

Law Enforcement to Raise Legal Awareness of People in Making Peace

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Abstract. Naturally, humans have a desire to live orderly since they were born, as taught by God and outlined in the Holy Book. However, we live in a society where interests collide. The fundamental problem discussed here is law enforcement. This study aims to analyze the rule of law as it is expected to increase the community's legal awareness. This research implements a descriptive normative method. The result of this study proves that five factors can influence law enforcement: legal, law enforcement, facility, community, and cultural factors. However, these factors have both good and bad impacts. To actualize fair law enforcement, there needs to be harmony between the value of freedom (comparability) and the order (certainty) of law. Freedom without order will create anarchy, while order without freedom represents dictatorship. Therefore, to realize fair law enforcement, there needs to be harmony between legal certainty and legal compatibility.

Keywords: *law enforcement, justice, law awareness, society*

INTRODUCTION

Humans are destined to live side by side in peace. Peace is essential because it shapes a comfortable, harmonious, and healthy life and creates goodness, happiness, as well as security [1]. Living together in peace is Fitrah (God's decree) of humankind. However, as people live in a society where interests collide, conflict and chaos are inevitable. Thus, there needs to be proper control through regulation that binds every citizen in order to obtain peace as well as physical and spiritual well-being.

Article 1 paragraph 3 of The 1945 Constitution of the Republic of Indonesia states that Indonesia is a nation based on the rule of law. Therefore, policy-making must be based on applicable regulation, not in the hands of the authority. Besides, Article 1, paragraph 2 of the 1945

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Constitution reads, "Sovereignty is vested in the people and implemented under the Constitution." Thus, people hold the highest sovereignty. Within the context of law enforcement, any adverse action is subject to sanctions.

According to Plato, state law is a nation whose aspiration is to pursue truth, decency, beauty, and justice. Meanwhile, Aristotle views it as a nation that stands on the law to guarantee justice for all citizens. Although the law is not an object, we can feel its presence. It guarantees justice for all levels of society [2].

Van Apeldorn mentioned that the purpose of the law is to regulate order and association of human life in a peaceful and just manner; the law itself requires peace [3].

In practice, problems may arise during the implementation stage of legal work or law enforcement. The community perceives that legal work can only be upheld by law enforcement officials. People always refer to law enforcement officials to handle law violation cases. However, there are several underlying factors that influence fair law enforcement. According to Soerjono Soekanto, [4] the factors include law, law enforcement officers, facilities, society, and culture. Even so, what is highlighted by the community is the less satisfying performance of law enforcement officials, such as police officers, prosecutor, judge, and lawyer. These officials have not been capable of implementing the primary purpose of the law, that is, to bring about justice, certainty, usefulness, and order. Law enforcement officials must uphold humanity, justice, propriety, and honesty norms. Fair law will influence public awareness. When people are aware of their legal duties, surely peace will be established within the society. Furthermore, all legal cases in the community can be resolved through the court based on applicable regulations and be handled by credible officials to prevent vigilantism.

Concerning the background mentioned above, this scientific study seeks to find out just law enforcement's nature. The purpose of this study is to analyze fair legal work to increase legal awareness of the community.

METHOD

Based on the underlying legal problem, this research implements a descriptive normative method. The writer describes case symptoms within the community using the normative method. This research is conducted by examining library materials (Literature Review) [5]. This study also uses a qualitative approach to produce descriptive data [6]. The first stage of normative legal research is aimed at obtaining objective law (legal norms) by conducting research on legal issues. The second stage aims to obtain subjective law (rights and obligations) [7].

RESULT & DISCUSSION

Law Enforcement

Humans basically have natural and non-natural desires, needs, and ambitions. Therefore, specific kinds of rules that regulate and bind them to prevent conflict in the community are necessary. However, regulation alone cannot guarantee peace since it depends on law enforcement.

Law enforcement is a process that translates legal ideas and ideals containing moral values such as justice and truth into concrete forms. To realize it, organizations such as police, prosecutor, court, and the correctional institution as classic elements formed by the state are required. Law enforcement contains supremacy of substantial value, namely justice [8].

Conceptually, the spirit of law enforcement lies in harmonizing values that are spelled out in robust rules and embodied in attitudes as the translation of the final stage to create, maintain, and protect peace in society [4].

Law enforcement is essentially an adoption of decision making, involving those which are not strictly governed under the rule of law, yet has the element of personal judgment (Wayne La Favre, 1964). Quoting Roscoe Pound, La Favre states that the essence of discretion lies in law and morals [4].

On that basis, law enforcement's problem is that there is no harmony among value, rule, and behavior. In other words, paired values such as good and bad, order and peace, public and personal interest, must be manifested in rules as behavior guidelines. Otherwise, it will disturb the peace of living in the community. Therefore, it is necessary to harmonize personal and interpersonal interests. Specifically, in law, according to Rasjidi Oesman [9], two central values must be harmonized. They are freedom and order. Because freedom without

order will create anarchy, and order without freedom will lead to authoritarianism. In law, freedom is called comparability (of law), which represents personal interest.

In contrast, the order is called certainty (of law), which represents interpersonal interest. Harmony is ethically called justice and sociologically called peace. The existence of justice and peace in people's lives depends on community awareness.

Five factors influencing law enforcement according to Soerjono Soekanto are: [4]

1. Legal Factor. It is material law or written regulation made by the Central and Regional Authorities. As it is generally accepted, material law aims to have a positive impact.
2. Law Enforcer Factor. In Indonesian Dictionary [10], enforcer means upholder who establish..... Law enforcers are those who enforce the law, which consists of police officers, prosecutor, judge, lawyer, and corrections institutions. Thus, to generate a deterrent effect, a law enforcer must play a more active, cooperative, and synergistic role in carrying out his respective function.
3. Facility Factor. Appropriate facilities and infrastructure are needed to support law enforcement efforts.
4. Community Factor. Law enforcement comes from the community. It is applied in order to achieve justice and the welfare of the people.
5. Cultural Factor. Law enforcement represents the intercommunication of human work, creation, and initiative in life.

These five factors have good and bad impacts. Therefore, fair law enforcement needs harmony between the value of freedom (comparability) of law and the value of order (certainty) of law.

Law and Justice

Experts believe that justice is the goal of the law. Rasjidi Oesman, whose writing quotes Aristotle teaching on justice, mentions that: [9] "We see that everybody who uses the term justice means by it the moral state which makes people capable of doing what is just and which makes them just in action and in intention. In the same way, injustice is the moral state that makes them unjust in action and intention. Let us begin by assuming this rough definition of justice and injustice. We regard justice as one moral state and injustice as another..."

Furthermore, the notion of justice is divided into two natures, namely distributive and

commutative justice. Distributive justice (justice that divides) ensures the right of a person according to his services. In this case, it is not the equality that is demanded, but comparability. However, commutative justice gives everyone equal share regardless of individual services without distinguishing men from women and married from unmarried people, as all are considered equal. The principle of commutative justice plays a vital role in the field of civil law, such as those in agreements or exchange of goods and services [9].

Someone is considered fair when he keeps the law or a decent person. Meanwhile, an unjust person does not act in accordance with the law. Accordingly, what is just is what is lawful, what is fair, and what is unjust is what is unlawful, what is unfair.

Justice according to Islam

In the Holy Qur'an, there are many terms referring to fairness. The word "adil" in Bahasa Indonesia (which means "fair" in English) originates from Arabic "al-adl," which means putting something in its place, wearing the rightful.

As interpreted in any language, justice involves decency to uphold. While to be able to uphold justice, it needs a law; which guarantees order in society and maintains a balance among diverse interests. Based on the discussion above, it cannot be said that justice is the goal of the law, as Ethical Theory originated from Aristotle.

Another teaching introduced by Jeremy Bentham (1748-1832) is the Utilitistic Theory. He believes that the purpose of the law is to provide maximum happiness to the highest number of people. According to this theory, only the majority can be treated fairly—the more people the much justice to be possibly pursued. Naturally, the outnumbered minority will be defeated by the predominance in pursuing equal justice. However, in reality, this theory is invalid because the law is not solely made to benefit some, but all. It is clear that the Utilitarian Theory that guarantees happiness only for the majority is unacceptable because the law concerns the safety of all human life, not only a large number of people [9].

Hence, justice shall be a means to implement the law for all people indiscriminately. It is stated in the Holy Qur'an, "And when you establish a law among humans, you shall make it fairly." (Surah an-Nissa: 58)

Therefore, the implementation of law and justice lies in the standard of morality. Law and

justice essentially is a matter of human conscience (*Geweten*) in respect of the trust.

Community Legal Awareness

Community legal awareness is an important aspect to be achieved as one of the goals of development in the legal field. That is realizing a peaceful and just society.

Consciousness derives from the word conscious, which means realize, sense, know, or understand. To realize means to know, to be fully aware, and to feel. Awareness means to have perception and a state of understanding, besides to feel and experience truly. Legal awareness represents the existence of conviction, the condition of which someone understands well what law is, and what the function is for himself and the surrounding community [11].

In terms of law enforcement, there is a perception in the community that "the law is blunted upward and sharply downward." This is due to frequent and repeated unfair law practice, thus making the community apathetic towards the law. Such a situation because of the existence of law cannot be used as a guide to behaving for the community. Therefore, it promotes relatively low legal awareness and nonchalant behavior.

As the goal of law itself, the role of public legal awareness is pivotal to ensure certainty and justice. Legal awareness in a community needs to be developed through public education and active participation. The higher legal awareness in the community is, the fewer sanctions to be imposed. Sanctions are only necessary on those proven to have violated the law; thus, peace is established.

Peace is essential in human life. It also brings healthy, comfortable, and harmonious social interaction among the people. Peace signifies a safe environment where people live in excitement. Surely people are comfortable to carry out his obligation in law and order framework. Thus, tranquility is an absolute right of every individual. The expression of peace contains hospitality, gentleness, brotherhood, and justice.

CONCLUSION

To realize fair law enforcement, it takes harmony between legal certainty and legal compatibility. The balance enhances the legal awareness of the people and creates peace as an absolute right of every individual. Therefore, in turn, it can reduce the level of crime in the community.

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