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## Community Understanding of the Pawn Agreement for Village Products in the Rumahkay of West Seram

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### Abstract

The PKM activity with the title "Community Understanding of the Pawn Agreement for Village Products in the West Part of Rumahkay Seram" aims to: (1). Implementing the results of previous research with problems regarding the implementation of hamlet pawn agreements in Laimu Country, Central Maluku and the legal consequences, (2). As a form of education and increasing legal understanding, especially in the field of contracts (agreements) for the people of Rumahkay Country, West Seram Regency. This PKM uses an implementation method in the form of legal education activities carried out in a panel by the presenters, which is then followed by question and answer activities between the community and the presenters. In implementing PKM activities, it was found that the system of pawning hamlet products in Rumahkay Country was carried out in the form of an oral agreement based on trust. This often leads to legal problems because one party can deny the agreement on the grounds that there is no evidence. Therefore, it is recommended to the people of Rumahkay Country to be able to implement a system of pawning village products in the form of a written agreement to avoid various legal problems in the future in the form of default by other parties.

**Keywords:** Legal Understanding, Agreement, Dusun Pawn

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### INTRODUCTION

Education System as stated in Law Number 20 of 2003 states that universities are obliged to carry out education, research and community service as part of the Tri Dharma of Higher Education. <sup>1</sup>Law Number 12 of 2012 concerning Higher Education emphasizes that service in higher education is directed at developing science and technology, as well as improving community welfare and the nation's competitiveness. <sup>2</sup>Thus, community service activities are one of the important pillars of a university. <sup>3</sup> Higher education performance indicators are often seen from how much the results of the research conducted are able to influence social change in society.

A university that is able to carry out PKM activities and produce quality <sup>4</sup>output from PKM activities will be seen as a large and respected university. For this reason, many universities in many countries are competing to become universities that can become references for other universities or become *world class universities*. Departing from this background, lecturers as

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<sup>1</sup> Khoirurrahman, Azi, and Ujang Cepi Barlian. "Concepts and Implementation of Higher Education Quality Management." *Manajia: Journal of Education and Management* 1.1 (2023): 42-55.

<sup>2</sup> Umrah, St, and Mila Kumalasari. "Educational, Economic and Social Based Community Assistance and Service." *Al-Khidmah: Journal of Community Service and Assistance* 3.1 (2023): 1-26.

<sup>3</sup> Dirkareshza, Rianda, et al. "Law Student Village Project: Strategy for Developing Legal Quality and Smart Society." *JMM (Independent Community Journal)* 7.4 (2023): 4014-4027.

<sup>4</sup> BW, Muh Kurniawan, et al. "Increasing Learning Outcomes to Support Lecturer and Student Publications." *Indonesian Journal of Serving* 2.1 (2023): 8-15.

an important part of the higher education academic community are expected to always uphold the Tri Dharma of Higher Education, one of which is PKM activities . PKM activities carried out by lecturers, of course, have an impact on improving the quality of higher education, and the results or outcomes of PKM can be applied in people's lives.

Referring to the importance of the PKM activities mentioned above and in order to provide legal education and understanding for the community, our research team as well as the PKM team held legal education activities for the community in Nalazia State, Central Maluku in order to strengthen the community's understanding regarding profit sharing agreements and their legal consequences.

An agreement is a legal relationship between two or more parties based on an agreement that gives rise to legal consequences. The parties agree to determine the rules or regulations regarding the rights and obligations of each party in the agreement. <sup>5</sup>Contract law exists to regulate and protect the rights and obligations of the parties.<sup>6</sup>

The practice of pawning the produce of this village based on customary law still continues today in the people of Negeri Laimu, Teluti District, Central Maluku Regency. Pawning the proceeds of a hamlet can be interpreted as handing over the hamlet owned by the hamlet owner to the pawn holder to receive payment of a certain amount of money. Pawning of hamlet products in the customary law system by the people of Laimu, Teluti District, Central Maluku Regency is different from the pawning system in civil law. Article 1150 of the Civil Code (Civil Code) states that: A pledge is a right obtained by a debtor over a movable item, which is handed over to him by a debtor or by another person on his behalf, and which gives the debtor the power to take payment for the goods in priority over other debtors, with the exception of the costs of auctioning the goods and the costs incurred to save them after the goods have been pawned, which costs must take priority. This hamlet pawn agreement system not only occurs in communities in Laimu Country, Central Maluku, but also in several countries on Ambon Island and its surroundings. One of them is in Negeri Rumahkay, West Seram Regency .

## METHOD

As explained previously in the introductory section, the importance of community service activities has an impact on improving the quality of higher education, and the results or outcomes of PKM can be applied in community life . For this reason, community service activities through legal education are deemed important to carry out in order to provide an understanding of contract law (agreements) for the community in the West Part of Rumahkay Seram.

The stages of activities carried out in this legal counseling activity are:

- 1) Coordinate with the Rumahkay State Government to be able to prepare various things needed for PKM activities .
- 2) Prepare materials in the form of powerpoint material related to the issues studied in this PKM activity .
- 3) This legal counseling also involved two (2) students from the Law Faculty of Pattimura University to assist with PKM activities .
- 4) Prepare the location that will be used for PKM activities in Rumahkay Country with the help of the community.
- 5) Carrying out legal education activities in Rumahkay Country through panel discussions where the presenters present material in turns followed by questions and answers between the presenters and the community.

## RESULTS AND DISCUSSION

### Results of Community Service Activities

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<sup>5</sup>Yosia Hetharie, *Default in Sea Transportation Agreement* , Law Research Review Quarterly Volume 6.2 (2020), p. 181.

<sup>6</sup>Andrii Hryniak, Oleksii Kot, Mariana Pleniuk, *Regulation Mechanism of Private Legal Contracting Relations in Civil Law* , Journal of Legal, Ethical and Regulatory Issues 21, 1-14, 2018.

In the agreement to pawn the proceeds of the hamlet/plantation land in Rumahkay Country, the subjects (the parties to the agreement) are the hamlet owner as the pawnbroker and the pawnee recipient. The pawnbroker is of course the party who owns the hamlet to be mortgaged.<sup>7</sup> These hamlets are usually planted with clove trees, coconut trees or nutmeg trees. Meanwhile, the pawn recipient is the party who receives the hamlet pawn from the pawn giver. The reason the pawnbroker pawns the village's produce to the pawnee is for economic reasons.<sup>8</sup>

The basis for implementing this hamlet pawn agreement is due to debts and receivables (borrowing and borrowing money).<sup>9</sup> The pawnbroker needs money to meet his various living needs, so the proceeds of the hamlet are pawned to the pawner within a certain period of time that is mutually agreed upon. The various necessities of life include children's schooling, pilgrimage, celebration needs (marriage, circumcision, etc.) as well as all other necessities of life that require money. The term of the agreement to pawn the results of the hamlet is jointly agreed upon by both parties.<sup>10</sup> It could be for a period of 1 year to decades, depending on the results of the agreement between the two parties.

In the implementation of the hamlet product pawn agreement in Negeri Rumahkay, which is based on the local community based on mutual trust between the two parties due to tradition passed down from generation to generation, the lack of community knowledge, especially regarding the hamlet product pawn agreement, the form of agreement between the hamlet owner and the tenant is only oral form (not written). This means that the agreement made by the two parties is not at all contained in a written deed or letter.

### **Problems and Solutions in the Implementation of Hamlet Pawn Agreements in the Western State of Rumahkay Seram**

In the Community Service activities that we have carried out, in terms of implementing the hamlet pawn agreement in Rumahkay Country, legal problems often arise. The root of the problem was because in implementing the hamlet pawn agreement, the parties only based it on the basis of trust in the form of an oral agreement. This is indeed a weakness related to the implementation of the agreement to pawn the results of this village, if at any time one of the parties breaks their promise (default). If this breach of contract is committed by one party, it will be difficult for the other party to prove that a plantation production sharing agreement has indeed been entered into between the two parties and the result is that the aggrieved party will find it difficult to claim compensation for damages due to the breach of contract committed by one of the parties. the.

Based on the results of discussions with the community in Rumahkay Country, the result of implementing the system of verbally pledging hamlet products often results in default by the hamlet owner. The owner of the hamlet again pawns the proceeds of the hamlet to another party even though it is being mortgaged to another party. When known by the party the previous pawn recipient, the owner of the hamlet then argued that there was no evidence that the hamlet was being mortgaged to the previous pawnbroker (lessee). This matter was brought up for investigation by the Rumahkay State government and even reported to the police. This shows that in its development, agreements made orally have weaknesses in terms of proving the agreement, so that one party can easily deny the agreement.

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<sup>7</sup> Berlianty, Teng, Rory Jeff Akyuwen, and Michael Nussy. "The Hamlet Procurement Pawn System in the Perspective of Contract Law." *Jatiswara* 38.1 (2023).

<sup>8</sup> Choirunisa, Mita, and Setiati Widiastuti. "Pawning land in Semoyo Village, Kapanewon Patuk, Gunungkidul Regency." *AGORA* 12.2 (2023): 154-164.

<sup>9</sup> Khomaizah, Khomaizah, Merry Tjoanda, and Jenny Kristiana Matuankotta. "Implementation of Land Pawning According to Madurese Indigenous People." *PATTIMURA Legal Journal* 2.2 (2023): 168-187.

<sup>10</sup> Abdhillah, Fahmi, et al. "Juridical Analysis of Debt and Receivable Guarantees Against Default Acts (Decision Study No. 10/Pdt. GS/2020/PN. LBP)." *BALANCE OF JUSTICE* 2.1 (2023): 68-83.



Gambar 1. Proses Sosialisasi Tim PKM Dengan Masyarakat Negeri Rumahkay

In the process of socialization and discussion with the people of Negeri Rumahkay, the community was very enthusiastic in asking questions and finding out more about the village pawn system and its legal consequences. Through this outreach, it opens people's minds to remain careful and follow legal rules, especially contract law, to minimize the occurrence of legal problems in the future in the form of default.

The solution that we then conveyed to the people of Rumahkay State, from the aspect of contract law, was that, although the Civil Code and the provisions of contract law do not require that an agreement must be made in writing, however, looking at the various realities of legal problems that often occur in that community, So it is best to avoid these various problems, the agreement that is made, including pledging the produce of the village, is best done in writing through a simple agreement letter made and signed by the parties as proof of the implementation of the agreement.

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