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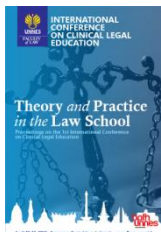
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Law Construction in Modern Society

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ABSTRACT

Law as a social construction instrument should be able to improve social system and face the challenge of this changing era. However, what happens in our society nowadays shows that people tend to have less trust to law. It is proven by opponents of inadequate quality of law as the agent of social construction and the substantive justice. Additionally, the anxiety of legitimating crisis occurs. Law as a media of social construction, which is aiming at creating fair and prosperous society, seems problematic to be accepted. In this case, realizing the cause of people's problems in interpreting and accepting the purpose of law as a social construction instrument becomes the important matters. The level of people's education leads to the low law awareness. The education systems, the pattern of regulations socialization, the limitation of public information access may lead to low recognition toward law. Regarding the problems abovementioned, education becomes one of alternative solution. It is expected that the higher people's law awareness, the lower people's opportunity to break the law. Thus, public education may promote the implementation of construction of modern society.

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Introduction

Malang Raya refers to a region which includes Malang Municipality, Batu Municipality, and Malang Regency. There are four (4) courts in Malang Raya, namely: Religious Court of Malang Municipality, Religious Court of Malang Regency, District Court of Malang Municipality, and District Court of Malang Regency. At 2015, those four courts confirmed 17,212 cases of law. Divorces, criminal cases, and civil cases are the major cases recorded. Viewing at the large number of legal issues, which include divorces, frequent criminals, civil cases and corruption issues, the increase of legal service turns into an essential focus. In addition, a good legal service may not develop into a problem solver when one has brought into 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

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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 lead 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.

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.

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.

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:

- a. **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.
- b. **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.

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.

c. 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
- 4) Evaluation session, which is given in evaluation sheet.

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.

In addition, regulations are made as a social control and to keep the social order. Not only wanting to see the justice is created in the society and served by the laws, but the society also want the regulations that can guarantee their social contacts with others.

First, the recognition on how to make a correct legislative process toward the Parliaments needs to be done. This program offers trainings on the understanding of the making of region regulation by considering the variety of the Parliament members. Second, it is important to identify the problems arise in the society which must be handled immediately. For example, to make a regulation on garbage, the Parliaments need to observe the situation directly. This is to classify the habit of the society on waste management. Third, to anticipate the impacts of the regulation, the lawmakers construct penalties. It brings to some consequences in terms of budget, equipment, availability and willingness of the person responsible for the program. Those all elements work together to create a finest implementation of the program. Fourth, to make the regulation works properly, the information should be shared equally to the society. The fact is that people get insufficient information about law, which in turn, they tend to break the law. In this case, the lawmakers should socialize the regulation to improve people's law awareness. Fifth, it is important how to make the society feel that they become part of the regulation. It is widely known that the limited numbers law officers compared with the population becomes the limitation of people's encouraging participation. For instance, to implement a regulation of not wasting garbage in the river, the Civil Service Police (Satpol PP) has to watch the regulation carefully. The officers observe the river to prevent someone to break the law. This will not happen if the society have awareness and involve them as a part of law itself. In turn, the number of lawbreakers may decrease. Besides, the lawmakers have to provide manuals to guide people to obey the law. The rewards can be offered to motivate people to have better law awareness. In the next, people may become the observer to control on how law is implemented. These step-by-step processes are considered as law construction in modern society.

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.

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