

EFFORTS TO UNDERSTAND COMMUNITY LAW THROUGH UTILIZATION OF LEGAL CONSULTATION AND AID UNITS

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Abstract: Legal Counseling for Residents of Moncongloe Lappara Village, Moncongloe District, Maros Regency in Understanding Legal Issues Through Utilization of the Legal Consultation and Aid Unit at the Faculty of Law, Hasanuddin University conducted by the PPMU-PK-M Team of Hasanuddin University Research and Community Service Institute for partners (Village Heads of Moncongloe Lappara). A number of legal problems occurred in Moncongloe Lappara Village, Moncongloe District, Maros Regency, such as cases of buying and selling land belonging to other people, criminal acts of consumer protection, fraud, and the environment, so PPMU-PK-M activities can become a forum for the community and village officials in mapping problems and finding legal solutions by providing legal education and understanding for the community and village officials.

Keywords: legal issues, utilization, consulting unit, legal aid.

I. INTRODUCTION

Law according to Satjipto Rahardjo is human work in the form of norms that contain instructions for behavior (Satjipto Rahardjo, 1996:18). Law is made by humans or society to create justice and is a reflection of human will about how society should be fostered and where it should be directed (Dwi Astuti, 2012). Therefore, in the first place, the law contains records and ideas chosen by the society in which the law was created. These ideas are in the form of ideas about justice (Agus Raharjo, 2007:114). Legal concern and awareness are not only the responsibility of the government or the agency that oversees it but of the whole community. Having high legal understanding and awareness has an impact on reducing legal problems in society.

Law is a system created by humans to limit human behavior so that it can be controlled, besides that law is also the most important aspect in implementing a series of institutional powers. The progress of a nation can be seen from the level of legal obedience of its citizens. Law is a way of life, orders and prohibitions that regulate order in a society, which all members of society should obey because it can lead to acts of violation by the government or authorities (Utrecht, 2012:11). The higher the legal obedience of the citizens of a country, the more orderly the social life will be. Conversely, if the law obedience of citizens of a country is low, what applies is the law of the jungle. The importance of obeying the law in a country really needs to be used as a guide by the community as rules that must be obeyed.

Moncongloe Lappara is the name of a village located in the Moncongloe District, Maros Regency, South Sulawesi Province, Indonesia. This village has the status of a definitive village and is also classified as a self-sufficient village. This village has an area of 9.73 km² and a population of 8,122 people with a population density of 834.74 people/km² in 2017. The name Moncongloe Lappara is taken from the Makassar language with the Lakiung dialect, namely the word Moncong means "high place or hill". " and the word Loe means "broad/high", the word Lappara means "flat or the area tends to be flat". So Moncongloe Lappara means an area that has a high topography but the land surface tends to be flat. Moncongloe Lappara Village is in charge of 3 hamlets, 6 Community Units (Rukun Warga/RW), and 25 Neighborhood Units (Rukun Tanggga/RT). This village is a highland area with a height of 500 meters above sea level (Wikipedia).

In 1994, Moncongloe Lappara Village was officially established as a preparatory village consisting of two hamlets, namely Mangempang Hamlet and Moncongloe Lappara Hamlet. At that time Moncongloe Lappara Village was a growing area of Moncongloe Village under the auspices of Mandai District, Maros Regency. Abdul Rasyid was appointed as the first village head with an office based in Dusun Mangempang. In 1997, Moncongloe Lappara Village began to gain status as a definitive village. On August 3, 2001, based on the law of the Maros Regency Regional Regulation No. 17 of 2001, Moncongloe Lappara Village, which was previously under the auspices of the Mandai District, switched under the auspices of the newly formed sub-district, namely Moncongloe District. In December 2005 Abdul Rasyid's tenure as Head of Moncongloe Lappara Village ended, so that with technical considerations from the Maros Regency Government, an interim head of Moncongloe Lappara Village was appointed, namely L. Non Kese, S.I.P. In September 2006 the first Pilkades was held with the elected candidate being Mansyur based on Law no. 32 of 2004 for a term of 6 years and served until 2012 (Wikipedia).

Legal problems in society occur in almost every region in Indonesia, including in the Moncongloe Lappara Village area. A number of legal problems occurred in Moncongloe Lappara Village, Moncongloe District, Maros Regency, such as cases of buying and selling land belonging to other people, criminal acts of consumer protection, fraud, and the environment.

Once a fugitive, the Maros Prosecutor's Office managed to arrest HN (50 years). HN is a convict in the case of selling land owned by another person in Moncongloe Lappara Village, Moncongloe District, Maros Regency. Previously, HN was acquitted by the Maros District Court in February 2021 in connection with a case of selling land belonging to someone else. "HN was previously acquitted by the Maros District Court and we made an appeal to the Supreme Court, and our appeal was accepted and only came down in November 2021," said the Head of the Maros District Attorney, Suroto. In the cassation handed down by the Supreme Court, said Suroto, HN was found guilty of selling other people's land and was sentenced to one year in prison. "When the cassation went down, we summoned the person concerned, but he didn't come. He (HN) instead returned the summons to the Maros District Attorney's Office. That's why we immediately moved to make an arrest," he said (Poskota Sulsel, January 13, 2022).

HN himself had run away and moved from place to place when he was about to be arrested. He was successfully arrested at the Nusa Indah Housing Complex, Pallangga District in Gowa Regency. "During the pursuit to catch the person concerned, the team tracked his whereabouts. We had to work extra because this convict had moved from place to place. When he was first tracked, he was in Gowa Regency, then in Maros. And finally, he was caught in Gowa," said Kasi Intelligence Prosecutes Maros, Raka Bintasing. HN was secured based on the Ruling of the Supreme Court of the Republic of Indonesia Number 912 K/Pid/2021 dated November 3, 2021. He was found legally and convincingly proven guilty of committing the crime of "selling part of the land belonging to another person" as stipulated in Article 385 paragraph (1) of the Criminal Code and was sentenced to imprisonment for 1 year (Poskota Sulsel, 13 January 2022).

In addition, as stated in the Press Release Number: 43/SK-ADV/LBH-MKS/V/2021 from the Makassar Legal Aid Institute (Lembaga Bantuan Hukum/LBH) dated May 21, 2021, there is an alleged crime of consumer protection, fraud, and the environment by PT. Bumiprima Jaya in Insignia Oasis Housing Development.

PT. Bumiprima Jaya as the developer of Insignia Oasis Housing has generated a polemic since the beginning of the construction of housing in Moncongloe Hamlet, Moncongloe Lappara Village, Maros. On May 3, 2018, on complaints from local residents affected by the flood, Commission II DPRD Maros summoned PT. Bumiprima Jaya, to question their Building Permit (Izin Mendirikan Bangunan/IMB). From the existing reports, the flooding experienced by local residents was the result of the construction of a road embankment, without constructing a drainage canal.

In early February 2021, YLBHI-LBH Makassar received complaints from 11 (eleven) Consumers/Users of Insignia Oasis Housing. They have experienced losses both materially and non-materially and feel they have been tricked and played with by the developers.

First, the users have been harmed due to delays in the handover of land and buildings as specified in Article VI of the Purchase Agreement and Building Agreement (Perjanjian Pengikatan Jual Beli/PPJB). The handover should have been completed between 27 September 2019 and 22 March 2020.

In fact, users have carried out their obligations under PPJB, such as paying down payments (DP), fees for increasing rights, and credit payments every month through banks providing mortgage facilities, including Bank Rakyat Indonesia (BRI) Panakukang Branch, Bank Negara Indonesia (BNI) Branch Makassar, Bank Negara Indonesia (BNI) Syariah Makassar Branch (now BSI KC Makassar 2), Bank Mandiri KCP Makassar Slamet Riyadi.

In fact, the housing units failed to be completed according to the agreed time. Even today, adequate and proper infrastructure, facilities, and public utilities are not yet available, such as proper access road infrastructure, PDAM standard clean water facilities, PDAM electricity networks, and security facilities.

In addition, based on existing facts PT. Bumiprima Jaya has carried out marketing by not providing correct information and or as if it is related to information on the location of the housing that is being traded. From the information of the users, when housing units are being marketed, promoted, or advertised, the marketing team explains the location of the housing at BTP (Bumi Tamalanrea Permai) as also stated in the brochures which can also be seen on the insigniaoasis.com website.

In fact, the Insignia Oasis housing is administratively located in Moncongloe Hamlet, Moncongloe Lappara Village, Moncongloe District, Maros Regency, which is not contained in the marketing information. Consumers know the actual location after reading the PPJB draft. Because they have paid a down payment and a certain amount of DP, plus there is a clause in the PPJB that explains that if a cancellation is made, the money that has been paid will be forfeited, while they are not given the opportunity to change the contents of the PPJB so that the user ends up continuing the purchase process, so as not to suffer losses.

Based on the facts described above, it is reasonable to suspect that PT. Bumiprima Jaya has committed a series of consumer protection crimes. Based on the provisions of Article 9 (1) letter h jo. Article 62 Paragraph (1) Law no. 8 of 1999 concerning Consumer Protection, states that "Business actors are prohibited from offering, promoting, advertising an item and/or service incorrectly and/or as if (h) the item originates from a certain area".

Seeing these conditions, Legal Counseling for Residents of Moncongloe Lappara Village, Moncongloe District, Maros Regency in Understanding Legal Issues Through Utilization of the Legal Consultation and Aid Unit at the Faculty of Law, Hasanuddin University, was carried out by the PPMU-PK-M Team Research and Community Service Institute, Hasanuddin University towards partners (Head of Moncongloe Lappara Village) really needs to be implemented.

II. METHOD

The priority issues faced are helping to create a law-abiding culture in the people of Moncongloe Lappara Village, Moncongloe District, Maros Regency, and preventing the community from unlawful behavior by providing education and understanding of law through the touch of Higher Education Science and Technology by Utilizing the Legal Consultation and Aid Unit of the Faculty of Law Hasanuddin University. Therefore, for the community in Moncongloe Lappara Village, Moncongloe District, Maros Regency in the form of legal counseling is the best solution that can be offered, so the method of carrying out the activities used is lectures and discussions between the PPMU-PK-M Team of Research and Community Service Institute Hasanuddin University with the community and village apparatus of Moncongloe Lappara.

The partners' contributions are in the form of (1) coordinating with the head of the proposing team, (2) coordinating the community to take part in the PPMU-PK-M activities, so that they can help create a law-abiding culture in the people of Moncongloe Lappara Village, Moncongloe District, Maros Regency, and prevent the community from acting breaking the law by providing legal education and understanding through the touch of Higher Education science and technology, (3) facilitating the proposing team in carrying out activities, (4) partners prepare all the needs needed by the Team in carrying out activities.

III. RESULT AND DISCUSSION

Legal Counseling Activities for Residents of Moncongloe Lappara Village, Moncongloe District, Maros Regency in Understanding Legal Issues Through Utilization of the Consultation and Legal Aid Unit at the Faculty of Law, Hasanuddin University was held on Monday, August 15, 2022. The Legal Counseling activity was officially opened by the Moncongloe Lappara Village Secretary, Muh. Aris Adam, 12 village staff, 60 village

residents, and 10 students participated in Thematic Community Service Program (Kuliah Kerja Nyata/KKN) in Moncongloe Lappara Village. The extension activities were very interactive because many of the participants shared their problems and asked for explanations about the legal issues that befell them, such as multiple certificates, the legality of signatures, and so on. Muh. Aris Adam as the Secretary of Moncongloe Lappara Village in his remarks said that "this activity is very important and needs to be carried out regularly because the community really needs legal consultations but don't know where to go, we as village officials also don't really understand the rule of law so when the community complained to the village government, we were also confused about what to do". Community response was very positive to this activity.

The material presented is related to Article 1 paragraph 3 of the 1945 Constitution of the Republic of Indonesia which emphasizes that the State of Indonesia is a State of law, in a State of Law the State recognizes, protects human rights for every individual including the right to Legal Aid. The state guarantees everyone's constitutional rights to receive fair recognition, guarantees, protection and legal certainty and equal treatment before the law as a means of protecting human rights. The state is responsible for providing legal assistance to the poor/disabled as a manifestation of access to justice.

The implementation of Bankum for citizens is an effort to fulfill and at the same time the implementation of a rule of law that recognizes and protects and guarantees the human rights of citizens for the need for access to justice and equality before the law.

This Law on Legal Aid is the basis for the state to guarantee citizens, especially for people or groups of poor people, to get access to justice and equality before the law.

The principles of legal aid are as follows:

- Principle of Justice
- The principle of equality before the law
- Principle of Openness
- Principle of Efficiency
- Principle of Effectiveness
- Principle of Accountability

Definition of Legal Aid in Law No. 16 the Year 2011 concerning Legal Aid is legal services provided by legal aid providers free of charge to legal aid recipients. Law No. 18 Year 2003 concerning Advocates Legal aid is a service provided by advocates free of charge to clients who can't afford it. Government Regulation No. 83 Year 2008 concerning Provision of Free Legal Assistance Free legal aid is legal services provided by advocates without receiving honorarium payments including providing legal consultations, exercising power of attorney, representing, accompanying, defending, and taking other legal actions for the benefit of justice seekers who can't.

Legal assistance both outside and inside the court by Advocates (Legal Advisors) or Paralegals in order to help resolve legal issues faced by Legal Aid Recipients.

The objectives of legal aid are as follows:

- Ensure and fulfill the rights of Legal Aid Recipients to access justice;
- Realizing the constitutional rights of all citizens in accordance with the principle of equality before the law;
- Ensuring certainty that the implementation of Legal Aid is carried out evenly throughout the territory of the Republic of Indonesia; and
- Realizing an effective, efficient, and accountable judiciary.

Legal aid covers civil, criminal, and state administrative law issues, both litigation, and non-litigation. Legal aid also includes power of attorney, accompanying, representing,

defending, and or taking other legal actions for legal purposes, receiving Legal Aid (Bankum).

According to Mulyana W. Kusumah legal aid containers include:

- Organizations under the auspices of the Faculty of Public and Private Law,
- Organizations formed by professional organizations,
- Organizations related to social forces,
- Organizations formed by interest groups.

IV. CONCLUSION

A number of legal problems occurred in Moncongloe Lappara Village, Moncongloe District, Maros Regency, such as cases of buying and selling land belonging to other people, criminal acts of consumer protection, fraud and the environment, so this activity can become a forum for the community and village officials to map problems and finding legal solutions by providing legal education and understanding for the community and village officials. The fundamental contribution to the target audience is that it can help create a law-abiding culture in the people of Moncongloe Lappara Village, Moncongloe District, Maros Regency, and prevent the community from unlawful behavior by providing education and understanding of law through the touch of Higher Education Science and Technology by Utilizing the Consultation and Assistance Unit Law Faculty of Law Hasanuddin University.

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