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Research Article

Investment In Spreading Criminal Law for Rural Indigenous Communities

Sarles Gultom^{1*}, Sepriandison Saragih²

¹Faculty of Law, Simalungun University, 21142, Indonesia

²Citizenship Education Study Program, Faculty of Teacher Training and Education, HKBP Nommensen University Pematangsiantar, 21136, Indonesia

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*Corresponding author:

E-mail:

sarlesgultomlawyer@gmail.com

ABSTRACT

This study discusses the understanding and dissemination of legal awareness in society, especially criminal law in social life. The author believes that early prevention efforts to minimize unlawful acts are indispensable in every context of legal socialization events. By socializing the law, all citizens aim to create a just and prosperous, safe and prosperous society free from crime, security disturbances, and anarchy. The better the socialization of criminal law, the easier it will be for the community to be invited to achieve independence in order to increase legal awareness. This socialization is the responsibility of all parties, especially the academic community and state apparatus, to guide citizens, especially indigenous peoples in remote parts of the country, to produce peaceful, capable, disciplined, responsible, and courageous citizens who are honest in life. This study also hopes that narrative narratives and academic thoughts on criminal law in indigenous peoples become ceremonial events. Law must be a life-giving culture, especially for indigenous peoples, to be a good example for other communities. Condor has been studied in several legal publications and other sources we have reviewed to answer the most valid research questions. This is also to ensure the data review process runs smoothly and responsibly.

Keywords: *criminal law, Legal Socialization, Indigenous and Rural Communities, understanding*

Introduction

The Criminal Code is a collection of guidelines that stipulates what activities are prohibited and remembered for criminal demonstrations and stipulates the punishments to be given to those who do them (Suartha, 2020). Criminal law is very important for the relevant

general rules in a country, which provides the basis and rules for knowing what not to do and what is prohibited, plus the danger of authority as a special prohibition for the individual who limits it-Criminal Law (Pantyukhina & Larina, 2020). Decide when and how prohibited persons can be coerced or punished with criminal

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penalties in the Criminal Code (Asmuni et al., 2020). Decide how the disciplinary burden can be resolved if someone is deemed to have violated the prohibition. For the time being, as Hannah-Moffat, (2016) emphasized, the regulation of errors and violations was generally at a basic level, and these activities were undermined by discipline that brought suffering. Therefore, the Criminal Code does not regulate its legal standards but lies in different standards and criminal agreements. People are held back to adhere to these different standards, such as firmness and courtesy (Jordan, 2020). From each of the definitions above, it is considered that the rules and laws of indigenous peoples are guidelines that are not recorded and not codified but have not been complied with in the public sphere because they have special authority if they are not complied with. From the definition of standard regulations as described above, most types of laws and regulations are unwritten regulations- rules that apply under a regulatory condition, especially legitimacy standards (Hildebrandt & Tielemans, 2013). The standard of legitimacy states that there are no regulations other than those written in the law. This is to guarantee an honest belief. However, from one point of view, if the appointed official cannot observe it in draft regulations, a judge should have the option of tracking his regulations in the guidelines of life in the eyes of the public. Whether we realize it or not, standard regulations also play a role in all public law instruments in Indonesia (Prakash & Potoski, 2014). In the Basic Law (UUD 1945, which was redefined based on a Presidential Decree dated July 5 1959), there is not a single article that contains the premise (regulation) to apply standard regulations (Simon, 2015). As per Article 11 of the Transitional Regulations of the Constitution, "Any person and state guidelines which will take effect immediately as long as new ones have not been promulgated under this Constitution." Before this Constitution came into power, the 1950 Provisional Constitution was declared (Hasri et al., 2016).

The Provisional Constitution Article 104 paragraph one states that "All court choices must contain an explanation and pay attention to the rules and guidelines in criminal cases (Ulmer, 2019). A valid reason for using adat

regulations starting from the pioneering period regardless of the time being. Their social needs necessitated it; they can decide; European regulations. Changing European regulations (gewijzigd Europees Recht), common old (gemeenschappelijkrecht), and regulations with the assumption of public interest; new regulations (Nieuw Recht), especially regulations which are a "union" between standard regulations and European regulations ("fantasierecht" van Vollen hoven or "ambtenarenrecht" van Idsinga (Garske et al., 2020).

It sounds recent, we want a popularity-based rule setting, but the development of a vote-based rule doesn't mean that framed rules will be feasible. In this unique situation, for example, the mission of law does not lie in how fair the law is, but lies in the extent to which what is to be achieved from legal developments can be achieved. The advantage of customary law regulations is that it is more participatory to work on the character of the main rules and the legal authenticity of the regulations that are framed. Assuming that the laws of a country signify the public activities of the country, then these laws turn into national laws with the globalization of regulations (Taulbee & Glahn, 2017). Although globalization is legal, fair globalization will continue in various standard legal instruments. Although a just globalization is difficult to avoid, it only frees up the freedom of ownership, and within the framework of the world, there can be no free control over the state because globalization cannot be free from barriers without instruments. The instrument of how the traffic of relations between individuals is based on arrangements or agreements shows that the differences have recently become the limits of public regulation; So, at that time, the boundary was understanding between the state and indigenous peoples.

Criminal law for the community is often seen as not the first law in the eyes of custom (Malinowski, 2018). These views and assumptions are the first law in Indonesia, but second for customary law communities that have existed for quite a long time and are influenced by various religions, followed and obeyed by the local area continuously from one era to the next. The Criminal Law Standards that currently exist and are applied to indigenous

groups in the Bali region provide the closest guidance, especially with the existence of 4 (four) regulatory books (Religion, Adi Religion, Purwa Religion, and Kutara Religion) and village Awig-a Wig (Budiana, 2017). Customs in Bali and other longings ranging from the approach of public administration after freedom, logistical arrangements in different courses or other logistical encounters of the public type, and desires of a humanistic nature (Buchanan, 2018). By providing a legal basis for the use of standard criminal regulations through Law Number 1/DRT/1951, legitimacy interests are quite essential (made/given regulations) and have material interests (based on unwritten regulations). Criminal regulations have a significant influence on legal changes because of the existence of standard regulations that affect the development of general crimes, especially regarding the regulation of the Criminal Code. Followed and obeyed by the local area continuously, from one era to the next.

Criminal law standards currently exist and are applied to the existence of indigenous groups in the Bali region based on environmental guidelines, in particular with the existence of 4 (four) regulatory books (Religion, Adi Religion, Purwa Religion, and Kutara Religion) and the Awig-awig Traditional Village in Bali. Bali and the different goals of the official public approach after autonomy, logistics arrangements in different courses or other logistics meetings of the public type, and the longing for humanistic. By providing a legal basis for the use of standard criminal regulations through Law Number 1/DRT/1951, the importance of legal certainty today not only has a created/given meaning, but also has a material meaning (considering unwritten rules). Criminal regulations have a critical impact on changes to criminal regulations because standard regulations affect the preparation of general criminal regulations, especially regarding the development of the Criminal Code.

Legalization of criminal law when indigenous peoples in the village are obedient to the law taken from individual awareness of the region and the environment. The government independently seems to be moving together to provide legal attention and information for

themselves and government officials. The motivation behind the establishment of a conscious regulatory city is for the legal recognition of public consciousness. Legitimate attention The result of these interactions and directives achieves the ideal level of improvement described in the law. What strategy is used in this movement as a conversation that starts with advising/directing followed by direct question and answer? Advisory members are residents, particularly women and local pioneers. With the way he interprets the law, the full attention of the legal community is relied on to respect the law. The issue of marriages younger than 19 is being discussed. Most of the questions in the three halal guidance areas were resolved in Padak Guar, Gereneng, Masbagik Utara Baru, East Lombok Regency, and other legal issues related to the state of their respective cities.

Based on the importance of public awareness, especially customary law communities, of state law as positive law, the state is deemed necessary to disseminate criminal law and other laws and regulations so that the community also becomes part of citizens who are slowly understanding and complying with the rules and regulations. state law. For example, the law and the obligation to pay taxes and other obligations are very important. On that basis, we feel that this study is important so that the parties begin to be more aware of the existence of law for indigenous peoples as well as other Indonesian citizens who live and have a state and are seen as equal in the eyes of state law. in addition to customary law.

Methodology

Research is a scientific activity based on certain methods, systematics, and thoughts that aim to study one or more certain legal phenomena by analyzing them. The research method used by the author in this case is a normative juridical approach (Benuf & Azhar, 2020).

The normative juridical research as mentioned above is a legal research method of literature which is carried out by examining library materials or secondary data (Arliman, 2018).

In this study, it is not intended to test certain hypotheses, but rather to describe the situation as it is about a variable or situation. Every norm, whether in the form of the normal principle of justice or which has been positive as statutory law or judgemade, always exists as part of a system of doctrine or teaching, namely the teaching of how the law must be found or created to resolve a case (problem). Therefore any legal research that bases the law as a norm is referred to as doctrinal normative research.

Discussion

The Birth of a New Nation and Law

After European colonization of Asian countries, many new states emerged. These countries started efforts to amend their Criminal Code (Dunoff et al., 2020). In Indonesia, they still use the Criminal Code obtained from the Netherlands . The KUHP inherited from the Netherlands has been submitted to the DPR several times for discussion and reformulation; However, it was not finished until now. This change effort is considered significant considering that Indonesia is now autonomous, and there is seriousness in rewriting the Criminal Code, as stated by its creator in the previous explanation. Drafting another KUHP starting from a person's public personality is a challenge. Various problems arise in the preparation of this Criminal Code.

According Butt & Lindsey, (2020), four problems arise to change this criminal law. The four issues are

1. Criminalization and decriminalization;
2. Criminal honor matters;
3. Implementation of criminal regulations; and
4. Seriousness of the basis of the Criminal Code. First, criminalization.

Both terms are relatively new to law. Criminalization is implied as a method that involves determining individual demonstrations as inappropriate. This interaction closes with the drafting of rules in which demonstrations are compromised with rogue support. The guidelines of the Criminal Code are established which are appropriate for judges to apply, and after that, assuming a criminal is coerced, they are given regulatory (leader) powers (Roesch

et al., 2019). Then again, the notion of decriminalization is a cycle in which the idea of demonstration can be abolished. This decriminalization must be recognized from depenalization, where demonstrations that were originally damaged by a criminal offense are eliminated; however, levies may be made by alternative means, in particular through general regulations or authorized laws.

Customary Law is a Part of National Law

Criminal law and customary law are courts. These are known as 'bound together' courts, i.e. municipal courts. The settlement between the people finished quietly. While Cirebon, known as the Religious Courts, resolves cases that harm the population as a whole, the Digrama Court hears standard violations and other cases that are excluded from the Religious Courts. Cilaga Court is the legal executive in finance, exchange, trade, debt exchange. Some of the models above show that the first legal environment won in various districts, now known as Indonesia, shows that local laws regarding adat groups are the choice of experts and local regulations (Chuasanga & Argo Victoria, 2019).

His mentality was unreliable (depending on the interests of the VOC) because the first Trials did not inspire him; The VOC did not want to be bothered with the problem of excessive regulation of the first Constitutional Court; For its unique stance, the VOC relied on necessity (political open doors); The VOC only intervened in criminal cases to legitimize public demands in the eyes of the public; Against the proposed general rules, let them remain in reality. The Dandelion period turned standard criminal law into a European example. Such actions have interfered with the public interest; In the case of an indictment according to general criminal laws and regulations, the error can result in the release of the perpetrator; Improvements to standard regulations during Daendels' time had the same fate as in the past, relying on European regulations. General rules of television. Counting general rules and business rules, Daniel let their different standard rules take it all into account. Also The VOC did not believe that regulations were inferior to Dutch regulations (Sudarmadi & Hafidz, 2021).

So in the days of the British pioneers (Raffles) what stands out is regulatory adaptation and equity in applying standard regulations, as long as regulatory standard setting does not conflict with: widespread and perceived ordinary equity standards. Or, experience a significant equity rule. In its development, government issues regarding standard regulation emerged in the pioneering Dutch government when legislative issues regarding legal unification and codification were initiated through the Scholten Committee.

Indigenous Law and Society

During the codification and unification period, customary community regulations other than at the request of the community with the codification of criminal regulations are not regulated in the guidelines, so that the reference for customary regulations is Article: Except for customary regulations. Individuals or persons equated with them (unknown easterners) knowingly follow (vrijwillige onderwiring) general European regulations and business regulatory guidelines, or again assuming that those rules and guidelines apply to them, or other legal guidelines, related regulations, and others who are treated by establishing legal authority (Inlandse rechter) for them are goddienstige Wetten, volkintellingen en gebruiken, as long as they do not dwell on the standard of equality that is considered unique. Article 11 AB applies the concordance guidelines, in particular the use of the Dutch rules for European meetings in the Dutch East Indies, to the standard rules, which indicate that the standard rules apply to non-European community gatherings, in addition to European gatherings; 2. Legitimate prerequisites require consistency with general European and business regulations; 3. Their demands are subject to different regulations.

This differentiation is important to understand the arrangements or regulatory changes that will apply in the public eye. Impartial regulations-transit regulations-are generally independent regulations regarding the strict quality of regulation of local regional structures. This has brought about legal changes, including

unbiased regulation, which is not difficult to frame, and legal direction aided through regulatory disruption. For the time being, standard regulations are closely related to rigidity because they are relatively easy to be broadly incorporated so that changes in events and plans in certain regulations are assisted by laws. Standard regulation by western experts is considered to be based on two false assumptions. First of all, standard regulation can be seen through compiled material, obtained from unique records, or based on strict regulation. Second, standard regulations are prepared following European regulations. Because of this understanding of the western worldview, standard rules are misinterpreted with all the consequences that accompany it, seen in subsequent advances during the independence period.

customary law regulations. According to Vago & Barkan, (2017), this codification request also applies to standard regulations. This codification law loophole is interesting in the Laws and Regulations of the Republic of Indonesia which regulates the codification of standard regulations. It hasn't been executed yet. the 1945 Constitution is active again; there are four main ideas in the Preamble to the 1945 Constitution, in particular solidarity, which unites the entire Unitary State of the Republic of Indonesia; It is also remembered for the field of regulation, which is called public regulation. The second principle thought is that the state needs to fool fill civil rights. It is unique in ownership with legal equity. So the standard of human social capacity and property rights in recognizing them is very important to understand and adapt to the demands and improvements of society while remaining based on its principle values. The third fundamental premise is that states exemplify individual power because systems and representation are based on voice and consultation. The principle view, the existence between the individual and his leader, implies that pioneers must understand the legitimate qualities and political sentiments that make them energetic in generating interests through open arrangements.

Community and Customary Law In The Eyes Of National Law

Adat in Law Number 5 of 1960 is a plan that is in direct contact with the network of customary regulations. Article 5 of Law no. 5 of 1960 underlines that the agrarian regulations that apply to earth, water, and space are standard, as long as they do not conflict with the machinations of the public and the state in the view of community solidarity and honesty, with Indonesian communism, and with the rules and guidelines contained therein. A these rules and with different rules and guidelines. Different regulations, all concerning components come from strict regulations. The explanation of the law states that Customary regulations are refined and adapted to individual interests in developed countries and world relations and follow Indonesian communism. This structure summarizes the MPRS II/MPRS/1960 Decrees Attachment A Paragraph 402. The standard regulations referred to are not the first relevant standard regulations in the network of standard regulations, but reproduced standard regulations that have been: perfected, changed, modernized, as stated by Moch. Konoé assesses that many standard rules in the LoGA have been lost because they are influenced by the foundations and attributes of western law or have been adapted to Indonesian communism with the aim that the main details (clothing) remain. Agrarian regulations only apply to certain things (quarterly).

Setbacks were found in state power. The existence of State Controlling Rights (HMN) is a form of rejection of customary rights claimed by a network of standard land regulations in Indonesian territory, which is then reproduced as a form of surrender of state power, which in practice can be appointed as public officials under it. Thus, standard liberties in conventional society, which were originally immediate and timeless, have been reduced to suspended in the air by the state. The next result is the emergence of land freedom which is indicated by standard regulations, more specifically by the existence of a special right to clear land (ontginningrecht) in all actuality by the ulayat, so that he has the choice to respect (gentrecht) and has the privileges of the past. (voorkersrecht) on land. He explained that the development of

freedom of ownership through municipal consultation arrangements in Central Java (peku- len, norowito) and West Java (kasikepan, kano- meran, Kacacahan) was reduced and sub- dued through unofficial laws, as regulated in Article 22 paragraph (1). BAL: property accord- ing to standard regulations is controlled by un- official law.

In explaining this arrangement, Okoka & Saleh, (2022), said that it should be noted that this affirmation was given: 1). the existence of a standard setting network and its customary freedoms; 2) The presence felt is the existence of standard regulations for local regional units. This means that recognition is given individu- ally to these units, and therefore local regula- tory standards must be ensured; 3). The stand- ard of local regulations is alive (still alive). In certain climates (lebensraum); 5). This recog- nition and award is given without neglecting human qualification standards that maintain the degree of progress of the country's exist- ence. For example, certain practices that are not currently worthy of being saved should not be allowed to stray from the path of human pro- gress just for reasons of nostalgia for custom- ary law and such appreciation should not di- minish the importance of Indonesia as a state as the Unitary State of the Republic of Indone- sia.

The Legal Basis of Customary Law Communi- ties in National Law

Clarification of Law no. 39 of 1999 (TLN No. 3886), Article 6 paragraph (1) states that legal privileges that are still valid and main- tained in the standard regulatory network must be respected and guarded in order to se- cure and implement the dreaded local basic freedoms for proper recognition. About guide- lines, regulations (NASIONAL, 2016. In addi- tion, the explanation of Article 6 paragraph (2) states that in order to maintain mutual free- dom, the social personality of the customary law community which is still firmly adhered to by the network of standard environmental regu- lations is respected and maintained as long as it is substantial. The supremacy of law and or- der depends on justice and government social assistance. In this arrangement, customary rights include freedom over customary land

because they must be preserved and respected in accordance with the times and enforcement is carried out on customary rights which are adhered to by local environmental customary regulations.

Regulations that take into account Law no. 10 of 2004, the composition of the regulations is as follows:

1. The 1945 Constitution;
2. Regulations/Peru
3. Unofficial law;
4. Service Regulations
5. Provincial Regulations; This does not make it feasible for customary rules as a source of legal rules, except for standard rules as customary rules, which are officially considered in-laws and guidelines, customs, judges' choices, or researchers' judgments.

At the end of the Customary Law course and the Development of Laws and State Law Rules in Yogyakarta in 1975, it was emphasized in depth where the actual position of customary regulations in the general order of legal society in Indonesia was. The class explains the importance of customary rules, positions, and duties of standard rules in general legislation, standard rules in regulations, standard rules in choice of law, and orders and investigates standard regulations in Indonesia. The results of the workshop above can be used as a reference in further refinement of standard regulations, considering that standard regulations in general laws and regulations in Indonesia are very important and have a proper role for society as a whole. Laws and regulations in the Republic of Indonesia, in laws and regulations, and choices of courts. In the various definitions of the New Order guidelines, we can read carefully that the state has very good power, a perspective such as the UUPA regulation: land freedom in the view of standard regulations is considered, as long as lives are not fought for progress.

Here we see the direct power of the state because, under its understanding, the standard freedoms that customs and regulatory standards networks sometimes have can be overturned. In connection with the implementation of the National Land Law and the demands of

the local community's customary regulations, on June 24, 1999 a Regulation of the State Minister of Agrarian Affairs was issued. Regarding the National Land Agency Number 5 of 1999 concerning Guidelines for the Settlement of Indigenous Peoples' Ulayat Rights Issues. It is hoped that this guide will serve as a guide to direct and create functional strategies in the land sector and steps to address problems related to customary lands. This manual contains arrangements that explain the rules for recognizing "customary freedoms and equal rights from the standard regulatory network," as alluded to in Article 3 of the LoGA. These approaches include: Equalizing views on "customary freedom" (Article 1), Criteria and guarantees for the existence of customary rights, and equal rights to standard regulatory networks (Articles 2 and 5). The strength of the network of standard regulations on compliant land, especially in the field of regulations, which perceives the existence of western regulations, strict regulations, and standard regulations. Gradually (unmistakably), certain people used standard.

Conclusion

In the following, we summarize the important points from the study of customary law community law, which aims to understand the socialization of criminal law to customary law communities in Indonesia. We believe that the objectives of this study have been achieved where the answers we found are supported by evidence from legal field studies. We can conclude that the laws and regulations of indigenous peoples are unwritten decisions that reside in a conventional area in space and will continue to live as long as the area truly meets the regulatory standards given by its predecessors. Thus, customary regulations and their communities as well as their situation in the legal system of the community as a whole cannot be denied even though customary regulations are not drafted and seen from their legitimacy guidelines are wrong regulations. Standard regulations will continue to exist and live in the public eye. Customary regulations are regulations that live in the soul of the local area, which is reflected in the example of following

traditions and social-social examples that are not in favor of the public interest.

This period is undoubtedly known as the ascent of the adat groups, separated by introducing different strategies and options. However, what is no less important is the need for additional checks and improvements to provide input for efforts to plan public regulations and implement regulations in Indonesia. The following is an important part that we conclude: since the birth of a new nation after the end of the second world war, a new state was born with laws made by the Dutch colonial heritage, such as the Criminal Procedure Code. Furthermore, we also explain that community and customary law are part of Indonesian national law. Law and customary law communities in Indonesia have the same position in state law so that they have laws and provisions regulated in the Act. Likewise, its existence is regulated and protected because it strengthens national law. In order for them to quickly get an equal share of citizens, a criminal law approach is needed to easily participate as citizens on an equal basis with other city dwellers.

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