
**LEGAL LITERACY VILLAGE
(Building Legal Awareness for Citizens' Access to Justice in the village
of Bendan Kergon, West Pekalongan District, Pekalongan City)**

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Abstract:

This study will discuss the phenomenon of low legal awareness in the community of Bendan Kergon Pekalongan Village. The study was conducted by applying the Participation Action Research (PAR) approach with the aim of building legal awareness in order to open access to justice for community members. The results of the assistance provided showed an increase in community participation in realizing legal awareness. This is proven by the initiative of Bendan Village residents to form a Community-Based Legal Aid Post (Posbakummas).

Keywords: Legal Literacy, Village, Kergon, Pekalongan

Kajian ini akan membahas tentang fenomena rendahnya kesadaran hukum di masyarakat Kelurahan Bendan Kergon Pekalongan. Kajian dilakukan dengan menerapkan pendekatan Participation Action Research (PAR) dengan tujuan untuk membangun kesadaran hukum guna tebukanya akses keadilan bagi warga masyarakat. Hasil pendampingan yang dilakukan menunjukkan adanya peningkatan partisipasi masyarakat dalam mewujudkan kesadaran hukum. Hal ini terbukti dengan adanya inisiatif warga Kelurahan Bendan untuk membentuk Pos Bantuan Hukum Berbasis Masyarakat (Posbakummas).

Kata Kunci: Legal Literacy, Kampung, Kergon, Pekalongan

INTRODUCTION

Legal awareness is the most important and fundamental thing to realize access to justice. That means access to justice will be realized if the community has legal awareness. Legal awareness is awareness about what should or should not be done to other people.¹ Legal awareness is a way of looking at society against the law that should be done and not done, as well as respect for the rights of others. Indicators to measure community legal awareness include: first, knowledge of applicable laws. A person's knowledge of behavior is regulated by law; second, understanding the law. Understand the substance, legal objectives and legal benefits; third, legal attitude. A tendency to accept the law is because of respect for the law as a benefit if the law is obeyed and; fourth, the pattern of legal behavior.²

People who are not aware of the law, often do not use the rights they have in solving legal problems, because they do not know about how to solve them and how to access them.³ Whereas access to justice is the constitutional rights of every Indonesian citizen as mandated and guaranteed in article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, written: "All citizens are at the same time in law and government and must uphold the law and government with no exception." Article 28D (1) says: Everyone has the right to recognition, guarantees, protection and certainty of law which is fair and equal treatment before the law." That is, access to justice is the right of all citizens without exception, so building legal awareness for access to justice for citizens is important, so that they have the ability to know, understand, realize and use basic rights, including the right to access justice.

These thoughts are relevant in the context of the community in Bendan Kergon Urban Village, Pekalongan City. Based on the results of interviews, it shows that, the level of welfare and education of people in this region are still low, have high unemployment and the number of social ills. For example, drugs, covert prostitution, theft and liquor, even this village is the center of covert prostitution in the city of Pekalongan; Domestic violence,

¹ Sudikno Mertokusumo, 1981, *Meningkatkan Kesadaran Hukum Masyarakat*, Cetakan Pertama, Edisi Pertama, Liberty, Yogyakarta, pg. 3

² Soerjono Soekanto, 1982, *Kesadaran Hukum Dan Kepatuhan Hukum*, Edisi Pertama, CV. Rajawali, Jakarta, pg. 159

³ Access to Justice Working Group, *Strategi Nasional Akses Terhadap Keadilan*, Jakarta: BAPPENAS Direktorat Hukum dan HAM, 2009, pp 5-6 . Also see on Abdul Fatah, *Regional Legal Assistance* DOI : <http://doi.org/10.21070/jihr.v2i1.7> <http://ojs.umsida.ac.id/index.php/rechtsidee/article/view/7/1>

unregistered marriage, abortion and sexual harassment also still color the reality of society.⁴ This condition was confirmed by the results of a questionnaire distributed by the Legal Aid Institute for the Sharia Faculty of IAIN Pekalongan, on 12 to 16 February 2018, of 100 residents and Heads of village in Bendan-Kergon, with criteria, namely: 1) citizen participation in paying property tax ; 2) underage marriage; 3) criminality; 4) prostitution, 5) liquor, 6) sexual harassment, 7) drug cases; 8) awareness of cleanliness and environmental sustainability; 9) Domestic Violence and; 10) unregistered marriage, shows the low level of legal awareness in this village.⁵

The ten criteria, assessed from four (4) components of legal awareness, which are knowledge, understanding, attitudes and legal behavior.⁶ Of the 10 criteria above, what has been fulfilled is awareness about cleanliness and environmental sustainability and the practice of underage marriages. This means that there are still 8 criteria that need attention that can be said that residents in this region have legal awareness (legal literacy). Based on the thoughts and facts above, the program is focused on the issue of building legal awareness for access to justice for residents in the Bendan-Kergon. The program is expected to also be able to increase legal awareness and provide access to justice for citizens, in dealing with legal issues. The synergy and collaboration between the theoretical and praxis levels, as well as the enthusiasm and desire of citizens to realize social order and social security are guarantees as well as initial capital for the success and sustainability of this program.

METHOD AND APPROACH

The approach used was Participatory Action Research (PAR), targeting residents in the Bendan Kergon village, Pekalongan City. The strategy used to achieve the expected conditions of assistance, not only by patronizing them but inviting them to analyze and solve problems together related to the reality that is the focus of the problem. According to Donald E. Comstock, the research process begins with interpretation, study of empirical data and dialogue and analysis with the community for practical purposes, which aims not

⁴ Interview on 12 February 2018

⁵ This criterion is in accordance with the Regulation of the Head of the National Legal Development Agency Number PHN.HN.03.05.-73 of 2008 concerning the Formation and Development of Village Law Offices and other criteria in accordance with the reality and needs of current Bendan-Kergon residents.

⁶ Soerjono Soekanto, 1987, *Sosiologi Suatu Pengantar*, Rajawali Pers, Jakarta, hal., 217-219

only to recognize the world, but also change it. The method of collecting data and information is done by: secondary data review, observation, interview, questionnaire and FGD. Focus group discussions (FGDs) are used to conduct a problem analysis with citizens, including to find out their hopes in the future related to legal awareness. While the method used to build legal awareness is Participatory Rural Appraisal (PRA) with a flow of activities ranging from assessing needs, planning programs, implementation and monitoring-evaluation, together with target residents, in accordance with predetermined objectives.

DISCUSSIONS

1. Residents of Bendan Kergon Urban Village, Pekalongan City

Geographically, Bendan-kergon is located in a very strategic area, because it is in the heart of the city, which is the intersection between Jalan KH. Mansur and Jalan Jawa. This area is close to the administrative center of the city of Pekalongan, with a distance of approximately 1.5 KM. After the merger of Bendan and Kergon villages, the population in this kelurahan has increased around 15760 people (7870 men, 7890 women), which spread in 18 hamlets (RW) and 100 neighbourhood (RT). The number of family heads is 4117 households, most of which are in the category of prosperous family I, as much as 41% or 1692 families, even 14% or as many as 657 households are categorized as pre-prosperous.⁷ This means that welfare in this region is still classified as lower middle class, as many as 55% are poor citizens, and 45% are middle to upper category residents.

The low level of welfare of the majority of residents was apparently influenced by educational factors, which on average only graduated from junior high schools, elementary schools, did not even graduate and there were still residents who were illiterate, especially those aged 60 years and over. This is linear with the majority of residents' livelihoods, more dominant in the informal sector, for example: pedicab drivers, parking attendants, batik-

⁷ Data from Bendan-Kergon Thaur Village in 2017. Family categories according to BKKBN, include: 1) Underprivileged is the type of family that has not been able to meet basic needs (Clothing, Food and housing); 2) prosperous family I is only able to meet the needs of food and clothing; 3) prosperous family II, is able to meet basic needs; 4) prosperous family III, which is able to meet primary and secondary needs and; 5) a prosperous family III plus is able to meet Primary, secondary and tertiary needs. See the BKKBN Guidebook (Jakarta: BKKBN, 2010) p. 23.

filled laborers, tire patches, etc., even many people of productive age who do not work (unemployed).

Seen from the relatively weak religion compared to the religious conditions of the people of Pekalongan city in general. even though 90% are Muslim. This is shown by: 1) Prayer in congregation is very small in every mosque; (2) there are no religious activities in commemoration of religious holidays and; (3), When the fasting month, many people who do not carry out fasting worship and like to eat in any place.

Even though the welfare and education of most of the residents are classified as low, the stretching of residents to carry out community activities is very high, for example: monthly meetings in Family Welfare Empowerment (PKK) Village, PKK Hamlet, PKK neighbourhood for mothers and also neighbourhood meetings for fathers, People's Security Agency (BKR) meetings "Kuncup Mekar" every month, and the Family Planning and Integrated Health Service (Posyandu) for the Elderly and Toddler in every hamlet. This proves citizens have a sense of caring for social activities, so that the activities of these citizens, can be used as an entry point and the sustainability of this program.

Welfare, education, unemployment and religious diversity of the people in Bendan-Kergon Urban Village are linear with the high social ills in the region. For example, drugs, covert prostitution, theft and liquor, and even this sub-district is the center of covert prostitution in the town of Pekalongan, which is in RW 11 (Bendingsari). Cases of domestic violence, unregistered marriage, abortion and sexual harassment also still color the reality of society. According to the Chairperson of RW.05, that drugs and alcohol are increasingly prevalent in the Bendan-Kergon environment, even sexual harassment, motorcycle theft and fights.⁸ This was also confirmed by Bhabinkamtibmas, Bendan Village - Keron that social diseases, especially drugs and alcohol, in this region were relatively high compared to other regions.⁹

2. Building Legal Awareness for Access to Justice for the Villagers of Bendan Kergon

Departing from this reality, efforts are needed to build legal awareness for residents in Bendan Kergon, so that access to justice is realized. Therefore, to build gender-aware

⁸ Interview on February 12, 2018

⁹ Interview on February 15, 2018

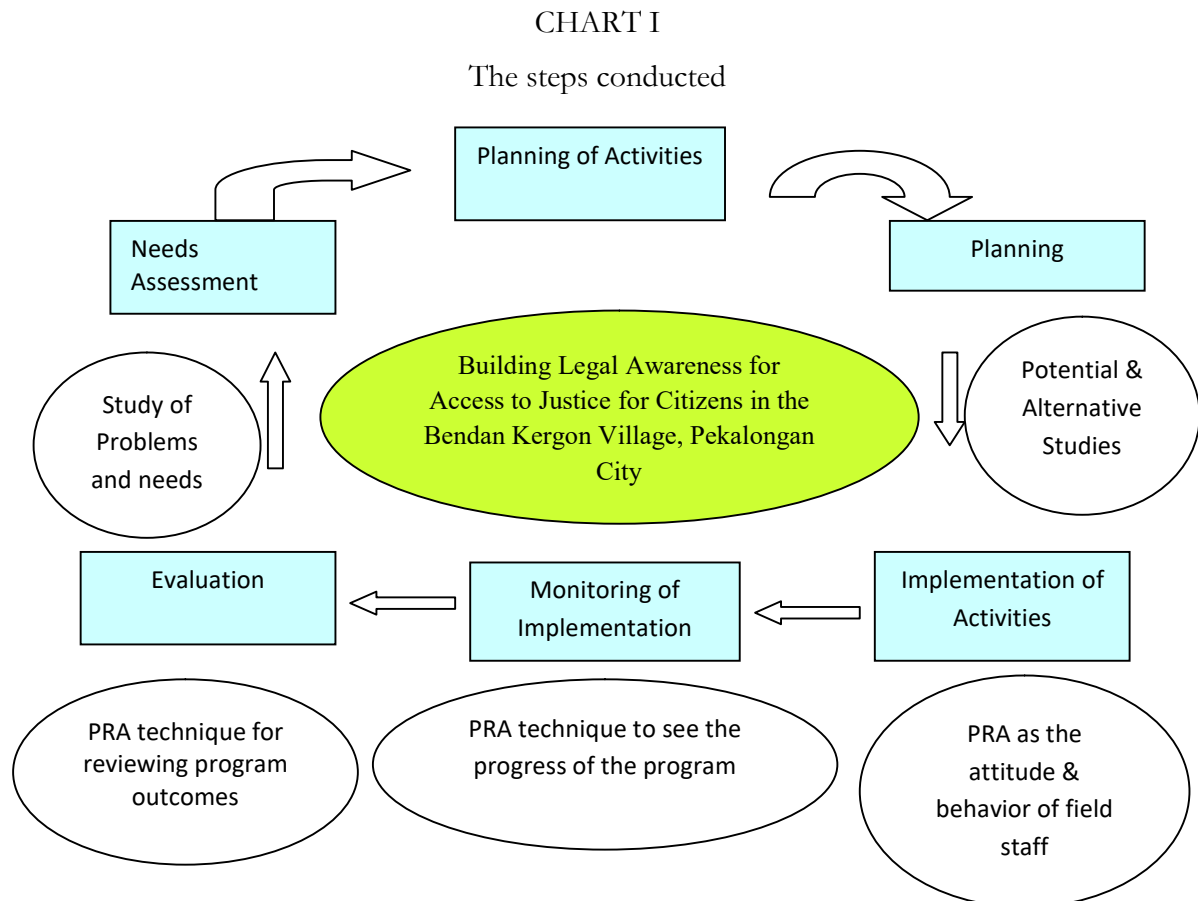
legal awareness, various strategies and appropriate steps are needed. Thus, the activities to be carried out are in accordance with the stated objectives. To achieve the expected conditions of assistance, the strategy and steps are carried out in stages. From these various stages, the researcher takes the role of facilitator and agent of change to assist the assisted subject in identifying and defining needs; diagnose problems and goals; obtain relevant resources; choose, use and evaluate problems and solutions.

Strategies undertaken in this regard include: awareness of citizens through paralegal education, awareness of citizens through legal awareness campaigns; citizen awareness through dialogue as well as collaborating with relevant stakeholders, forming community-based Legal Aid Posts (Posbakummas). The methods used include lecturing, sharing, brainstorming, simulations, games, study of stories, group discussions, demonstrations and others.

The material presented in paralegal education activities and community dialogue, among others: 1) paralegals and self-image of community-based paralegals; 2) social sociology; 3) Introduction to basic law; 4) citizens' constitutional rights and obligations; 5) criminal law and criminal procedure; 6) civil law and civil events; 7) criminal and civil settlement mechanisms; 8) litigation and non-litigation; 9) reporting of criminal acts, competence and the mechanism of proceedings in the District Court and the Religious Court; 10) reporting and mediating cases of domestic violence, sexual violence and harassment and violence against children; 11) orderly population administration and other civil registration, including the registration of marriage and *istbad* marriage; 12) rights and obligations of husband, wife and children in the household according to Islamic law and positive law, 13) legal assistance; 14) communication and counseling; 15) social analysis.

The steps taken are: first, identify the problems commonly faced by residents, by conducting direct communication, questionnaires, interviews, directly involved in meetings held by residents and FGDs so that there are urgent problems to be followed up in the formulation of concepts and preparation model; secondly, program planning and determining indicators of the achievement of the program's success with the assisted residents, and based on their aspirations, needs, experience and interests; thirdly, the implementation of program activities in the stage where the programs of activities that have been previously designed to be carried out according to a predetermined schedule and; fourth is the evaluation stage. This stage is important because it is to measure and evaluate

the extent of program implementation achievements in accordance with predetermined indicators, as well as to get feedback as material for reflection and notes in order to stabilize the program.



According to Reynolds, empowerment-based learning and awareness processes are cyclical activities that move between: experience, observation and reflection, conceptualization/generalization, and experimentation that will directly guarantee the sustainability of the program.

3. The Growing of Critical Awareness of the Importance of Legal Awareness to Realize Citizens' Access to Justice

The growing critical awareness of the residents of Bendan-Kergon Village, West Pekalongan, Pekalongan City about the importance of legal awareness to realize access to justice, is motivated by the complexity of legal cases in the region, ranging from criminality, including cases of domestic relations, juvenile delinquency (drugs, liquor and others),

prostitution, and unregistered marriage. On the other hand, most people do not know how to solve it, even where they have to resolve these various cases.

This was stated by the Head of RT. 02 "*The people in this village will come to me if they have problems, but I as the head of the RT do not understand what to do.*"¹⁰. The head of RT.08, also expressed his concern "*Prostitution and household cases also often occur in my area. They sometimes tell me their household problems, but I am confused what to do.*"¹¹ Some residents also expressed concern about rent houses that are not licensed, so that they are used for "cohabiting gatherings" and other things that are troubling residents.

The socialization as well as the opening of the activities carried out at the beginning of June 2018 with the aim of providing an understanding of the orientation of the activity program to the participants conducted at the former village office, became the starting point for building citizens' critical awareness of the importance of awareness of citizens' law in the region. Furthermore, paralegal education held for 10 days, involving as many as 30 participants, mostly RT heads, further reinforced the emergence of critical awareness about legal awareness in realizing access to justice and citizens' discipline.

The first meeting in paralegal education was the pre-test and group dynamics. The next meeting discussed the Sociology of Society. The speaker said that the relationship between the communities is very important with the relationship or sociology with the community. This will be able to bring social change in the community if the relationship or socialization in the community runs in harmony in accordance with the interests of the community, it will create positive social changes in society, and vice versa. Next is the rights and obligations of citizens. The speaker explains that the rights and obligations of citizens must be obeyed. We should devote to our obligations as citizens, then we can accept our rights to know our position as regulated in Article 27 to article 34 of the 1945 Constitution of the Republic of Indonesia.

At a meeting, people discuss communication and counselling which is the communication process between counselor and client. This communication is very necessary in the provision of counseling. Basic counseling techniques include: attending, opening, acceptance, repetition, reflection of feelings, clarification, paraphrasing, limitation,

¹⁰ Dialogue at the socialization program event on June 27, 2018 at 19.30 WIB

¹¹ Dialogue at the socialization program event on June 27, 2018 at 19.30 WIB

direction, silence, reinforcement / support, rejection, advice, summary/conclusion, conflict, interpretation, and termination.

Introduction to the basic law is also delivered by the speaker about the law in Indonesia at the present time. It is called positive law that is the law in force in a country at a particular time. Positive law has elements including: binding in general or specifically, enforced through the government or court, applicable and enforced in Indonesia. To regulate the lives of Indonesian people, the government should create security and order in society, nation and state. In addition, the material is about legal aid. Legal aid is legal services provided free of charge to legal aid recipients. There are two types of legal aid, called litigation and non-litigation based on justice, equality in law, openness, efficiency, effectiveness and accountability.

The next meeting discussed about litigation and non-litigation. Material related to this matter is the type or form of legal assistance. In the litigation process, the parties contradict each other. Besides, that litigation dispute resolution in the final and that means after alternative dispute, resolution is unsuccessful. While non-litigation is the settlement of disputes that have been agreed by both opposing parties and resolved outside the court by means of consultation, negotiation, mediation, conciliation or expert judgment in accordance with article 1 number 10 of the Arbitrates Law and the APS.

Criminal Law and Criminal Procedure discusses the definition of criminal law which is a complete prohibition or order which the State is threatened with misery, a crime if it is not obeyed. Types of criminal, formal and material criminal law rests on 3 principles, principles of justice, mistakes, nature against the law. Whereas criminal procedure law is the way the state and its equipment use its authority to convict and impose a crime. While civil law and civil procedural law, discussing the definition of civil law are provisions governing the rights and interests of individuals in the community, in civil law no sanctions are imprisoned. Whereas civil events are a way to resolve civil law problems.

Regarding material of criminal cases, the speaker said that there are 2 types of criminal law in the Criminal Code. The first is crime and the second is a violation. In criminal cases, the process of handling cases includes, investigation, case title, investigation, SP fingerprint and Notice of Commencement of Investigation (SPDP), arrest, verbal, detention & extension, confiscation and seizure of confiscation of PN, stage 1 file, p18 / p19 and p21, stage 2 file (suspects and evidence), indictments and demands, hearing

decisions. The next material discusses the making of lawsuit and petition, where the elements in making both the lawsuit and petition are the identities of the parties (applicant and respondent in the petition, plaintiff and defendant in the lawsuit), Posita (sitting case), demands consisting of primary and secondary demands.

Social analysis became the final material, where after being explained about how to do social analysis, the participants were also taught the practice of doing social analysis and the task of carrying out social analysis practices to the community. The last meeting in the legal education activities was a post-test to find out the participants' understanding after doing paralegal education. In the closing activity delivered with a variety of feedback from residents about the materials that have been delivered at several previous meetings. On this occasion, it also explained the evaluation of activities in general and the possibility of follow-up. The participants were asked for their responses related to the assistance activities. In addition, an evaluation was also carried out by the teamwork to find out the success of this paralegal activity (legal awareness about the right to justice and access to justice for citizens).

The results of the post-test in paralegal education activities showed that, knowledge and understanding of citizens' law began to increase. That is, two indicators of awareness of citizens' law have shown changes, although attitudes and behaviors of citizens' law still need a process of change. Critical awareness of citizens is strengthened through awareness campaigns and law-making activities with residents and coffee awareness dialogues.

Departing from this reality, there are at least two sources of power that can be mentioned, among others: First, people's instincts are so strong over the social problems they face, especially insofar as it involves right and wrong over the assessment of a reality that was previously considered as something of truth. When the truth they profess turns out to be of no benefit, then a growing desire and strong determination for a change through movement in the name of the power of the community arises as something inevitable. Although not the same, but this is almost in line with Weber's theory of rationality and exchange theory. This means that people will do something when they feel more benefits (economic and non-economic) from these allies. Secondly, on the other hand, there is hope that public awareness of the realization of access to justice can only occur through their own struggle.

The establishment of a Community Based Legal Aid Post (Posbakummas) in Bendan Kergon Village, West Pekalongan District, Pekalongan City was welcomed enthusiastically by residents. This Posbakummas was formed with the aim of providing solutions related to citizens' legal problems, through consultation, education and legal information, as well as providing referrals to legal cases to immediately get a solution both through litigation and non-litigation.

CONCLUSION

Building legal awareness for residents in Bendan Kergon Village, Pekalongan City, has actually provided tangible results for residents. This is evidenced by the awakening of community legal awareness to realize access to justice that is fought for by themselves. It also awakes the enthusiasm of citizens in forming the Formation of Community-Based Legal Aid Posts (Posbakummas) in Bendan Kergon Village, West Pekalongan District, Pekalongan City with the aim to provide solutions related to problems citizen law, through consultation, education and legal information, as well as providing references to legal cases to immediately get a solution both through litigation and non-litigation.

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