

# Sociology of Law Perspectives on Security, Population, and Local Wisdom Issues

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## ABSTRACT

*This study aims to provide an overview of governance that always links the interests of society and the State based on the values of the sociology of Law. Therefore, state administrators always pay attention to issues of Security, population, and local wisdom on a country basis. The conceptual study presents this manuscript as an effort to understand how Law is developed and changed along with social and cultural changes. This article explains the basic argument that Pancasila is still the guardian in the development of Law, and it is also proven that there is a development of Law which has a tendency and begins to show detachment from Pancasila values, but in its journey efforts are made to adapt it to Pancasila values in order to reduce the symptoms. Social conflict. Thus concluding that Security, population, and local wisdom are part of influencing the quantity, quality, mobility, and administration of population.*

**Keywords:** Security; Population; Local Wisdom;

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## INTRODUCTION

According to the concept of legal sociology, that change can occur because the rate of population growth and development is very fast and uncontrolled. (Halim, 2015) (Hidayat, 2013) (Dimitrova-Grajzl et al., 2014) (Akerboom & Craig, 2022) Fort United Nations Congress on the Prevention of Crime and the Treatment of Offenders that the impact of such changes is considered a potential criminogenic, meaning that crime can occur anywhere. Therefore, any changes due to the population explosion must be accompanied by the provision of sufficient land and employment so as not to cause social problems and, in the end, can become one of the causes of imbalances in society.

Sociologically, any imbalance in society will disrupt order and Security, and this phenomenon occurs due to aspects of urbanization, industrialization, population growth, population movement, social mobility, and technological change. (Kamal, 2022) These social problems do not need to be allowed to develop without any effort to anticipate them. However,



ideally, a solution must be immediately sought to solve the problem to realize Security and public order.

Based on empirical data, it is known that in the past, every social problem that had the potential to disturb order and Security was usually resolved through empowering local wisdom, such as deliberations and consensus. (Kawamura, 2013) (Tan, 2015) (Tamma & Duile, 2020). However, with the development of science, technology, and informatics, it turns out that local wisdom has begun to shift and has naturally been replaced by culture from outside. As a result, there are frequent cases of vigilante (*eigenrichting*) as an option in the context of solving the problem. Whereas in formal juridical terms, *eigenrichting* is a form of unlawful activity, and the perpetrators can be punished. (A & Mahfud, 2018) (Efendi, 2020)

the reality of law enforcement, is it possible that culture from outside, which is adopted through various mass and electronic media (television and internet), can solve social problems in trying to create Security and peace in the midst of Indonesian society? Is it true that Indonesian Law, which is reduced from local wisdom, is no longer able to solve social problems? Then how can these two social phenomena be answered through the application of legal sociology theories.

As a legal sociology concept, theoretically, it can be said that the existence of a sociology of Law will study Law in terms of its visible reality, especially regarding laws that are carried out on a daily basis. At least legal sociology will study the reciprocal relationship between Law and other social phenomena. Or in other words, legal sociology will study the legal symptoms of a society concerned whose scope includes social structures (social groups, culture, social institutions, social stratification, power, and authority) and social processes.

In fact, many theories of the sociology of Law can be used to analyze legal phenomena that occur in society in order to be able to provide as many conditions as possible so that the Law can apply effectively and efficiently. This is intended so that through the application of legal, sociological theories, it can at least explain the social aspects of Law and vice versa, as well as try to predict legal problems that will arise in the future.

In Indonesia, it is quite ideal if the application of legal sociology theories to social problems, always refers to local wisdom in the form of the philosophical values of the Indonesian nation as contained in the IV paragraph of the Preamble of the 1945 Constitution, namely; Belief in One Almighty God, just and civilized humanity, Indonesian unity, and democracy led by wisdom in deliberations/representations, and by realizing social justice for all Indonesian people.

Local wisdom which has been transformed into the philosophical values of the five precepts of Pancasila, (Dwi Anggono, 2016) has been further elaborated in the constitution (1945 Constitution) as the Basic Law in the life of the society of nation and State. (Akbar, 2021) (Adji & Budi, 2022) It is this basic Law that should animate every regulation and legislation produced by the government. However, there is often overlap and at the same time negates sectoral egoism.

## ANALYSIS AND DISCUSSION

The security issue is not solely an obligation of the State, because the state constitution has emphasized, “*every citizen has the right and obligation to participate in maintaining the defense and security of the state.*” Furthermore, if state security is viewed from the perspective of state functions, especially from the perspective of legal sociology, then the state security function can be classified into; the national defense function is the duty and responsibility of the Indonesian Army, while the National Police is the developer of internal security tasks. The policy of separating the two functions of state security is a reflection of the spirit of reform in all fields, including within the scope of the Armed Forces of the Republic of Indonesia (ABRI).

The idea of the New Order, which was hidden behind the concept of the dual function of ABRI as a militaristic and political force, apparently left the impression that there had been an abuse of authority and power. It is said to be an aberration, because the Law no longer occupies the top of the pyramid or as commander in chief, and individualism is increasingly entrenched. The abuse of authority and power by the armed forces can affect Security and create a sense of fear in society. This can cause the Law to no longer be recognized as the supremacy of Law and not accepted as the highest authority. The abuse of authority and power by the armed forces can create doubts and distrust of the legal system and government, which in turn can exacerbate the security situation. Therefore, the government needs to take action to ensure that the armed forces do not abuse their power and to restore the rule of Law as the supreme authority. (Rini et al., 2022)

The story above has become a socio-juridical reason for people's representatives in parliament to be more proactive in removing Indonesian Police from ABRI as a civilian force. This policy is done by setting Tap MPR Republic of Indonesia Number VI/MPR/2000 concerning the Separation of the Indonesian Army and Indonesian Police, and Tap MPR Republic of Indonesia Number VII/MPR/2000 concerning the Role of the Indonesian Army and Indonesian Police. The second follow-up was to Tap MPR Republic of Indonesia so that the Law was enacted. Law Number 34 of 2000 concerning the Indonesian National Armed Forces (Indonesian Army), and Law Number 2 of 2002 concerning the Indonesian National Police, and it should be understood that the two institutions Indonesian Army and Indonesian Police are each given authority in the field of state security. (Leni, 2013)

According to the concept of sociology of Law, the existence of the Indonesian Army and Indonesian Police as symbols of the state apparatus who are prosecuted must try to establish cooperation, because both are authorized by Law to maintain national security, which involves the process whereby persons consider in simple terms the social relationships and other phenomena arising from their interaction. (Burkitt, 2015) The importance of social interaction between the Indonesian Army and Indonesian Police in the context of protecting every member of society is solely aimed at realizing Security and public peace. Then for the realization of legal

certainty, the cooperation between the Indonesian Army and Indonesian Police as state apparatus should be stated in the form of regulations.

It is important to have regulatory authority in the security sector in the form of laws and regulations so that the limits of authority of the two institutions concerned become clear. In addition, it is expected that the authority granted by Law appears in reality, cause entitled Law without sanctions is correct, that is that system of manipulable symbols that functions as a representation, as a model of social structure. (Epstein, 2014)

The existence of these two institutions, both the Indonesian Army and Indonesian Police, are instruments of the State that are both involved in the realm of national security, but if we go further from the legal basis, then there is a principal difference between the Indonesian Army and Indonesian Police in viewing state security. Even though it is realized that the army and Indonesian Police, both are an integral part of the government (in the narrow sense) or the executive which is under the tactical leadership of the President.

A juridical sociological consideration contained in the preamble of the Law Number 34 of 2004 concerning the Indonesian National Armed Forces, it is explained that the notion of national defense is all efforts to uphold state sovereignty, defend the territorial integrity of the Unitary Republic of Indonesia, and the safety of the entire nation from armed threats to the integrity of the nation and State. Then the army as a tool of the State in the field of defense in carrying out its duties is based on state policies and political decisions. Furthermore, it is explained through the function of the army as a defense tool that expands the task of restoring the State's security conditions that have been disrupted due to security disturbances, whether due to war, rebellion, communal conflict, riots, terrorism, and natural disasters.

The function of the Indonesian Army is generally carried out by a force of arms as a professional military as the organizer of national defense in terms of strategic definition, such as operations to crush armed groups in Papua, Security for Indonesia's outer islands, the release of Indonesian-flagged ships taken hostage by Somalia rebels, and guarding around the national borders. In this regard, it is only natural and proper for the Indonesian Army to view Security as an abstract value, and to focus on maintaining the independence and sovereignty of the State. While the dimension used must indeed be a militaristic dimension considering the threats that come, namely disturbances due to war, rebellion, communal conflict, riots, terrorism, and natural disasters.

With such a function of the Indonesian Army, it means that the Indonesian Army is no longer involved and/or involved in practical political activities as it was during the New Order era. Therefore, the professionalism of the Indonesian Army as a tool and state apparatus is required to maintain the Security and integrity of the State from all possible disturbances from outside. Likewise, the sociological juridical considerations contained in the preamble to Law Number 2 of 2002 concerning the Indonesian National Police clearly emphasized that the maintenance of

domestic Security is carried out through the implementation of the police function. Meanwhile, regarding domestic Security from the optics of legal sociology, it is the embodiment of the internal Security of a country like Indonesia, towards all its people.

The meaning of domestic Security has been clarified in the formulation of Article 1 paragraph (6) of the Law Number 2 of 2002, that what is meant by domestic Security is a condition characterized by the occurrence of Security and public order, order and upholding of the Law, as well as the implementation of protection, protection, and service to the community. Observing the formulation of Article 1 paragraph (6) of Law Number 2 of 2002, it turns out that the realization of domestic Security is in line with the functions of the National Police contained in Article 2 of Law Number 2 of 2002, that; The function of the police is one of the functions of the state government in the field of maintaining public order and Security, law enforcement, protection, protection and service to the community. While its application and implementation must always pay attention to the spirit of upholding human rights, Law, and justice. In this regard, it is determined that there are 3 (three) main tasks of the National Police: (Daryn & Iskandar, 2018)

- 1) Maintain public order and Security;
- 2) Upholding the Law; and
- 3) Provide protection, shelter, and service to the community.

Among the three main tasks of the National Police, one of them is oriented toward Security and public order. The notion of Security and public order itself refers to the legal spirit of law Number 2 of 2002, so it is natural and appropriate if public Security and order are interpreted as a dynamic condition of society as one of the prerequisites for the implementation of the national development process in the framework of achieving national goals which are characterized by guaranteed Security, order and upholding of Law and fostering peace.

Observing from the optics of the sociology of Law the three main tasks of the Police concerning several cases that are spreading in the regions, according to the conception of legal sociology that can only be implemented as it should be if the composition of the three main tasks of the Police is not seen as a priority arrangement that must be carried out in trying to realize Security and order in the country. This is understandably important because the three main tasks of the Police are equally important.

Furthermore, security disturbances in the sense of refers to all forms of law violations and other forms of disturbance that disturb the community. For example; brawls between students that occurred in several big cities, fights between groups or tribes that occurred in Papua, land disputes in East Lampung over land disputes, there was resistance from two indigenous groups, and migrants from Java claiming control over land. (Siradjuddin, 2015) Regarding the examples of the cases above, it is only natural and proper that the security function carried out by the National Police is more oriented towards efforts to promote the public welfare by using economic non-strategic dimensions. It means Security here focuses on safeguarding economic resources

and non-military aspects of state functions. Thus, the State requires a form of service to all its citizens and/or people utilizing law enforcement efforts and all laws and regulations that regulate, bind, and provide sanctions to anyone who violates the Law together with other legal institutions and joins the Criminal Justice System.

Population around 2012 the National Defense Institute Republic of Indonesia published the definition of national resilience, as the dynamic condition of the Indonesian nation which includes all aspects of integrated national life and contains tenacity and toughness that contains the ability to develop national strength. in facing and overcoming all challenges, threats, and disturbances that come from abroad or from within the country to guarantee the identity, integrity, and survival of the nation and State in achieving national goals. (Mulyono, 2017)

Condition of the national life must be realized and fostered continuously as well as synergy starting from the individual, family, environment, and national capital with tenacity and toughness which contains the capacity for national development. Personal and family elements are an integral part of the community or population. While the environmental and national elements are an integral part of the territory of the Republic of Indonesia. These two elements, capitalized on tenacity and toughness, are oriented toward the ability to develop national power. Regarding the description above as a concept means a concept of developing potential in the form of national strength through the regulation and implementation of balanced, harmonious and harmonious welfare and Security in all aspects of life in society as a whole and comprehensively and integrated based on Pancasila, The 1945 Constitution, even the Archipelagic Outlook. (Yahaya et al., 2017; Yuniarto, 2014) In the previous section, it was stated that some local wisdom has been introduced into philosophical values in the form of the precepts of Pancasila. While the five precepts of Pancasila, have been translated into the state constitution (1945 Constitution). Then it is concretized into the concept of Archipelagic Insight. All of these are expected to be fully and thoroughly integrated into potential strengths for the realization of national resilience. The existence of Tannas as a concept is a psycho-analysis to solve every problem through an approach to 8 (eight) aspects of national life called *Astagatra*, consisting of (a) Geography; (b) Demographics; (c) Natural resources; (d) Ideology; (e) Political; (f) Economics; (g) Socio-cultural; and (h) Security defense.

The first three aspects (a, b, and c) are natural, usually called *Trigatra*. While the next five aspects (d, e, f, g, and h) are social and are better known as *Pancagatra*. Demography or population as an integral part of *Trigatra*, has a very important role in forming national resilience. The reason is that the population is one of the main prerequisites for the formation of a country. The conditions for the formation of a state are, territory, government, legislation, and population, (Neno, 2018) regarding the requirements of the population or the people in society, that the people are people who are governed so the State needs to improve its welfare. (Putra, 2021) The existence of the population here should be understood as the people of the country, then it is

these people who need to improve their welfare and prosperity. In addition, the State continues to strive for the existence of the Indonesian people to gain recognition in international relations, so the essence of the State can indeed be assumed as a social building of known as *gesellschaftliche gebilde*, and at the same time as a legal institution (*rechtliche institution*). (Warjiyati et al., 2022)

The Indonesian people need to intelligently and carefully pay attention to population issues as an integral part of the context of increasing national resilience to realize national aspirations. Aspects of the intended position, include;

- a. Quantity (amount, structure, composition, and growth rate).
- b. Quality (education, health, income, and purchasing power).
- c. Mobility (migration and distribution).
- d. Population administration.

Then to try to increase national resilience in terms of population aspects, it is only natural and appropriate if there is a need for appropriate policies, strategies, and other efforts related to issues of quantity, quality, mobility, and administration of Indonesia's population. But until now it turns out that population development in Indonesia is still faced with various obstacles which in the end become problems during society. (Lele, 2019; Walker, 2016) Furthermore, in terms of quality, literature data was obtained showing that the number and growth of Indonesia's population can be said to be worrying. Why is that?, Because the threat of population explosion cannot be ignored. Therefore, there are several reasons for concern that can be used as arguments to place the population problem as a development priority. (Grabowski & Self, 2020) Indonesia's population has doubled in just 40 years, and the rate of population growth in the 2000-2010 period increased compared to the 1990-2000 period. Even though during the 1970s it seemed that the growth rate of Indonesia's population had already shown a downward trend. If so, then a large population with a high growth rate will have an impact on the environmental carrying capacity and carrying capacity that is getting worse. Agricultural and plantation lands had to be converted by the bearers into housing and office areas, causing a further decline in agricultural productivity. This can also affect the structure and composition of the population, which will be more visible when analyzing age groups, gender, occupation, ethnicity, income, and so on.

Still related to the quality of the population, it turns out that Indonesia is still struggling to overcome various problems related to population. These efforts are more oriented toward the education of the population which is relatively low, the level of health of the population is poor, the infant and maternal mortality rates are relatively high, and the increasing number of people who are dependent on illegal drugs. (Meijerink et al., 2014, 2015) The population problems above are still a very serious concern of the government. Even though the measurement of world

development performance has shifted from development that focuses solely on economic growth performance to development that is oriented towards the quality of the population. Real form; The current HDI has become a reference for achieving human development performance in 187 countries in the world, while in 2011 Indonesia's HDI was ranked 124th. Even though Indonesia is the fourth most populous country in the world after China ranked 101st, India ranked 134th, and the United States ranked 4th.

Regarding the population phenomena above, it is not an exaggeration that from now on it must be carefully calculated for the next one to three decades so that the population is a quality Indonesian human resource. For this purpose, it is necessary to have a gradual and sustainable population program by empowering local wisdom in the regions. Local wisdom is an ancestral inheritance in the repertoire of life values that are integrated into the form of beliefs, culture, and customs. While in its development the community or population adapts to the environment by developing a pearl of wisdom in the form of knowledge or ideas, and equipment, combined with customary norms, cultural values, and activities to manage the environment to fulfill their daily needs for the realization of Security and order. Local wisdom can be understood as all forms of knowledge, belief, understanding, or insight as well as customs or ethics that guide human behavior in the life of an ecological community (human relations with the Creator, human relations with fellow human beings, and human beings with their natural surroundings). States that all forms of local wisdom are internalized, practiced, taught, and passed down from generation to generation as well as forming patterns of human behavior towards fellow human beings.

According to the analysis of the sociology of Law, that wisdom means wisdom, and intelligence is something that is needed in interacting. While local means a place or in a place where something grows, exists, lives which may be different from other places, or exists somewhere, something of value which may apply locally or may also apply universally. In this regard, there is still a lot of local wisdom that continues to be a role model for people in Indonesia, including in Java (*pranoto mongso*, *nyabuk gunung*, considers a place sacred); in Sulawesi (in the form of prohibitions, solicitations, sanctions) and in the Inner Baduy (great-grandfathers and *pikukuh* as well as the tenets of precepts). These local pearls of wisdom play a role in the management of natural resources and the environment.

A clear picture of local wisdom in South Sulawesi. In this area grows what is known as *panngadereng* (*panngadakkang*) built on a *siri'* foundation. While *siri'* is a legal principle (*rechtsbeginsele*) that underlies legal principles (*rechtnormen*). In the *rechtnormen* built the values of legal ethics (values of legal ethics) whose compliance value is based on legal awareness (legal awareness, in essence, is compliance with legal ethical values). It is further said that the Bugis-Makassar people in the past realized that *ade'* (*ada'*) was built to guard and maintain their *siri'* and their obedience will be *ade'* (*ada'*), in essence, is obedience and glorification of *siri'* which underlies the legal principles of *ade'* (*ada'*). The term legal ethical values (value of legal ethics) is



almost unknown in legal textbooks (*rechtswetenschap*). However, in the textbook on introductory law books (*encyclopaedie der rechtswetenschap, inleiding tot de rechts wetenschap*), the term *rechtsbeginsel* (legal principle) is used which is a normative term (legal term) for the value of legal ethics. (Buana, 2021)

How much and how rich Indonesia is, in terms of local wisdom can be explored again to be used as a reference in maintaining Security and public order. However, as time goes by. Gradually it turns out that the community's wisdom of being friendly with nature is starting to be eroded by technology and economic disparities. Leading to encroachment and resulting in an imbalance in nature and finally giving birth to the human disaster itself. Therefore, it is time to return to pursuing the future of the nation and State by improving the quality of the population through empowering local wisdom.

## CONCLUSION

In essence, local wisdom that exists and is still alive and spread in various regions from Sabang to Merauke is a legacy from our ancestors that needs to be explored and preserved again, to be further empowered as a legal norm in regulating the order of life of the community or population, nation, and State. Patriotic The success of our ancestors in maintaining the balance (Security and order) of society in interacting through the application of local wisdom, sociologically, Law needs to be revived because it synergizes with the values of the nation's philosophy which are summarized in the five precepts of Pancasila, and are in no way contradictory to the state constitution.

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