

Law Construction in Modern Society

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Abstract

The effectiveness of law as a tool for social construction should ideally enhance our societal framework and address the challenges of the evolving era. However, contemporary observations reveal a growing lack of trust in the legal system. Critics point to perceived deficiencies in the quality of laws as agents of social construction and in achieving substantive justice. Moreover, a palpable anxiety surrounding a legitimacy crisis is evident. The role of law as a medium for social construction, aiming to establish a just and prosperous society, faces considerable resistance. Understanding the root causes behind society's struggle to interpret and embrace the purpose of law as a social construction instrument becomes imperative. The inadequate level of legal awareness among the populace is closely linked to issues such as educational disparities. The existing education systems, patterns of regulatory socialization, and restricted public access to information contribute to a diminished recognition of the importance of law. Addressing these challenges necessitates a focus on education as a viable solution. By elevating legal awareness, it is anticipated that the propensity for individuals to contravene the law would diminish. Therefore, investing in public education emerges as a

promising strategy to foster the realization of a modern, constructively developed society.

Keywords

Law, Education, Construction

I. Introduction

Malang Raya encompasses the regions of Malang Municipality, Batu Municipality, and Malang Regency. Within this area, there are four prominent courts: the Religious Court of Malang Municipality, Religious Court of Malang Regency, District Court of Malang Municipality, and District Court of Malang Regency. In the year 2015, these four courts collectively adjudicated 17,212 legal cases, predominantly revolving around divorces, criminal offenses, and civil disputes. Given the substantial volume of legal matters, including divorces, criminal incidents, civil disputes, and corruption issues, there is a pressing need for an increased focus on legal services. However, it is essential to recognize that a proficient legal service, while crucial, may not always serve as a comprehensive problem-solving mechanism once a case is brought before the court.

Besides, a good legal service may become preventive effort to people for not breaking the law. Concerning to this topic, two actions were conducted to provide legal aids: through case treatment (both litigation and non-litigation), and presenting law trainings. Law trainings encourage people to recognize their rights

and responsibilities in their social live with other people, institutions, and nation. Legal Aids develop into an essential element of a judicial system, which are effective, fair, and humane. The country has a responsibility to increase public knowledge about the justice system and their functions, to know their rights and their obligations, inform the public about the actions declared as crime under the law in the proper manner. Generally speaking, the laws are regulations that are forcing, which determine human behavior in society, the regulations made by official body authorities. Violation of the rules results in action with specific penalties.

The existence of law makes the society know their rights and responsibilities, which in turn it can create an enhanced arrangement in accordance with the law society itself. Furthermore, this condition will bring the prosperity and satisfaction to the society. One of the advantages of law is that it secures its certainty. It means that the Country guarantee the law action systematically. This action is conducted in writing (*jus scriptum*). Therefore, the Criminal Code (KUHP) mentions that criminal acts would not exist, if the criminal provision in the legislation does not exist beforehand.

This term is known as “*Nulum delictum sine praevia lage ponali.*” Additionally, Aristoteles, in his book *Politica* mentions that a good country is a country governed by the constitution and supreme law. Moreover, in the country of law, one who governs the nation is not a man, but an equal mind and valuable moral. Accordingly, the right of freedom of each individual is undertaken. Weak economic communities are likely understanding the law as an instrument of power for the wealth. The facts say that people have a tendency to bribe or give graft to overcome their law

problems. Nevertheless, for people with low economic bribe leads them to the next step of poverty since they will sell their business. In a while they will face a new problem: jobless. The shallow awareness results in injustice; people who do not aware of law are likely to be deceived and oppressed. Provided that this problem is not managed properly there will be no certainty of law and justice.

II. Method

Trainings for the communities are provided by the team of University of Muhammadiyah Malang, which is supported by the Directorate of Research and Community Service (DPPM) of the Directorate General of Higher Education (Direktorat Jenderal DIKTI). The training programs comprise the legal coaching for common people, legal coaching for community and social institutions, technical coaching for government (the executives) and legal training for and the House of Representatives/Parliaments (the legislative). Also, trainings are administered as a professional training for community, lecturers, and students. The experts of this training have held official certificate of lawyer. This program is an implementation of Science and Technology for College Innovation and Creativity (*IbIKK*) entitled Legal Service-Based Education.

III. Materials

Materials used to conduct *BKBH* are official lawyers who hold advocacy in the court and conduct mediation and reconciliation, computer and software, trainers, rooms for training activities, and

other supporting materials. The material availability needs time to regeneration process. The students are trained to be able to provide an effective legal aid. They are trained in KPPA to sharpen their ability. Moreover, lecturers need to be included in the training of arbitration, mediation, consolidation, and other necessary training to improve skills as a trainer.

IV. Production Process

This study employs a process: a fun and relaxing, that will lead to substance: absorption of material followed by a smart discussion, and relation: a better relationship between the participants. Besides, several supporting items are mentioned as follows:

1. **Activating Thinking, Feeling, and Acting**
This step aims at an attractive process by employing a method, which can optimize the learning instruments. Through these processes, each individual may rise their own perception.
2. **Using Facilities and Creating Conducive Atmosphere**
Technical Guidance attempts to create an encouraging atmosphere. It can be created through a comfortable space for the process. Thus the participants and interviewees can conduct a dynamic interaction. The rooms are equipped with presentation room, listening room, discussion room, utility room, and committee room. Facilitators/ interviewees are provided with an adequate space supported with audio visual equipment and monitor in the middle of the room. The participant and committee seats are placed alongside the room. The participants equip themselves with several

equipment like laptop, audio device, and stationary for the activity.

V. Equipment and Supplies

The equipment contains: one set laptop and LCD projector, sound system, stationary, and supplies for discussion activity (plano papers, two or three color metaplan, several highlighter, scissors, glue stick, and used paper of magazine). To support work group, complete equipment are provided. This is purposed to encourage the participants to present their discussion nicely. Also, notes with pictures, which describe the process, are presented to support the review of material at the first day and to wrap up the final activities.

VI. Facility of Question and Answer Session

The process of practice and guide is arranged to make the participants involved eagerly during the session. Question-and-answer session is delivered and the participants gain the feedback, response, and other's suggestion that contribute positively for the process. The interaction between participants and presenters run smoothly with the support of the arrangement and media. In addition, the committee provides:

1. Time allocation for question and answer session
2. Metaplan media which is used to write questions or responses
3. Wall which contains questions equipped with blank plano papers that enable the participants to write their questions or reaction

Evaluation session, which is given in evaluation sheet.

VII. Result and Discussion

The purpose of implementation of Science and Technology for College Innovation and Creativity (IbIKK) is conducting trainings to the community during its first through third year of plan. A module is offered to maintain the technical guidance to the community. The team had conducted a training of technical guidance to the Parliaments. At the third year the technical guidance was held two times at the Blitar Parliaments, once at the Tulungagung Parliaments, and once at the Bangkalan Parliaments. Technical guidance for the Parliaments of entitled “Discussion on BPK Report and Forms of Honorary Board Report at Blitar Parliament” had been conducted on May 30th to June 2nd 2016. The members and leader of Parliaments attended the program. The presenter, who had an experience on legal auditory, lead the discussion pleasantly. This program is elaborated into four sessions, namely: opening session, orientation and learning agreement session, material presentation session, and evaluation and conclusion session. At the end of the program, the participants are requested to evaluate the implementation of the program, including the presenters and the facilities.

They also appreciated the facilities provided by University of Muhammadiyah Malang to support the program. Moreover, the presenters master their topic and they deliver the program in a fascinating way that enables a good interaction between participants and presenters.

Aristoteles explained that a country can be considered as a democratic country if all citizens will act as a court jury, who can

select the highest or the most important issues. For example, the citizen can control the constitution, observation and contract of other individuals. It means that the society play an essential role in organizing the country since the sovereignty is in the hands of people. So, the society needs to run the sovereignty to achieve the objectives of living a nation.

The training programs for the Parliaments are important to do because the will arrange regional regulation (Perda) based on people's interests and needs. The Parliaments needs to recognize the problems faced by the society and the consequences. This may turn in producing regulations that will not cause any predicaments in the future. In some regions, regulation fails to be implemented.

Moreover, regulations are crafted as a means of social control to maintain societal order. The aspiration extends beyond merely seeking justice served by laws; society also desires regulations that secure harmonious social interactions among its members.

Initially, there is a need for a comprehensive understanding of the correct legislative process towards the Parliaments. Training programs can facilitate this understanding, emphasizing the nuances of crafting regional regulations, taking into account the diverse perspectives of Parliament members. Subsequently, identifying and promptly addressing societal issues is crucial. For instance, when formulating a regulation on waste management, direct observation by Parliament is necessary to assess societal habits in waste disposal.

Anticipating the impacts of regulations involves lawmakers constructing appropriate penalties, considering factors such as budget, equipment, and the readiness of responsible individuals for program execution. These elements collectively contribute to ensuring the optimal implementation of the program. Equally

important is the dissemination of information to the society to foster awareness and compliance. Given the common challenge of inadequate legal awareness among the populace, lawmakers must actively engage in socializing regulations to enhance public understanding.

Furthermore, creating a sense of societal ownership of regulations is paramount. Limited law enforcement personnel compared to the population can hinder active participation. To address this, initiatives such as involving Civil Service Police (Satpol PP) in monitoring regulations, such as preventing waste disposal in rivers, are essential. Encouraging public awareness and engagement can significantly reduce the number of lawbreakers. Additionally, lawmakers should provide manuals to guide compliance with the law, offering incentives to motivate better legal awareness. Over time, the community may evolve into observers, actively contributing to the monitoring and implementation of laws, thus constituting a step-by-step process in the construction of law within a modern society.

VIII. Conclusion

Law as an instrument of social construction enables the better order of society. Therefore, law needs to answer the challenging era. On the other hand, the level of people's education results in the low awareness of law. The education system, the pattern of regulation and its socialization, and the limited access of public information become the obstacle in implementing the law enforcement. Concerning the issue, education seems to be one of the solutions. It is expected that the higher law awareness, the lower opportunity of breaking the law. Further, public education

may contribute to the implementation of law construction in modern society. The education starts at the Parliaments as the lawmakers, which in turn, the law awareness can be transmitted to the society. Through accurate socialization, people may develop their awareness. Later, the regulation turns to be social organizer that keeps the better social order.

IX. References

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