

Building Legal Awareness: Solutions to Land Disputes and Family Harmony

Tumini

Department of Management, Universitas Panca Marga, Indonesia

ABSTRACT

The aim of the community service activity, Real Work Lecture, community empowerment learning in Jrebeng Kidul Village, Probolinggo City, is to try to build legal awareness in the community starting from the smallest sphere, namely the family. This service activity takes the form of socialization or legal counseling on how to respond to problems in the surrounding environment by being aware of the levels of rights and obligations so that a peaceful and orderly sub-district can be created, especially in land disputes. The impact of this service activity is able to grow and increase legal awareness for individuals, families and local residents so that order and order and harmony are created in social interactions in Jrebeng Kidul Village. The result of this service activity is the formation of community groups who care and are aware of the law. The benefit of this community service is to build community awareness to live in an orderly, peaceful and peaceful manner as well as legal protection, especially for the people of Jrebeng Kidul Village.

*Correspondence:

Tumini
(tumini@upm.ac.id)

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1. INTRODUCTION

Indonesia is a legal state as stated in the 1945 Constitution of the Unitary State of the Republic of Indonesia (UUD NKRI 1945) in Article 1 paragraph (3) which states that it is the highest will of the people (volonte generale) of the Indonesian nation. Indonesia as a country of law means that law is the main pillar in moving social, national and state life to achieve the country's ideals. The ideal of the Indonesian nation is to form a just and prosperous society based on Pancasila. Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia contains the consequence that all forms of state administration must be based on applicable rules/laws, and the law must always be upheld in the life of the nation and state, and socializing. This means that the legal structure is not only for the government which is obliged to implement the law consistently, but society must also be aware of the law and obey existing laws in order to create synergy between the rule of law as the basic values of law, namely substance, law enforcement as the structure, and society. as a bearer of legal culture in order to achieve the objectives of these basic legal values.

Building legal awareness is part of community empowerment. Another term for legal development is legal formation (Supriansyah et al., 2022; Young & Billings, 2020). Hartanto believes that the issue of law formation and law application in society is determined by the interrelated relationship between legal awareness and legal politics. Legal awareness is awareness of the values contained within humans regarding the laws that exist or are expected to exist (Hartanto, 2015). If legal awareness is carried out and grows from each individual, originating from, by and for individuals, an orderly and peaceful social environment will be created (Dewantara et al., 2019).

Then, a land dispute is a dispute that arises because of a conflict of interest over land. Land disputes cannot be avoided nowadays (Moreda, 2022; Ramadhani & Lubis, 2021). This requires

improvements in the field of planning and use of land for the welfare of society and most importantly legal certainty therein. The government has made various efforts to resolve land disputes quickly in order to avoid the accumulation of land disputes, which can be detrimental to the community because the land cannot be used because the land is in dispute. Basically, dispute resolution options can be carried out using 2 (two) processes. Settlement of the process through litigation in court, and the dispute resolution process through cooperation (cooperation) outside of court. The litigation process usually results in an adjudicative agreement that is unable to embrace common interests, tends to create new problems, and is slow to resolve. On the other hand, through an out-of-court process, it produces an agreement that is a "win-win solution", resolves it comprehensively together and maintains good relations.

Higher education as one of the pillars of scientific development participates in providing legal awareness to the community through the tri dharma of higher education, namely research and community service, namely Real Work Lectures (KKN). Because every society cannot always accept the law naturally, but through a conscious or unconscious learning process. Thus, it is clear that society must go through a learning process to be able to accept and understand the law. There are various learning processes, both formal and informal. One of the learning processes that can be carried out for the community is legal outreach/counseling. Article 2 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number: M.01-Pr.08.10 of 2006 concerning Legal Counseling Patterns explains: "that Legal Counseling is held with the aim of creating better legal awareness in society so that every member of society is aware of and appreciates their rights. and their obligations as citizens and to realize a legal culture in attitudes and behavior that are conscious, obedient and obedient to the law and respect human rights."

This article emphasizes that legal counseling is a form of effort to create a legal culture. Legal culture can be realized if the community's legal awareness has been built, so it is important to build community legal awareness (Abrego, 2019; Tereshchenko et al., 2020). The emergence of legal awareness is driven by the extent to which compliance with the law is based on indoctrination, habituation, utility and group identification. This process occurs through internalization within humans. This level of internalization then provides strong motivation in humans regarding law enforcement issues. Soerjono Soekanto stated, "that there are indicators of legal awareness, each of which is a stage for the next stage: legal knowledge, legal understanding, legal attitudes, and legal behavior patterns."

Jrebeng Kidul Village, Probolinggo City consists of 4 (four) Neighborhood Units (RW) and 31 (thirty one) Neighborhood Units (RT). It is in this sub-district that the 2022 Panca Marga University Probolinggo KKN participants provide counseling or outreach about families being aware of the law and land disputes to increase legal awareness for the community in an effort to social harmony in Jrebeng Kidul Subdistrict, Probolinggo City.

However, in reality, legal irregularities in society are still widespread, ranging from violations of the rule of law, to crimes which are detrimental and threaten public peace which cannot yet be fully prevented and overcome. The creation of a legal rule is apparently not enough to create order and prosperity in society, this is caused by various factors, one of which is the lack of legal awareness in society itself.

2. METHODS

The method used in this activity is in the form of a directed discussion which begins with counseling/socialization then continues with direct question and answer (Sulistyan, 2020; Yusuf et al., 2023). Counseling participants are community members, especially women and local community leaders. Through counseling, material is conveyed that is important for the community to know and understand, while through questions and answers you can complete material that is unclear and provide input on problems faced by community members in resolving disputes in society and government in everyday life. This legal counseling is prioritized

for women because they have the potential and opportunity to deliver counseling material to the smallest environment, namely the family and their surroundings.

3. RESULTS AND DISCUSSION

In legal science, there are several opinions regarding legal awareness. Regarding the word or definition of legal awareness, there are also those who formulate that the only source of law and its binding power is the legal awareness and legal beliefs of individuals in society which is the individual's legal awareness, which is the basis of the legal awareness of society (Tereshchenko et al., 2020). Furthermore, this opinion states that society's legal awareness is the largest number of individuals' legal awareness regarding a particular event. Legal awareness has several conceptions, one of which is the conception of legal culture. This conception contains legal awareness teachings that are more concerned with legal awareness which is considered as a mediator between law and human behavior, both individually and collectively. This conception relates to cognitive and emotional aspects which are often considered as factors that influence the relationship between law and patterns of human behavior in society. Every community always has primary or basic needs, and community members determine their experiences regarding factors that support and those that may hinder their efforts to fulfill these primary or basic needs. If these factors are consolidated, a system of values is created which includes abstract conceptions or standards about what is considered good and what is considered bad. The land issue is an issue that really touches justice because land is scarce and limited, and is a basic need for every human being, it is not always easy to design a land policy that feels fair to all parties. A policy that provides greater leniency to a small section of society can be justified if it is balanced with a similar policy aimed at other, larger groups. Realizing the increasingly widespread activities of society in various fields and the increasing population and human need for land, this has resulted in the position of land being very important, especially in its control, use and ownership. In particular, the more advanced economic activity is, the more land is involved in it, the expansion of this activity, which generally takes the form of an increase in the number of buying and selling, leasing, inheritance, granting credit and even the emergence of legal relations with foreign persons or legal entities. On this basis, so that the transfer can be implemented. Control of rights from the state or community over land in Indonesia does not give rise to various problems or disputes regarding interests in land, so it is necessary to have strict regulations and a strong legal basis in the land sector. In accordance with the characteristics of the provisions above, agrarian issues are the task of the central government. The government's authority and duties regarding agrarian issues have the consequence that the central government must formulate policies in order to formulate legal politics in the agrarian sector. The policy in question is the Basic Agrarian Law Number 5 of 1960 which contains the inventory of land throughout Indonesia. With regard to public legal awareness, the public should be given an understanding of the importance of the obligation to pay taxes through legal education activities. As stated in the Basic Agrarian Law Number 5 of 1960 article 19 paragraph (1) which reads as follows "To ensure legal certainty by the government, land registration is carried out throughout the territory of the Republic of Indonesia according to the provisions regulated by Government Regulations". The government has issued Government Regulation Number 24 of 1997 concerning Land Registration. The task of registering the transfer of existing rights is currently handled by the National Land Agency. One of the objects of rights found in the community is land, and every individual has the right to own the object of rights (land), so if we talk about the existence of objects of rights, then how does the individual obtain the object of rights (land). Land rights can be obtained by buying and selling. According to Harun Al-Rashid, essentially buying and selling is a way of transferring land rights to the land buyer from the land seller.

Land Tenure Rights

1. Public Aspects of Land Tenure

The public aspect of land control according to the National Land Law is the provisions of Article 33 paragraph (3) of the 1945 Constitution which states that the earth, water and natural resources contained therein are controlled by the state and used as much as possible for the prosperity of the people. This provision confirms that the legal relationship between the state and the earth, water and natural resources found in the territory of Indonesia is given the institution of Rights

Control the Country. The content of the authority of the Right to Control the State is officially described in article 2 paragraph (2) of the UUPA, which states that the Right to Control the State gives the state the authority to: (a) Regulate and carry out the allocation, use, supply and maintenance of the earth, water and space; (b) Determine and regulate legal relationships between people and legal acts concerning earth, water and space.

2. Physical Control of Land

The explanation regarding physical control of land is related to the concepts contained in the definition of legal terms: occupation, possession, permission and bezit. The meaning of occupation, possession, consent and bezit are as follows:

- a. Occupation
The action or process by which real objects (e.g. land) are controlled and enjoyed
- b. Possession
Exercising physical control over an object with the aim of owning the object and doing something about it.
- c. With permission
Control over real objects under a freehold claim
- d. Bezit
Bезit is defined as a situation where a person controls an object, either alone or through the intermediary of another person, as if the object were his own.

3. Juridical Control of Land

Juridical control is based on rights, which are protected by law and generally give authority to physically control the land that is owned. There is also control which even though it gives authority to physically control the land that is owned, in reality the physical control is carried out by another party; (1) when land is rented, the tenant is the one who physically controls the land; (2) when the land is controlled by another party without rights (occupied). In condition "(2)", the land owner, based on his juridical control, has the right to physically demand the land in question be returned to him; whereas in the case of "(1)" the physical control will return when the rental relationship has ended.

In connection with the issue of land ownership rights, which is one of the problems in Juriati village, from the initial data obtained, the influence of the lack of legal knowledge regarding land ownership rights creates quite fundamental problems for the village government to resolve. A legal aid institution is an institution that has an institutional obligation to provide legal education to the community in a village so as to create a legally aware village.

4. Legal Counseling/Socialization Activities

This outreach/socialization activity about families being aware of the law and land disputes was facilitated by 2022 Panca Marga University Probolinggo KKN participants in collaboration with the Jrebeng Kidul sub-district. Inviting the surrounding community and bringing in resource persons who are qualified in their fields, namely in the field of law. This activity was carried out to increase understanding of the equal rights and obligations of Jrebeng Kidul residents with other legal subjects. Legal awareness, especially awareness of justice and equal rights and obligations of all citizens, can support the realization of an orderly, orderly and peaceful sub-district/village. Maria Kaban is of the opinion that peace in social life on the one hand means there is order (which is external between individuals or interpersonal) and on the other hand there is peace (which is private or personal).

The expected results and impacts of implementing extension activities are increased fair behavior, awareness of the rights and obligations of community members so that an orderly and orderly family and society will be created. The reason that outreach activities are aimed at families is also in accordance with Jamal Syarif's opinion, which states that the family is the first place for children to learn to interact with the environment. Through the family, children learn to respond and adapt to the environment. Through this interaction process, children gradually learn to follow what is socialized by their parents.

This activity was carried out after the implementation of the KKN which was carried out at the same time as assistance for strengthening happy, healthy and prosperous families. Counseling activities are carried out in carrying out community service activities facilitated by KKN participants at Panca Marga University, Probolinggo.

The impact of the legal education activities carried out raised awareness among the residents of Jrebeng Kidul to be more active in holding meetings and encouraging each other to maintain peace, order and regularity in their families and communities. In the end, a community group was built that cared about justice within the community itself and outside that environment.

The following is documentation of the implementation of counseling/socialization for families aware of the law and land disputes.



Figure 1. Results of Activity Implementation
Source: Activity Executor (2022)

4. CONCLUSION

Based on the description above, a temporary conclusion can be drawn, that the main problem of developing public legal awareness actually lies in the factors that might influence it. These factors have a neutral meaning, so their positive or negative impact lies in the content of these factors. These factors are as follows: 1) The legal factors themselves, which in this article will be limited to the law only. 2) Law enforcement factors, namely the parties who form and implement the law. 3) Facility or facility factors that support law enforcement. 4) Community

factors, namely the environment in which the law applies or is applied. 5) Cultural factors, namely as a result of work, creativity and taste which are based on human intention in social life.

These five factors are closely interrelated, because they are the essence of legal awareness, and are also a benchmark for the effectiveness of legal awareness in creating a legally aware village. So that efforts that can be made to increase public and government legal awareness can run well, namely: 1) Conduct legal education to the community in a comprehensive and continuous manner. 2) Carry out legal reforms. 3) The legal process must not be based on political motivation. 4) Uphold human rights and be non-discriminatory. 5) Make improvements in order to strengthen government institutions by providing law enforcement institutions that truly serve truth, justice and legal certainty.

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