipment, all of which aim to improve the quality of law enforcement and community service.
- 5) Always monitor developments that occur in the community, either by going directly to the community or looking for sources of information from trusted sources or you can also through social media and immediately carry out investigations to find the truth of this information, so as to minimize the conflicts that arise. going to happen

in society.

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