

The Role of Law in Building Community Morality

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ABSTRACT

The Indonesian nation is a nation that has long been known as a nation that highly upholds eastern customs with its polite, friendly and civilized morality. However, at this time the reality of the Indonesian nation has experienced a very concerning moral degradation. This is evident in the many cases that have occurred, such as brawls between students, theft, robbery, rape, free sex, alcohol, drugs and the current trend is the proliferation of corruption in almost all state institutions. Indonesia as a state of law needs to strive to rebuild the morality of the nation's children through the law itself by creating a law-abiding legal culture, increasing legal awareness, and seeking the implementation of policies that can build the morality of the Indonesian people. This study aims to determine the role of law in building morality in society. This research uses a literature study research method, while the data collection technique is carried out by exploring journals and other information relevant to the study. The results of this study indicate that the role of law in building community morality is to ensure certainty and justice, in people's lives there is always a difference between patterns of behavior or behavior that applies in society and patterns of behavior desired by norms (rules). law.

Keywords- Law, Morality, Society, Moral Decadence

INTRODUCTION

The personality of the Indonesian nation is a manifestation of the character of the Indonesian nation, where the process starts from habituation in a synergistic and continuous manner which grouped into an Indonesian nation with a national character. Each individual has a personality that is manifested from within him. Personality that manifests itself in various ways, some give bad dominance, some dominate good and some are not so good, all of which are influenced by genetic, environmental, family and local factors. Everyone has the right to manifest a personality with good character because personality is a gift from the Creator of the universe, which is human nature. Character is something that is very fundamental in terms of nation and state, therefore the loss of character will cause the loss of the nation's next generation.¹

The Indonesian nation is a nation that has long been known as a nation that highly upholds eastern customs with its polite, friendly and civilized morality. In the Asian region, Indonesia is the friendliest country. The Legatum Institute, a research institution based in the UK in The Legatum Prosperity Index 2016 ranked Indonesia as the most friendly and sociable Asian country with a score of 61.88. The identified community outreach includes the scope of personal relationships, community participation, and support for social networks.² However, at this time the reality of the Indonesian nation has experienced a very concerning moral decadence.

Noble morals such as honesty, truth, justice, helping each other, tepo seliro (tolerance), and loving one another have begun to be eroded by fraud, deception, hostility, oppression, dropping each other, fawning, taking other people's rights by force and at will, and other actions. -another despicable act. Moral decline or what we often

¹ Muhammad Awini Alaby, "Jurnal Pendidikan Ter Integrasi Falkutas Ilmu Pendidikan Menumbuhkan Kepribadian Bangsa Yang Berkarakter Pancasila" 1 (2020): 45–54.

² Indonesia Negara Paling Ramah Di Asia," Kata Data, 2017, Indonesia Negara Paling Ramah Di Asia.

hear with the term 'moral decadence' now has not only hit adults, but has also hit students who are the nation's next generation. Parents, teachers, and several parties involved in education, religion and social affairs have complained a lot about the behavior of some students who behave outside the limits of decency and decency, such as: drinking, brawls, drug abuse, promiscuity and free sex. hedonists and hippies in the West, and so on.³

The crisis of public mentality at this time is part of a multidimensional crisis, namely a problem experienced by the country where there are many problems in various aspects of life, which are faced especially among the community. The implementation of moral teachings in the public has begun to decline, so that in order to have good and good morals it is not enough for individuals to only carry out activities that are carried out followed by belief and understanding regarding the goodness that is implemented in this activity.⁴

Morality is a crucial issue to be studied in the current era of globalization. This becomes crucial when we look at the behavior of the people and the next generation of this nation which seems to have started to abandon positive moral values. Morality is a benchmark to determine the right and wrong of human attitudes and actions, seen from the good and bad side as humans and not as actors of certain roles. Thus, morals contain values and norms that are sourced from the human conscience.⁵ So to build good public morality, it is necessary to have a smart solution that is able to change the Indonesian people to become moral and have character.

Indonesia as a state of law needs to strive to rebuild the morality of the nation's children through the law itself by implementing policies that can build the morality of the Indonesian people. The function of law is as a medium for regulating social interaction. In this arrangement, there are instructions on what to do, what to do and what not to do, in the hope that everything will run in an orderly and orderly manner. At the same time in the position of an orderly society, the law is used as a means to realize social justice, here the law is expected to be useful for people's lives. The community is protected, safe and comfortable. Law can also function as a driver of development, which can bring society in a more advanced direction. In addition, another legal function is to increase people's thinking power to become more critical.⁶

Therefore, this research has a goal, namely to understand the role of law in building public morality. Then, the discussion in this article is related to legal and moral theories to answer the relevant problems and have their validity tested.

RESEARCH METHODS

The research method used in this paper is the normative juridical method, which aims to the role of law in building community morality. This approach involves reviewing applicable laws and regulations, court decisions, and related legal literature to understand the legal principles underlying the role of law in building community morality. The data collected will be analyzed qualitatively, with a focus on the role of law in building community morality, in order to obtain a comprehensive understanding of the validity of legal arguments in the role of law in building community morality.

DISCUSSION

The Role of Law in Building Community Morality

Functions of Law in Community Life

Where there is society there is law (*ubi societas ibi ius*). Law exists in every society, whenever, wherever, and

³ Mochamad Iskarim, "Dekadensi Moral Di Kalangan Pelajar (Revitalisasi Strategi PAI Dalam Menumbuhkan Moralitas Generasi Bangsa)," *Edukasia Islamika* 1 (2016): 1–20.

⁴ Kanesa Putri and Muhammad Eko Maryana, "Problematisasi Moral Bangsa Terhadap Etika Masyarakat," *Jurnal Rechten: Riset Hukum Dan Hak Asasi Manusia* 3 (2021): 17–27.

⁵ Sahmiar Pulungan, "Membangun Moralitas Melalui Pendidikan Agama," *Jurnal Al-Hikmah* 8, no. 1 (2011): 9–24.

⁶ Didiek R Marwadi, "Fungsi Hukum Dalam Kehidupan Masyarakat," 2016.

regardless of the circumstances of that society. it means that the existence of law is universal, apart from the existence of the law, it is greatly affected by the variety and color of the audience (law also has distinctive characteristics, according to the growth and changes that exist in an audience). In carrying out its role as a tool for regulating and social change, the law has the aim of implementing an orderly, peaceful, just audience that is encouraged through legal provisions so that individual and public needs can be maintained. Law has a regulatory nature because it contains a series of rules in commands and prohibitions that aim to regulate human behavior in the order of life in order to create order. That's why we as those who carry out the law must be really disciplined with the law, whether it's the law with humans or the law with the human creator.⁷

The law is formed to maintain the balance of the interests of the community, so as to create order and justice that can be felt by everyone in the community concerned. Even in the historical school it is stated that the whole law is actually formed through the habits and feelings of the people, namely through the secret operation of power. Law is rooted in history, where its roots are brought to life by the awareness, beliefs and habits of citizens.⁸

The law functions as the protection of human interests, so that their interests are protected, then the law should be implemented in real terms. The law functions as a regulator of peaceful social life. The law demands peace.⁹ Broadly speaking, the law functions to carry out social control, dispute settlement and social engineering or innovation. The function of the law as a means of social control, the law is tasked with keeping the community in the patterns of behavior that have been accepted by it. In this role, the law only maintains what has become something permanent and accepted in society or the law as a guardian of the status quo, but beyond that the law can still carry out other functions, namely with the aim of making changes in the environment. to the public After that, the role of law became a sign, by L.B. Curzon (to Achmad Ali, explained that what I meant by symbolic was "involving stages in which individuals simply take into account social correlations and other phenomena that arise through these interactions..." means simply related to social correlations and other symptoms that arise through it, their interactions with other individuals, such as in law, individuals who steal other individual goods intend to possess, through unlawful techniques, symbolized by criminal law as stealing activities that must be punished.¹⁰

Next, the function of law as a political tool, by Achmad Ali suggests that law (written law) as a political tool is universal. Moreover, it is associated with the function of law as a tool of social engineering, the role of political rulers over the law is very large. Likewise in our legal system in Indonesia, the law is a joint product between the people's representative council and the government. This fact is undeniable how all the politicians who pass the legislation¹¹. Meanwhile, according to Sukowati, the role of politics is to maintain and adapt the system, conversion and the role of capabilities.¹²

Relationship of Law and Morality

Since ancient period, including in philosophy or theology, it is often debated whether something that is ordered is meant for good or because it is commanded to be good and vice versa whether something is not allowed because there is evil. Commands and prohibitions are rules in law, while good and bad are the moral values of an action. The existence of a law is basically realized in the context of creating a safe and peaceful life order in

⁷"Fungsi Hukum Dalam Kehidupan Masyarakat," Universitas Darussalam Gontor, 2019, [Http://Pm.Unida.Gontor.Ac.Id/Fungsi-Hukum-Dalam-Kehidupan-Masyarakat/](http://Pm.Unida.Gontor.Ac.Id/Fungsi-Hukum-Dalam-Kehidupan-Masyarakat/).

⁸ Eman Sulaiman, "Hukum Dan Kepentingan Masyarakat (Memosisikan Hukum Sebagai Penyeimbang Kepentingan Masyarakat)," Jurnal Hukum Diktum 11, No. 1 (2013): 100–110

⁹ Fahri Zulfikar, "Fungsi, Tujuan, Dan Tugas Hukum Dalam Kehidupan Masyarakat," Detik.Com, 2021, <https://Www.Detik.Com/Edu/Detikpedia/D-5721935/Hukum-Dalam-Masyarakat-Fungsi-Tujuan-Dan-Tugasnya#:~:Text=1.FungsiHukumDalamKehidupanMasyarakat&Text=HukumBerfungsiSebagaiPerlinDunganKepentingan,HukumSeyogyanyaDilaksanakanSecaraNyata.Text=HukumBerfungsiSebagaiPyengaduPergaulan,HukumMenghendakiPerdamaian.>

¹⁰ Sulaiman, "Hukum Dan Kepentingan Masyarakat (Memosisikan Hukum Sebagai Penyeimbang Kepentingan Masyarakat)."

¹¹ Sulaiman.

¹² Sukowati, "Arti, Tujuan, Fungsi Hukum Dalam Masyarakat," N.D., 5–27.

social life.¹³

Law is meaningless if it is not accompanied by ethics, so the quality of law is largely determined by moral quality. On the other hand, morality also requires law because morality will be in the air if it is not clearly expressed in society in the form of law. So, the law can increase the impact of morality. For example, respect for others is an important ethical principle, but not all ethics need to be translated into legal form because law must also be limited to regulating relevant human relations. In fact, morality and law are not always related because there are applicable laws (positive laws) that are contrary to ethics and therefore must be rejected. Leaving morals in judgment is tantamount to the law losing its soul.¹⁴

In Hart's view, the assertion that between law and morality there is a necessary or absolute relationship has many important understandings, but not all of these relationships are clearly visible. Departing from this obscurity Hart seeks to demonstrate and evaluate the reasons underlying this view. According to him, none of the reasons put forward to show the absolute relationship is adequate although he admits that some aspects of the arguments put forward have truth, in accordance with some facts that can be found in the legal system. Hart recognizes that law, justice, and morals have a very close relationship. Even one aspect of justice, namely administrative justice, and in the minimum natural law, law and morality are absolutely related. Administrative justice referred to here is nothing but justice in the application of law. The application of punishment to a person is based solely on the characteristics stated in the law. The law on murder, for example, stipulates that a person who intentionally takes the life of another person is sentenced to fifteen years, so from this provision we will know which characteristics are relevant and irrelevant to punish the perpetrators of murder. The perpetrator's skin color and hair type are irrelevant; while the person's decisions or intentions are relevant. If in deciding a particular case the characteristics mentioned in the law are ignored, then the application of the punishment is considered unfair. Justice in the application of this law according to Hart has an absolute relationship with the law. However, this absolute relationship only concerns the administration of law and this type of justice can also occur in a legal system which is full of unfair laws.¹⁵

Characteristics of a Moral Society

Pestalozzi views humans as moral beings. Morality is the achievement of the human will, the result of good character triumphing over self-interested feelings. To grow morally, we must feel deeply. In other words, an action or behavior can be said to be moral to the extent that the action or behavior is carried out because it is forced by social customs or state law, but from a personal decision. Rousseau was a profound influence on Pestalozzi, Herbart, and Froebel. Pestalozzi followed Rousseau in his "recommendation" that children be educated using the senses. Pestalozzi reworked Rousseau's thinking, following Locke and calling it an "object lesson".¹⁶

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¹³ Badru zaman, "Hubungan Antara Hukum Dengan Moral Dalam Islam."

¹⁴ Ria Anggraeni Utami et al., "Hukum Dan Moral Dalam Kasus-Kasus Hukum," *Al-Imarah: Jurnal Pemerintahan Dan Politik Islam* 7, no. 2 (2022): 195–208.

¹⁵ "Hubungan Hukum Dan Moralitas Menurut HLA Hart," *jurismuda*, 2022, <https://jurismuda.com/hubungan-hukum-dan-moralitas/>.

¹⁶ Noh Ibrahim Boiliu and Christina Metallica Samosir, "Manusia Sebagai Makhluk Moral Dalam Perspektif," *Jdp* 12, No. 3 (2019): 187–97.

¹⁷ Zainab Ompu Jainah, "Penegakan Hukum Dalam Masyarakat," *Journal of Rural and Development* 3, No. 2 (2012)

Application of Law in Society

Law enforcement is an attempt to bring ideas and concepts into reality. Law enforcement is a process to make legal wishes come true. What are called legal desires here are none other than the thoughts of making laws that are formulated in the legal regulations.¹⁸ The implementation of law in society, apart from depending on the legal awareness of the community, is also very much determined by law enforcement officers, because it often happens that some legal regulations cannot be implemented properly because there are several law enforcement officers who do not carry out a legal provision as it should. This is due to the implementation by law enforcement itself which is not appropriate and is a bad example and can degrade the image. In addition, good examples and the integrity and morality of law enforcement officers must absolutely be good, because they are very vulnerable and open to opportunities for bribery and abuse of authority. Money can affect the investigation process, prosecution process and the decision handed down.¹⁹

The discussion about the law enforcement process also extends to the making of laws. The formulation of the thoughts of the creators of the legislation described in the laws and regulations then determines how to enforce the law is implemented, while good law is created by taking into account the various needs that exist in the public, including public, national, and individual and state needs. personal. Thus, the formation of law must seek to balance these various interests. The main public interest is the interest of the state to protect the existence and nature of the state and the interest to monitor and promote social welfare. In people's lives there are always various kinds of norms that directly or indirectly affect the procedures for behaving or acting. The norms that are deeply felt in human life are customary norms, religious norms, moral norms and legal norms.²⁰

The law of life in society can force people to obey the rules in society and provide strict sanctions (in the form of punishment) for anyone who violates and does not obey it. The purpose of the law itself is to ensure the continuity of balance in the relationship between members of the community. Good law is formed by considering the various interests that exist in society, both public interests (including the main one is the interest of the state), individual interests and personal interests. Thus, the formation of law must seek to balance these various interests. The main public interest is the interest of the state to protect the existence and nature of the state and the interest to monitor and promote social welfare. The formation of law must pay attention to the living law. There is a balance between written law and unwritten law. The development of law is strongly influenced by ideological, political, social, and cultural conditions. So, it's not just the government's wish.²¹

Efforts to Grow Community Morality with Law

Law, which is seen as one of the important aspects in society that aims to realize the formation of a comfortable and just society, is sometimes ignored by a few people. Not infrequently the law is injured, violated, or even manipulated its function by people who do have an interest, or people who still consider the importance of a law that exists in society. These people are people who are not aware and do not obey the law. The role of public legal awareness as the purpose of the law itself is to guarantee certainty and justice. In the life of the community, there is always a difference between the patterns of behavior or behavior that apply in society and the patterns of behavior desired by legal norms (rules). This can lead to a problem in the form of social inequality so that at certain times conflicts and social tensions tend to occur which of course can disrupt the course of community change in the desired direction. This condition occurs because the law that is built can be a guide (principle) to act for the public, there may be legal awareness, to a tendency to obey the law. A sense of legal awareness in the public needs to be created and implemented so that the public is more obedient to the existing laws, including written or unwritten laws that appear and grow in the audience and their existence is recognized through the audience.²²

¹⁸ Sanyoto, "Penegakan Hukum Di Indonesia," No. 244 (2007): 199–204.

¹⁹ Jainah, "Penegakan Hukum Dalam Masyarakat."

²⁰ Jainah, "Penegakan Hukum Dalam Masyarakat."

²¹ Ellya Rosana, "Kepatuhan Hukum Sebagai Wujud Kesadaran Hukum Masyarakat," Jurnal Tapis 10, No. 1 (2014).

²² Ellya Rosana, "Kepatuhan Hukum Sebagai Wujud Kesadaran Hukum Masyarakat," Jurnal TAPIS 10, no. 1

Legal awareness According to the KBBI, it is an individual's awareness of the insight that an action is specifically regulated by legislation²³. Legal awareness at a particular point, it is desired to be able to provide individual encouragement to obey and carry out or not carry out what is prohibited and or ordered through legislation. Thus, the growth of legal awareness becomes a crucial component in efforts to implement law enforcement. For Ewick and Silbey, "legal consciousness" is formed in action and is therefore a matter of practice to be studied empirically. In other words, legal awareness is a matter of "law as behavior", and not "law as a rule, norm or principle".²⁴

The formation of a law-aware and law-abiding society is the ideal of the existence of norms that want a just society so that the joints of community culture will develop towards the creation of a community system that respects one another, making people aware of the law and obeying the law is not something easy by turning the palm of the hand hand, much must be sought by the founders or thinkers of this country to think about this. Law is not the only thing that functions to make people aware of the law and obey the law, Indonesia, which incidentally is a very heterogeneous country, seems to be in forming a positive legal formulation somewhat different from countries whose culture is homogeneous, it is very important before forming a law that will regulate the journey of society, it must be Excavated about the philosophy of law in a more comprehensive manner that will realize real justice for all groups, ethnicities, races, religions in Indonesia.²⁵

Basically, law enforcement in Indonesia must include three very basic important aspects, namely: the culture of the community where legal values will be enforced, the structure of the law enforcement itself, and the substance of the law to be enforced.²⁶

Building legal awareness is not easy, not everyone has that awareness. Law as a social phenomenon is an institution and control of society. In society, various institutions are found, each of which is needed in the community to meet their needs and facilitate the fulfillment of these needs, because of its function, the community needs the presence of institutions as an understanding of legal awareness.²⁷

CONCLUSION

The Indonesian nation is a nation that has long been known as a nation that highly upholds eastern customs with its polite, friendly and civilized morality. However, at this time the reality of the Indonesian nation has experienced a very concerning moral degradation. This is evident in the number of cases that have occurred, such as brawls between students, theft, robbery, rape, free sex, alcohol, drugs and the current trend of mushrooming corruption in almost all state institutions.

Indonesia as a state of law needs to strive to rebuild the morality of the nation's children through the law itself by creating a law-abiding legal culture, increasing legal awareness, and seeking the implementation of policies that can build the morality of the Indonesian people. The law is formed to maintain the balance of the interests of the community, so as to create order and justice that can be felt by everyone in the community concerned. Meanwhile, the role of law in building the morality of society is to guarantee certainty and justice, in people's lives there is always a difference between the patterns of behavior or behavior prevailing in society and the patterns of behavior desired by the norms (rules) of law.

(2014).

²³ Retnonigsih Anna Suharso, *Kamus Besar Bahasa Indonesia Edis Lux* (Widia Karya Semarang, 2005).

²⁴ Ali Achmad, "Menguak Teori Hukum (Legal Theory) Dan Teori Peradilan (Judicial Prudence) Temasek Interpretasi Undang-Undang," *Legis prudence*, 2009, 511.

²⁵ Iwan Zainul Fuad, "Kesadaran Hukum Peng Usaha Kecil Di Bidang Pangan Dalam Kemasan Di Kota Semarang Terhadap Regulasi Sertifikasi Produk Halal" 47 (2010).

²⁶ Kamaruddin, "Membangun Kesadaran Dan Ketaatan Hukum Masyarakat Perspektif Law Enforcement," *Iain Kendari* 9, No. 2 (2016): 143–57.

²⁷ Ely Zainudin, "Peradaban Islam Pada Masa Khulafah Rasyidin," *Jurnal Intelegensia* 03, no. 01 (2015): 50–58.

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