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LEGAL CULTURE AND THE INFLUENCE ON LAW ENFORCEMENT IN INDONESIA

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ABSTRACT

Legal culture is an element that influences law enforcement. Legal culture is as important as substance, and legal structure. Legal culture influences law enforcement. The research objective **2** to describe the legal culture and examine the influence of legal culture on law enforcement. This research uses a philosophical approach. The results of this study indicate that legal culture is an element in law and an inseparable part of the legal system. The operation of the legal is determined by the legal culture. Legal culture shows the attitude of human behavior towards legal issues and legal events that carry over into society. Without legal culture, a legal system will not be helpless. Legal culture is part of a legal system that also has two other parts, namely substance and legal structure. Legal culture is in the form of values, traditions and spiritual forces that determine how law is implemented in society. Building a community legal culture is part of efforts to build attitudes and change the mentality of the nation. The number of actions that harm the community are not resolved, due to the weak legal culture. The law is determined by the legal culture in the form of values, views and attitudes of the community concerned. If the legal culture is neglected, then there will certainly be a failure in law enforcement. The legal culture influences the enforcement of the legal system.

Key Words: culture, law enforcement, Indonesia.

INTRODUCTION

There is a saying "the law is sharp downward, blunt up". That is the expression of public expressions of the conditions of law enforcement in Indonesia. The phrase illustrates, on the one hand the process of law enforcement is very difficult when dealing with cases involving

authorities and financiers. Whereas on the other hand, the law is strictly enforced against small communities.

The law should be firm, certain, and of course reflect justice as a priority, and provide benefits. It will be a problem when it does not apply equally to all levels of society. This condition has at least caused public distrust towards the law enforcement process and to law enforcement officials in Indonesia.

This distrust in social life appears in two symptoms. *First*, be vigilant. This actually has negated the existence of the state as the holder of the monopoly on forced tools. *Second*, the community tends not to choose the legal process to resolve the problem, but instead promotes ways of violence. This happens because the legal process is considered unable to provide justice and cannot resolve the problem.

One of the problems faced by the Indonesian people is weak law enforcement and the lack of public confidence in the legal process and its officials. This is reflected in various law enforcement. The main thing that has been done a lot is the structuring of legislation through the formation of various new legal rules and the structuring of the institutional structure of law enforcement. During the reform era, hundreds of laws have been formed, both new laws and amendments to old laws, both governing material and formal law as instruments of law enforcement.

Legal institutions have also been structured in a number of ways, both the main institutions having authority ranging from investigations to the implementation of decisions and new institutions to support and encourage law enforcement. Structuring the management of organizations and resources of law enforcement agencies has also been carried out through bureaucratic reform programs covering all aspects. The two efforts above have not been fully able to strengthen the process of law enforcement. Not all problems can be solved by establishing new legal rules and new institutions.

Not excessive if the legal culture is positioned as one of the elements that influence the enforcement of the legal system. Legal culture is on the same level and as important as the elements of substance and legal structure. Each element influences each other and has the same share. Culture is like water where fish live. The quality of legal culture determines the quality of law enforcement. No matter how well the rules of law are made, no matter how detailed the institutional and organizational management is arranged, the people who will live in the culture will run it. When the culture hasn't changed, rules and systems won't work as expected.

Culture itself is something that is produced by human thought and intellectuals, when they develop and maintain life in their environment. The word "culture" comes from the Sanskrit "*budhayah*" meaning as a thought or intellectual (Santyaningtyas & Noor, 2016). Culture has a very strategic position in law. Not only because law has culture and law is part of cultural phenomena in Friedman's terminology (Carrillo, 2007). Geertz described law as a way to shape culture as a system of meaning. Whereas Rosen sees the law as a symbol and cultural system that simultaneously builds up the fabric of society (Merry, 1998). Culture as a concept is one of the

most controversial social science concepts in the area of study from sociology to anthropology from philosophy to law to become the sociology of law (Acar, 2017). From this then born legal culture.

Culture as a comprehensive totality of all social arrangements of a society which is passed down from one generation to another, of course, really requires the law as an important instrument of the establishment of culture. Law and culture are like one side of a coin, need each other, complement each other and complement each other. Building and realizing the law in people's lives will certainly be confronted with culture in society. The law becomes good if the community accepts voluntarily. Conversely, the law will be bad if the community does not accept it, because it cannot protect the interests of the community or is contrary to the culture that is hereditary recognized among the people. Thus, the law and the interests of the society in which culture is embedded must have a balance, in the sense that the law was created and created and formed with the aim of protecting the interests of the people, without exception the culture in it.

The legal culture that developed in Indonesia is very fragile. The practice of law often breeds impartiality towards the community. As a consequence, it creates a crisis of public trust in the law and is worsened by law enforcers who use the law for pragmatic interests. There is a legal crisis, the law is no longer entrenched and the legal culture is not integrated into the life order of the community.

Departing from this, the discussion about the influence of the legal culture on law enforcement in Indonesia is very important. There needs to be a solution to law enforcement in Indonesia that has disappointed many people. Through legal culture, it is expected that community legal awareness can be developed, including for law enforcement. The community will again put their trust in law enforcement in Indonesia.

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RESEARCH METHODS

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This type of research is library research. Literature research is research conducted by examining library materials or secondary data. This research is included in library research because the data used are secondary data in the form of legal documents. The approach used in this research is philosophical. The philosophical approach in law research is to study the law from the ideal side. This study uses a philosophical approach because it is examined by law in an ideal level. The data source used in this study is secondary data. Secondary data is data that is obtained indirectly or has been provided by another party. Secondary data is used as the main reference which is already available in written form in books, scientific journals, and other written sources. Data collection techniques are carried out through conventional and online search. Conventional literacy is the activity of searching for library resources to a data storage. While online graduation is an activity to find library resources in cyberspace through the internet network. Conventional literature searching is done by searching library materials, purchasing books, journals and attending scientific activities (seminars). While searching online is done by searching on the internet. The data analysis method used is qualitative. Qualitative data analysis is the process of organizing and sorting data into patterns, categories and basic units of descriptions so that themes can be presented in narrative form. This study uses qualitative data analysis because the data will be presented in a narrative-descriptive manner, not in numerical or numerical form.

DISCUSSION

1. Legal Culture as an Legal Element

Every individual in daily life interacts with other individuals or groups. In this interaction there are rules as the law to guarantee various rights and obligations on both parties. Communities who want to live safely, peacefully and peacefully without disturbances, then every human being needs to be a guideline for all human behavior in the association of life, so that their respective interests can be maintained and guaranteed (Asikin, 2017). This order is referred to as a rule or norm which then becomes a legal culture.

This reasoning shows that law, specially in its norms, is inherent in values that are believed by the community, but the strength of the rule of law cannot be detached from the institutional power, so that law, society and power are elements of a social order. Law is not merely understood as a norm that guarantees certainty and fairness but must also be seen from the perspective of benefits in society (Hoessein, 2012).

In general, it must be recognized that humans in social life have been equipped to apply and uphold certain cultural values. Cultural values are included more concretely in social norms,

which are taught to every member of the community so that they can become valid guidelines when performing various roles in various social situations. Social norms partly depend in relation to other norms, and transform into social institutions or institutions that all make it easier for humans to realize behavior that is in accordance with the demands of society or in accordance with the ideal picture of the way of life adopted by the group. This ideal picture or life design or blueprint which is the culture of the community, which is to be preserved through the way of life of the community members and one way to encourage community members to preserve that culture is the law (Syariah, 2008). More than that, culture is an integral part of power which is in fact a jurisdiction (Merry, 1998).

Legal culture is not law. Legal culture, conceptually, are problems that exist outside the law. These are values, what orientation is thought - and people's dreams about law in a broad sense. Conceptually, legal culture refers to attitudes and actions that are clearly visible, certainly a reflection of the values and orientation and expectations that exist in a person or group. Any attitudes and actions taken by anyone, especially those related to law, are formulated and accepted as a legal culture. Legal culture does not have to be or only refer to good or bad behavior or attitudes (Halim, 2014).

Legal culture is not a simple concept. The term legal culture has been used by lawyers, politicians, even ordinary citizens, as well as scholars from various disciplines to discuss it (Nelken, 2014). Lawrence M. Friedman is a supporter of the use of the concept of legal culture. For him, legal culture is ideas, values, attitudes, and opinions, which are owned by people or some people related to law and the legal system (Acar, 2006). Legal culture as "the element of social attitude and value." In Friedman's view, legal culture is a social force (constant force), but not directly working in a legal system. Legal culture refers to the part of culture in general that can be in the form of habits, opinions, ways of thinking and acting that determine social strength to go to or away from law. In short, legal culture is values and behavior, "which ... start the machinery of the legal system moving or conversely, stop it in its tracks" (Azhari, 2017). The purpose of legal culture is to try to understand the role and supremacy in society (Nelken, 2014).

Daniel S. Lev, said that legal culture is something other than all the factors that determine how the legal system has a logical place within the cultural framework of the general public (Harahap, 2017). Satjipto Rahardjo sees legal culture as the basis for the implementation or not of a positive law in society, because the implementation of positive law is largely determined by the attitudes, views, and values that he lives. Legal culture is one component of understanding the operation of the legal system as a process, in which legal culture functions as the gasoline of justice. Legal culture is the same general response from certain societies to legal phenomena. The response is a unified view of legal values and behavior. So a legal culture shows about individual behavior patterns as members of the community that illustrates the same response to the legal life lived by the community concerned.

The term legal culture is also used by judges, politicians, or others, including academics in making claims about something that is appropriate or not with certain legal entities. For this reason, as he is aware that the legal culture of the local community is an important information material, it means to get to know the composition of the local community, the legal system, legal

conceptions, legal norms and human behavior. Legal culture is not a personal culture but a comprehensive culture of a particular society as a whole of attitudes and behavior. Therefore, in discussing legal culture, it is inseparable from the state of the community, the system and composition of the community which contains the legal culture. Legal culture is a response that is acceptance or rejection of a legal event. It shows the attitude of human behavior towards legal issues and legal events that carry over into society. Because the fact is, each group in the social environment has different values, orientations and expectations. Because of this, their attitudes and behaviors differ in appreciating the law. So related to the legal culture as said by Satjipto Rahardjo, there are two things that are very important to be observed, namely: human capital and social capital.

Thus the legal culture can be refined into a set of ideas, norms that become guidelines for saying, acting in accordance with what is expected by most local residents. It could be that the community's expected ideas are in the form of norms contained in customary law, religious law and state law (Sasmito, 2017). Without legal culture, a legal system will not be helpless. Legal culture is part of a legal system that also has two other parts, namely structure, substance and legal culture. These three things are sub-systems of the interrelated legal system so that if there is no legal culture, the system will be paralyzed. Even law is a form and manifestation of socio-culture (Shariah, 2008).

Law is a work of humans as well as a mosaic of the culture of a nation. culture is a sedimentation or crystallization of the moral values of a society or nation that becomes an empirical indicator of the existence of a cultural entity that grows and controls that nation. The existence of law in people's lives is basically inseparable from the function of law itself. The function of law in society is related to the expectations and goals desired by the community as a whole (Yunus, 2015).

Legal culture can be in the form of values, traditions and spiritual forces that determine how law is implemented in society. The nature of a nation's legal culture, having diversity and differences that are identical to its social culture, will not be the same or similar to other national cultures. For this reason, legal culture is considered as a characteristic of a nation's collectivity that cannot be separated from a particular social system that contains group values that are binding (normative). The group's values become the group ties that serve as a reference for acting in society (Yunus, 2015). Thus, a legal culture in question originates from an internal process during the development of the community, then forms a behavior, which is finally considered as right and used as a guide to act by most people, which is a shared value.

A good legal culture will make supporting members of the community able to express themselves in a good, positive and creative manner. A good legal culture will produce the best works. Someone uses or does not use the law, and being obedient to the law is very dependent on the components that exist in his legal culture. Even as good as any law is made, but in the end the success of the law will be determined by the legal culture of the community concerned (Ismayawati, 2011). Legal conception as a component regulates community behavior and means of social control and means of making changes in the community can be done well when supported by the legal culture that is in society (Sutrisno & Fajarini, 2016).

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Daniel S. Lev (1980) distinguishes legal culture in two kinds. *First*, internal legal culture, which is the legal culture of citizens who carry out specific legal tasks, such as lawyers, police, prosecutors and judges. *Second*, external legal culture, which is the legal culture of the general public / wider community. In addition, to understand the culture of law, there are practical ways that can be done by taking into account of (two) indicators, namely (1) values relating to social regulation and conflict management. These values are the cultural basis of the legal system and are very helpful in determining the "system of giving place" to legal, political, religious and other institutions at any place and time in the history of a society; and (2) basic assumptions regarding the distribution and use of existing resources in society, social good and bad and so forth. These assumptions can be found in ideological views on economics, politics, and social that change and are directly proportional to changes in society, with the possibility of being culturally specific or just the opposite (Ismayawati, 2011).

Types of legal culture can be grouped into three forms of human behavior in people's lives, namely: (1) parochial culture; (2) subject culture; and (3) participant culture. In parochial society, the way of thinking of members of the community is still limited, their response to the law is limited only in their own environment. Such a society still survives on its own legal tradition, the rules of law that have been outlined by ancestors are amulets that are never changed. If there are deviant behavior, will get a curse. This type of society has a high dependency on leaders. If the leader is egocentric, then he is more selfish. Conversely, if the nature of the leader is altruist, the citizens get attention, because he places himself as *primus inter pares*, the main one among the same. In general, a simple society, the ethnocentric nature of its legal culture, prefers and prides itself on its own legal culture and considers its own laws better than those of others.

In the subject culture, the way of thinking of community members is given attention, there has been a general legal awareness of the output of higher authorities. Input from the community is still very small or does not exist at all. This is because the knowledge, experience and association of community members are still limited and there is a fear of hidden threats from the authorities. The orientation of their views on new legal aspects already exists, there is an attitude of accepting or rejecting, even though the method of disclosure is passive, not overt or still hidden. This type of society that is self-defeating, considers itself powerless to influence, let alone trying to change the legal system, the legal norms it faces, even though what it feels is contrary to personal and community interests. Whereas in the participant's cultural community, the way of thinking and behaving members of the community are different. There are those who are still conquered, but many feel they have the right and obligation to participate because they feel that they are part of the general legal life (Sesse, 2013).

Andi Kasmawati and Andi Qashas Rahman stated that there are 3 (three) fundamental issues regarding legal culture, namely: (1) relating to law as a system: (2) legal functions related to the influence of legal culture; and (3) the role of culture / culture the law against the operation of the law. With regard to law as a system, law is assessed from two different sides, namely: (1) law is seen as a value system, where the whole law in the framework of law enforcement is based on a groundnorm which then becomes a source of value as well as a guide for law enforcement itself; and (2) Law is seen as part of society (social reality), where law cannot be separated from the

community environment because law is one of the subsystems of other social subsystems (Kaswawati & Rahman, 2015).

Thanks to the function of law with the influence of legal culture, it is necessary to have legal awareness from the community as a bridge that connects the rule of law with the behavior of community members. Such conditions can affect what has been decided through the law can not be implemented properly in the community because it is not in line with the values, views, and attitudes that have been lived by the community. While the role of legal culture in the operation of law concerns how to develop legal awareness. The issue of fostering legal awareness is closely related to various factors, especially the attitude of law enforcers, law enforcers have a large role in fostering the growth of public awareness. Legal awareness in this context means awareness to act in accordance with the provisions of the law and serves as a bridge that connects the legal regulations with the behavior of community members.

2. Effect of Legal Culture on Law Enforcement in Indonesia

The legal system is an integral part in building the culture of society, because one component of the legal system is "the legal culture", so that in the development of the national legal system, the development of a legal culture is an absolute requirement (*conditio sine quanon*). Legal culture is the most difficult case in establishing law. This is what is being experienced by the Indonesian people (Halim, 2012). Legal culture is a crucial factor in the development of law in a country. Legal development is not only by establishing new rules or legal organizations and providing legal apparatus, facilities and infrastructure. But, no less important is to form a legal culture that is in accordance with the goals of legal development itself (Azhari, 2017).

Building a community legal culture is part of the nation character-building effort. Building attitudes and changing the mentality of the nation, which has been burdened by negative stigmas as a nation that tends to be tolerant of legal violations (Randang, 2009). In general, in accordance with the 1945 Constitution, the objective of developing Indonesian national law refers to the ideals of the realization of the state of Indonesia as a state of law. That is, the legal culture that would be formed through the development of national law is the legal culture as the embodiment of the rule of law in Indonesia (Azhari, 2017).

The term "legal culture" first appeared formally as a legal policy in Indonesia in the Decree of the People's Consultative Assembly Number II / MPR / 1998 on Outlines of the State Policy which among others stated: "Development in the field of law is directed at the realization of a national legal system that sourced from the Pancasila and the 1945 Constitution, which includes the development of legal material, legal apparatus, legal facilities and infrastructure, and legal culture as an embodiment of a rule of law that respects and upholds human rights to create an orderly, safe, and prosperous community life. serene ".

The dimension of "legal culture" is included by the People's Consultative Assembly as a subsystem of legal development with the following details: (1) development and development of legal culture are directed to shape the attitudes and behavior of community members including state administrators in accordance with the values and norms of the Pancasila so that the legal

(1) culture more internalized in people's lives, so that awareness, obedience as well as legal compliance are increasing and human rights are increasingly respected and upheld; (2) awareness to increasingly respect and uphold human rights as the practice of the Pancasila and the 1945 Constitution is directed at the enlightenment of human dignity and dignity as well as to advance the general welfare and intellectual life of the nation; (3) the development and development of a legal culture is aimed at creating peace and order and the establishment of laws with the core of honesty, truth and justice to realize legal certainty in order to foster national discipline; and (4) the legal awareness of the state and community organizers needs to be improved and developed continuously through education, counseling, socialization, example and law enforcement to respect, obey and obey the law in an effort to create a nation that is cultured in law (Shariah, 2012).

Mentioned in the Guidelines of State Policy 1998, the concept of legal culture used by the People's Consultative Assembly clearly refers to the concept of the legal system proposed by Lawrence M. Friedman which divides the legal system into three components, namely structure, substance, and culture. The legal structure is "its skeletal framework; it is the permanent shape, the institutional body of the system, the tough, rigid bones that keep the process flowing within bounds ". Friedman gives an illustration of the legal structure in the justice system, which consists of the number of judges, judicial jurisdiction, how the composition of the court from lower levels to higher courts, what officials are in various courts and how their respective roles. The substance of the law (legal substance) consists of "substantive rules and rules about how institutions should behave." In essence, the legal substance is the rules that form the basis for legal institutions to behave in dealing with legal issues and give birth to hope for everyone at the time facing legal problems (Azhari, 2017).

Since 2008 the National Law Development Agency, the Department of Law and Human Rights, has always proclaimed the Year of the Improvement of the National Law Culture by carrying out educational activities in the form of dissemination and legal counseling. The process of education and civilizing the law is carried out on all levels, both state administrators, law enforcement officials and the community in general. All state administrators are responsible for the dissemination of the law to all levels of society, so that the public understands the law as a whole, which is directly a preventive measure to avoid violating the law (Randang, 2009).

One of the fundamental problems in creating a legal culture in Indonesia is that the idea of a rule of law is not rooted authentically in the legal culture of Indonesian society, but rather comes from the historical development of Western society. Therefore, an in-depth study is needed about the relationship between the ideas of the rule of law listed in the 1945 Constitution and the legal culture that lives and develops in Indonesian society (Azhari, 2017). Not to mention the moral degradation of the law began to occur as seen by the increasing number of law enforcement, public officials, business people, as well as various professions affected by legal problems. It can also be seen in plain view that the occupancy rates at correctional institutions or detention centers have on average exceeded their capacities, ranging from over capacity of 153% to more than 300% (Harahap, 2017).

Another problem is behavior change in resolving a dispute. In the past the Indonesian people in resolving disputes or disputes were resolved by deliberation to reach consensus, peacefully, but the development now that every dispute arises is more settled in court, although everyone knows that now the court is not a place to seek justice. On the other hand, the number of actions that harm the community are not resolved, due to the weakness of the legal culture, which is in the form of legal awareness. Indonesian people's legal awareness is not getting better because the legal culture of the Indonesian people has shifted to a materialistic view (Ismayawati, 2015). Even now the life of the Indonesian nation is heading towards anomalies, both personal, social and institutional. Anomaly is a condition in which humans no longer know the standard of behavior that must be applied or state norms.

At the personal level, a human being is easy to suspect another human being, easy to behave as he wishes, as if there are no rules that can be used as a handle and the truth. These actions such as; blasphemy, looting, killing, vigilantism (eigenrichting) and others. Even acts of murder are easily carried out amidst the prevailing definition that we are a civilized nation.

At the social level, this nation is developing and implementing a blind communal homogeneous society. Sentiment for a person is considered group sentiment. Personal offense is equated with group offense. As a result, war between groups with nuances of ethnicity, religion, race and class is very easy to occur and even become a new trend in the life of this nation. At the institutional level, the law enforcement agencies are unable to prevent such anomalous trends. Law enforcers (police, prosecutors, judges and advocate profession) are very powerless to carry out law enforcement functions which of course not only creates formal justice, but also substantive justice (Prasetyo & Barkatullah, 2009).

The real problem in the legal culture in Indonesia is the cultural attitude of legal actors, which always puts the law as part of the ideal values of society. This attitude is certainly not a dishonorable attitude, but has unknowingly put the law in an ivory tower. Far from the reality of everyday community life. Whereas law, as a social phenomenon, actually has to be realistic, down to earth, solving social problems it faces (Sesse, 2013).

The failure of law and legal experts to play a role in the development process and the community's disillusionment with the law and legal experts is due to the fact that legal experts who get traditional education are not prepared to face heavier tasks. For that reason, one of the things that must be considered in conducting legal development efforts is to determine which areas of law can be renewed and which areas should be left first. In general, it may be said that the legal fields which are closely related to the cultural and spiritual life of the community must be left for a while or can only be worked on after all aspects of a change and its consequences are carefully calculated and considered. The fields of family law, marriage and divorce and inheritance are included.

On the other hand, other fields such as contract law, company and commercial law are generally more suitable legal fields for renewal efforts. There are other areas of law that are even more neutral in cultural terms, where the use of foreign models will not cause difficulties. Can be included in this category if legal rules are of a technical nature related to transportation, for

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example traffic regulations on land, sea, air, postal and telecommunications relations. Fully realized that legal development is not an instant process, it takes a long time, deep thinking and continuous process in accordance with the dynamics experienced by the nation itself. What is quite essential in the development of national law is to determine the soul or legal paradigm, in this case the national legal paradigm, namely the Pancasila paradigm (Shariah, 2012).

In addition, in order to support efforts to civilize law among the community, it is deemed necessary, the following matters: First, it must be done with appropriate and effective methods, by utilizing various media and infrastructure as well as institutions that live and grow in society. Secondly, it is necessary to continue to promote the dissemination of various legal materials so that every latest development regarding legislation is known and understood by the public. Thus, the availability and ease of access to legal information material easily, becomes an important part of the efforts to civilize legal society. Third, the community's legal culture must be built in parallel with the professionalism of law enforcement and bureaucracy. Because this professionalism will greatly affect people's trust in the law itself. Fourth, it is necessary to do a pattern and program of civilizing the law in an integrated, planned and based on the facts of the legal problems that occur.

The existence of functional legal counselors needs to be realized immediately. The development of a legal culture must be carried out with programs that refer to the basic source of law and the soul of the Indonesian nation's personality, namely Pancasila. The system of meaning and value system as the elobarasi of social ideals based on Pancasila, needs to be translated into legal postulates first, as a systematic step to incorporate Pancasila into the Indonesian legal system (Ismayawati, 2017). The legal postulate proposed and based on the Pancasila principles begins with a clear and detailed description of the desired forms in a society based on Pancasila. In the process of formulating the legal postulate, ethics and morals certainly play a role. Because Pancasila aside from being a value system, is also a moral of the Indonesian nation and state. If the process described is carried out consistently, perhaps Pancasila as a cultural system will be more truly lived as a cognitive foundation, which is a framework of knowledge and belief that provides guidance for everyone's orientation, as well as being a normative foundation for social systems.

Based on the observation of Lawrence M. Friedman in "The Republic of Choice; Law, Authority and Culture (1990), where the rule of law depends on the legal culture (legal culture) of the community such as, various ideas, attitudes and expectations of the people about the law and legal process. Furthermore, the legal culture of a community depends on the legal culture of its members which is influenced by their educational background, environment, culture, position or position, even interests. So that when the substance of positive law is good and right, in the legitimate sense and reflects a sense of community justice, the legal structure is adequate, then the last is how the law enforcement culture, namely the law enforcement agencies, will implement the positive law. because from the law culture this law enforcement apparatus is expected to flow into rows of force, pressures and demands that wrap up legal institutions that contain morals and ultimately determine their form (Ismayawati, 2017).

Barda Nawawi Arief (2009) states that the development of a national legal culture consists of 5 sectors, namely:

- a. fostering legal philosophy and national legal science;
- b. fostering legal awareness and law-abiding behavior;
- c. development of library guidance, activities and legal informatics;
- d. development and fostering the legal profession; and
- e. development and fostering legal education.

The five sectors are currently in a very worrying nadir. The development of a legal culture based on Pancasila must be truly realized in order to create a good legal system so that the chaotic nature of Indonesian law can be overcome.

Some solutions that can be done to improve the legal culture are, among others: (1) with a ³ model of legal education that has only studied the law; (2) making the law in accordance with living values / laws that live in the community and its truth is believed, so that it will not lead to the rejection of the community against the enactment of the law; (3) by improving the way of developing a legal culture, namely by starting to build a legal culture through the family; (4) conduct legal counseling to the public, because legal counseling will increase the level of legal awareness of the community of their rights and obligations as citizens in the context of upholding the law, justice, protection of human dignity, order, order, order, legal certainty and the formation of the behavior of each law-abiding citizens; and (5) increase the exemplary behavior of law enforcers in enforcing the law, and also increase the obedience of law enforcement officials to the law. Law enforcement officials must uphold morality (Ismayawati, 2017).

The law is ultimately determined by the legal culture in the form of values, views and attitudes of the community concerned. If legal culture is ignored, it can be ensured that there will be a failure of the modern legal system marked by the emergence of various symptoms such as: misinformation about the contents of the legal regulations to be conveyed to the public, there is a difference between what is desired by the law and the practices carried out by Public. People prefer to continue to behave in accordance with what has become the values and views in their lives.

The description of legal culture in the elements of the legal system is that the legal structure is likened to a machine that produces something, the legal substance is likened to a product produced by a machine, and the legal culture is anything or anyone who decides to run a machine and restrict the use of a machine. So that the urgency of strengthening this legal culture has become an inevitable need. One of the characteristics of a civilized society is a society that comprehends the law comprehensively related to its rights and obligations, knows the abilities and restrictions, and understands the benefits and risks that will be experienced in relation to the legal actions it does, thorough and careful in taking legal steps and actions and be able to stay

away from all actions that can lead to violations of the law, able to avoid acts that lead to violations of the law. Another element of community legal intelligence is the ability to participate in efforts to create a democratic rule of law, through the contribution of thought in the context of national law development, so that laws made truly reflect philosophical, sociological and juridical values (Hadiarto, 2017).

The real law can be seen as a cultural product. The legal system is a cultural subsystem consisting of various layers, from the highest visible layer to the deepest layer. The top layer is an artefact that can be captured by the senses, but is more the final product.

In a cultural perspective, this layer contains human creation in the form of a social system, technology, and art. In the legal system, this layer contains a system of rules and institutions of law enforcement. The second layer is the values that are believed and obeyed by community members and manifested in the products of cultural artifacts.

In the world of law, these values must become the spirit of the formation of the rule of law, institutional arrangement, and interpretation of law enforcement by law enforcement officers. These values contain universal and particular values that are believed by the Indonesian people. The next layer, which is the deepest layer, are the basic assumptions that are believed by each individual society about human identity, about truth, and about the individual's relationship with society and nature. In the field of law, this layer is the assumption of the community and law enforcement officials about identity as civilized human beings, about the truth, and about the noble duty of working to uphold the law.

The problem faced by the Indonesian people is weak law enforcement. Legal culture is positioned as one of the elements that influence the enforcement of the legal system. No matter how good the rule of law is made, people who will live in a particular culture will run it. When legal awareness is not yet entrenched, then it is certain that law enforcement will also be weak. In short, legal culture influences law enforcement.

2

CONCLUSIONS

Based on the discussion above it can be concluded that legal culture is an element in law and comes an inseparable part of the legal system. The functioning of the law is very much determined by the legal culture of the community and the parties involved in it. Legal culture is not a personal culture but a comprehensive culture of a particular society as a whole of attitudes and behavior. Legal culture is inseparable from the state of the community, the system and composition of the community that contains the legal culture. Legal culture shows the attitude of human behavior towards legal issues and legal events that carry over into society. Legal culture can be refined into a set of ideas, norms that become guidelines for saying, acting in accordance with what is expected by most local residents. The ideas expected by the community are in the form of norms contained in customary law, religious law and state law. Without legal culture, a legal system will not be helpless. Legal culture is part of a legal system that also has two other parts, namely structure, legal substance. Legal culture can be in the form of values, traditions and spiritual forces that determine how law is implemented in society. Building a community legal

culture is part of the nation character-building effort, building attitudes and changing the nation's mentality, which has been burdened by negative stigmas as a nation that tends to be tolerant of legal violations. The number of actions that harm the community are not resolved, due to the weakness of the legal culture, which is in the form of legal awareness. Indonesian people's legal awareness is not getting better because of the poor Indonesian legal culture. The law is determined by the legal culture in the form of values, views and attitudes of the community concerned. If the legal culture is neglected, then there will certainly be a failure in law enforcement. The legal culture influences the enforcement of the legal system. No matter how good the rule of law is made, people who will live in a particular culture will run it. When legal awareness is not yet entrenched, then it is certain that law enforcement will also be weak.

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