

Outreach and Assistance to Students regarding Fair and Humane Law Enforcement

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Abstract

Law enforcement in the midst of society essentially has clear legal rules, even though they cannot be calculated mathematically (certainly), but regarding their actions, the process of proving them and solving them, and the sanctions there are clear and firm rules. If these regulations can be implemented, of course the legal problems that occur in society can be resolved and run well. However, the reality of law enforcement that exists today is that there are too many anomalies that have arisen. As a result, law enforcement does not run as it should. Responding to the problem of legal inequality in law enforcement, one should not be trapped in a negative perception of the law related to the existing law enforcement process. In other words, the perception of the law must remain neutral.

Abstrak

Sosialisasi dan Pendampingan Terhadap Mahasiswa tentang Penegakan Hukum yang Adil dan Humanis. Penegakan hukum di tengah masyarakat hakikatnya telah memiliki aturan hukum yang jelas, meskipun tidak dapat diperhitungkan secara matematis (pasti), tetapi mengenai perbuatannya, prosesnya pembuktiannya dan penyelesaiannya, dan sanksinya telah terdapat aturan yang jelas dan tegas. Apabila peraturan-peraturan tersebut dapat diterapkan, tentunya problemahukum yang terjadi di masyarakat dapat diselesaikan dan berjalan dengan baik. Namun, realita penegakan hukum yang ada saat ini terlalu banyak anomali-anomali yang muncul. Akibatnya penegakan hukum tidak berjalan sebagaimana mestinya. Menyikapi persoalan ketimpangan hukum dalam penegakan hukum, maka tidaklah boleh terjebak pada persepsi negatif terhadap hukum terkait dengan proses penegakan hukum yang ada. Dengan kata lain, persepsi terhadap hukum harus tetap



netral. Sebab hukum memiliki tujuan yang mulia, yakni mewujudkan keadilan, kepastian dan kemanfaatan bagi masyarakat, namun pelaksanaan penegakan hukum dipengaruhi oleh berbagai faktor sehingga hukum tidak mencapai tujuannya yang hakiki, yakni memberikan keadilan bagi masyarakat.



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INTRODUCTION

Gresik District as one of the pillars of the Capital City of East Java Province is an area that is experiencing rapid development. This success was achieved because the potential in the region, such as industry and trade, tourism, and small and medium enterprises, could be well packaged and targeted. With the existence of various regional potentials and the support of adequate human resources, in its development Gresik Regency is able to become one of the strategic areas for Gresik's economic development with a population that is starting to be dense with the complexity of environmental and community problems. One of them is to support an activity and education in Gresik. Muhammadiyah University of Gresik is holding various collaborations, one of which is with Putra Batam University and a form of realization of that, Muhamadiyah Gresik University, especially the Faculty of Law and the Faculty of Law, Putra Batam University as a form of MoU which has been agreed to hold a socialization and assistance for students in the field of criminal law enforcement. Guidance and empowerment of students also need to be done so that students can think critically, smartly, creatively in this socialization later

The State of Indonesia is a State of law, these ideas are expressly stated in Article 1 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia 4th Amendment (hereinafter referred to as the 1945 Constitution), it states that: "The State of Indonesia is a State of law (Rechstaat)" (Bambang Waluyo, 2016). Criminal law enforcement is the process of resolving criminal cases by using the norms of criminal procedural law to achieve the goal (orientation), namely upholding the law, truth and justice. However, in the process of its implementation, as a result of the interaction of various interests, this orientation is often not achieved because it is hindered by factors (internal and external) that influence law enforcement (Zico Junius Fernando, 2020). In such a situation, ethics as a science that can help people find orientation, is needed to help a law enforcer critically take law enforcement actions that can be ethically accounted for in order to achieve justice. (Barda Nawawi Arief, 2018)

Ethical criticism of judicial deviance in this paper is analyzed using 3 (three) ethical ways of thinking, namely Deontological, Teleological and Contextual, departing from positive basic assumptions and negative basic assumptions to provide an assessment of every decision (action) of law enforcers (investigators, prosecutors and judges) utilize the criminal justice system to resolve criminal acts, including legal advisors who appear to



defend the rights of suspects in the criminal justice system. in the criminal justice system(Desi Perdani Yuris Puspita Sari, 2022). This is The basic positive assumption of a law enforcer.(Sajipto Raharjo, 2009) By using the principle of "positive basic assumptions", then as Bernard L. Tanya said, a criminal law enforcer must be a *primus inter pares*, a chosen person who is wise and sympathetic at the same time. Social differences greatly affect the process of law enforcement, differences in social status between the poor and the rich and between the weak and those in power, are very decisive in obtaining access to justice. Thus, a term emerged that "the law is only sharp downwards and blunt upwards".(Hariman Satria, 2018) The term "law is only sharp downwards and blunt upwards" is not a mere figment in society. Current law enforcement practices show injustice or in quotation marks "sharpened downwards", but "not upwards" (Asfinawati, 2017).

Law enforcement in the midst of society essentially has clear legal rules (Jainah, 2012;Naharista Vidyapramatya, 2020), even though they cannot be calculated mathematically (certainly), but regarding their actions, the process of proving them and solving them, and the sanctions there are clear and firm rules. If these regulations can be implemented, of course the legal problems that occur in society can be resolved and run well.(Sanyoto, 2008) However, the reality of law enforcement that exists today is that there are too many anomalies that have arisen. As a result, law enforcement does not run as it should. Responding to the problem of legal inequality in law enforcement, it is not permissible to be trapped in a negative perception of the law related to the existing law enforcement process. In other words, the perception of the law must remain neutral.(John Kenedi, 2016) Because the law has a noble goal, namely to realize justice, certainty and benefits for the community, but the implementation of law enforcement is influenced by various factors so that the law does not achieve its true purpose, which is to provide justice for the community.(Muhammad Ibrahim, 2016)

IMPLEMENTATION METHOD

Method implementation of community service activities between the Faculty of Law, University of Muhammadiyah Gresik and the Faculty of Putra Batam University, carried out online using the Zoom Application, and observation of both Lecturers and Students, to find out situational weaknesses and deficiencies possessed by related students:

1. Students are less able to understand the process of law enforcement
2. Student understanding of law in Indonesia.

The implementation of community service begins with building a communication relationship between the head of the law study program and the head of the Batam university study program with representative lecturers from the 2 universities and 1 external lecturer. Furthermore, strengthening motivation is given by long-distance online outreach. The service is carried out with questions and answers and discussion between



presenters and students. Coordination of a series of socialization processes with previous students through communication with teachers after the activity is carried out is interactive and communicative in discussion analyzing problems in the community the service team formulates:

1. Improving the internet network at the time of service
2. Educate the parties, namely lecturers and the team, and dig deeper into the law enforcement factors that influence it. Next, it will be continued with the type of activity. Presentation of the assistance of Socialization of Materials in the collaboration of the 2 universities.
3. Evaluation of service activities is assessed by several indicators, including: the presence of participants to assess participant involvement, liveliness of discussion to measure student responses, identify interests and see personality reactions.

RESULTS AND DISCUSSION

The Results of The Service are in The Form of Education on The Concept of Law Enforcement

Community service activities are carried out online through live media zoom which are attended by 3 resource persons, namely: Moh. Andika Surya Lebang, Amin Akbar Malmory, I ifahda as the speaker plus 2 hosts who guide the process of the activity being carried out, namely Padria Jamba and Diki Zukriadi Gresik which will be held on Saturday, 16 July 2022. Previously, coordination had been carried out since January 2022 with the University of Batam who contacted the Law Study Program and arranged a schedule for when this socialization activity could be held. Community service activities were attended by students and speaker speakers.

Socialization material is divided or two sessions, the first is a lecture and the second is a discussion and question and answer session between the resource person and the speaker/speaker. The National Seminar accompaniment was opened by the host Padrisan Jamba and a moderator named Dicky then opened by opening remarks from the Dean of the Faculty of Law, University of Batam, namely: Doctor Michael Jibrael Rorong. After the remarks, the socialization of this assistance activity began with 2 sessions, namely a presentation on the concept of fair law enforcement which was carried out by 3 initial resource persons explaining the concept of law enforcement, which was started by me as a resource person. I explained what law enforcement is, what components influence it, how is the law enforcement process good and 3 supporting factors for law enforcement, namely legal structure, legal substance and legal culture. (Zainab Ompu Jainah, 2012) The second concept was explained by the resource person, namely Mr. Aminoel Akbar who gave how the criminal law can work well and provide justice if a case occurs.

Mr. Aminoel Akbar also added, and gave a concept regarding: "the meaning of law enforcement involves all legal subjects in every legal relationship and guarantees and ensures that a rule of law must work as it should and the social order and conditions of



society are good."(Sulistiyowati, 2020) the explanation of the next and last concept, was carried out by the present resource person, namely Andika Surya Lebang with his concept entitled: "Implementation of Restorative Justice in Humane and Just Law Enforcement. He explained the concept that Restorative justice is an effort to recover criminal cases by involving victims, perpetrators, and their families, so that together they can seek a just solution by prioritizing restoration of the original situation and not retaliation or punishment on children."(Vivi Ariyanti, 2019) After the three lecturers presented, the next was a discussion and question-and-answer session, the servant, in this case the lecturer team, conducted a question and answer session for students who took part in the seminar.

In addition, the lecturers who carry out the service also welcome all questions made by students where the activity is. Based on the community service activities that have been carried out through outreach and seminars, it can be broadly explained according to the following components:

a. The success of the target participants

Based on the number of invitations the younger siblings who took part in this socialization amounted to 240 people. This shows the level of participation in socialization activities is very high,

b. Achievement of socialization goals

Training objectives achieved (90%). This can be said to be quite good, as evidenced by the increased understanding of the concept of law enforcement and its supporting components.

c. Achievement of material targets

The target material planned has been conveyed properly and is very detailed and detailed and adapted to real case examples that exist in the community. although not in detail and in depth, overall the material was conveyed well. Given the limited time, the achievement of material targets is considered to have reached 90%.(Bunyamin Alamsyah, 2013)

d. Participant ability

The enthusiasm of the participants followed the training and ability in terms of asking questions given to the service team shows that the participants master the material.

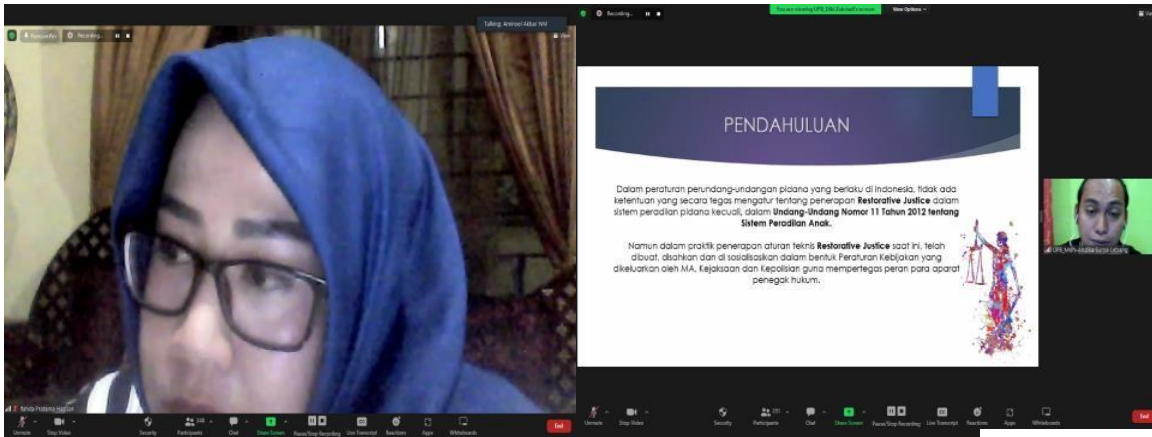


Figure 1. Education Outreach Activities

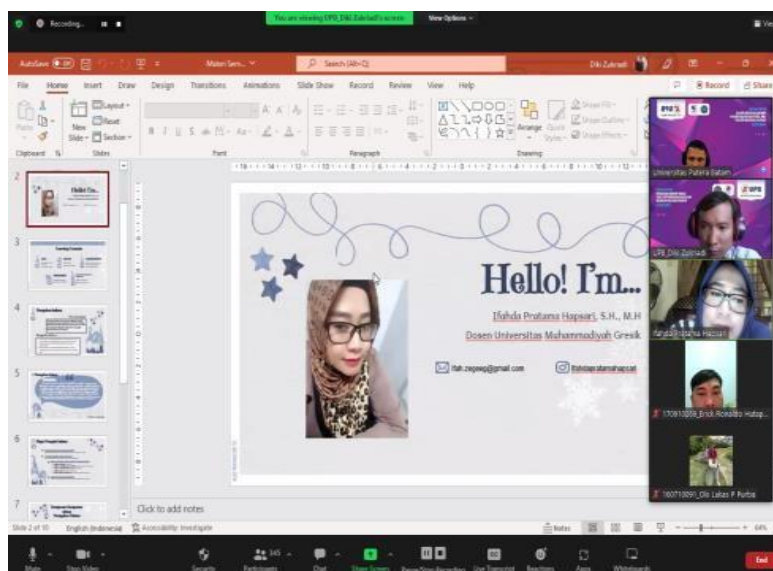


Figure 2. Enthusiasm and Student Response in Socialization material



Socialization and management by students

Based on the results of the service activities carried out by understanding the situation analysis, it is necessary to conduct question and answer sessions with students and lecturers who present the material.



Figure 2. Delivery of material by resource persons 1

The question and answer session was divided into 3 sessions with the first 3 people. The questions asked included:

1. Student Edwar Tambunan asked why even though there were law enforcement officers, the law was also not running properly and optimally and what factors caused this to happen. The Edward student asked a lecturer named Lecturer Ifahda. And immediately answered by the lecturer concerned that law enforcement is a process for law enforcement by empowering the human resources in it, namely by first maximizing the recruitment process in agencies, namely the police, judges and prosecutors as the beginning of enforcement starting with strict selection, so that law enforcement can run optimally. (H. Asep Suparman, 2014) Potential human resources are first selected after that understanding of the existence of the Criminal Code. Law enforcement, cannot run well due to the fact that there is no initiative from the government and related parties in the process of making criminal laws and socialization as well as novelty and types of severe punishment sanctions for the community, so that people understand that punishments and threats in a law are very tall. (Agus Budi Susilo, 2011) On several campuses, maybe some lecturers at several universities have initiated socialization regarding the concept and rules of the criminal law code, but this also does not make ordinary people or the general public not understand. so that people understand that the penalties and threats in a law are very high. On several campuses, maybe some lecturers at several universities have initiated



socialization regarding the concept and rules of the criminal law code, but this also does not make ordinary people or the general public not (Budimansyah, 2017)

2. The second question was addressed to the guest speaker, Mr. Aminoel Akbar, a freaky lazy student, asking what is fair and justice, where is the difference and what is the function of criminal law? Mr. Aminoel responded to this by answering that fair is an act which is an applicable rule and is free from all forms of manipulation or fraud. And justice can also mean giving what is his right after he has carried out his obligations. (Nindya Putri Edytya, 2019) Meanwhile, justice is for everyone to have the right, for example the right to a reasonable life, the right to choose a religion or belief, the right to get an education and a job, the right to own something. According to Mr. Amonoel, the criminal law itself is a law that contains all the rules where the regulations made contain orders and prohibitions and if you violate these rules, you are subject to sanctions in the form of criminal sanctions. The function of criminal law here is to enforce all rules if there are problems that cause harm to the community and Mr. Aminoel Adding that acting as executor here is the law enforcement itself.
3. The third question was asked by students on behalf of Edi Handoko. He asked the speaker, the last lecturer. He asked, how is the application of punishment to naughty children, such as theft and murder, in each judge's decision, which is different? And why can't Restorative justice be applied to complicated cases such as sexual abuse? The third resource person, Andika Surya Lebang, then answered questions from the student. The first was based on the law on the juvenile justice system, it was determined that the law regulates restorative justice, where the process is a process to bring victims and perpetrators together and find a way out together. to solve problems. In general, if restorative justice is agreed upon by both parties, then a diversion determination is made (a process carried out if the case is a child) taking into account the conditions for diversion, (Bunyamin Alamsyah, 2013) such as: the age of the child may not be above and beyond 16 years and the crime committed carries a penalty. no more than 5 years. (Jefersson, 2015) The application of the judge's decision at the judicial level can be said to be different because the verdict can be seen from the level of mistakes and cases that children commit. (Pradiyo Randy, 2016) The more mistakes the child makes, the higher the threat of punishment. However, actions that can generally be subject to restorative justice are minor crimes, the threat of which cannot exceed 5 years. This is why the sentence decided by the judge is different in each case. (Sanyoto, 2008)

CONCLUSION

The entire series of community service activities between the Faculty of Law, Putra Batam University and the Faculty of Law, Muhammadiyah University of Gresik, which are also the parties involved, resource persons, outreach committee, have been completed. activities and running smoothly. Their ignorance in understanding the concept of Law Enforcement and its process made the socialization participants enthusiastic about



participating in the proposed series of community service activities. Socialization of the Seminar this time, by holding it, students who take part in it are far more able to understand the process of law enforcement and the processes within it.

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