

Building A Law-Aware Society: The Role of The Law and Human Rights Service Division of The Ministry of Law And Human Rights of North Sumatra, Indonesia

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ABSTRACT

Law grows from community traditions which develop into customary law, providing the basis for justice and law enforcement in society. The aim of the law is to create peaceful and fair interactions, and to achieve this it must be respected and obeyed, which requires public awareness and involvement in law enforcement. Community legal awareness means understanding, obeying and complying with the law. In North Sumatra, the Ministry of Law and Human Rights plays an important role in fostering legal awareness through the "North Sumatra Thinking Concept: Awareness of Law and Human Rights." This concept begins with the formation of a Legally Aware Family (Kadarkum), which aims to increase the community's understanding and compliance with legal norms. Kadarkum is also supported by the Legal Awareness Village (DHS) initiative, which helps foster a legally aware society.

Keywords: Legal Awareness, Society, Ministry of Law and Human Rights.

I. Introduction

Law grows and develops in providing balance efforts in life. The existence of law is a reference for humans in determining a case and a situation that is right or wrong. Indonesia is a country that prioritizes law in the moral assessment of rights and obligations (Sagama, 2016). This law grows as a result of community habits that have long been their role models as a form of customary law. Then this law becomes a guide as well as the basis for the role of justice for the community in order to create legal objectives. Law must always establish a relationship with society, wherever the law works. The purpose of law is to create legal order in society, ensuring peaceful and fair interactions. To achieve this goal, the law must be respected and obeyed, not ignored, thus requiring public awareness and involvement in law enforcement (Purba et al, 2023). One effective way to raise legal awareness is through Legal Counseling, which is the exchange of information about legal norms and regulations. This helps develop a culture of compliance and law and order, and supports the rule of law. Legal awareness is essential for maintaining security, peace and justice in society. When people understand the law, they are more likely to comply with it, thus contributing to an informed and law-abiding society.

Public awareness of the law is an understanding, obedience, and legal compliance by the community to legal norms and regulations that are in force. This legal awareness is the expected result for the process of legal awareness activities that must be formed in the community. The formation of this legal awareness must begin with how to form the law related to community habits. The development of law and legal knowledge in social life in order to understand the existence of a regulation, the law must be created by paying attention to the law and the realities of society (Dirdjosisworo, 1996). Community life cannot be separated from the differences between patterns of habits and behavior and culture that have become norms in the environment. The existence of this form of difference makes the formation of a gap that results in the birth of a conflict so that this situation results in the existence of laws created as guidelines. In ensuring legal certainty and justice as the purpose of law as a guide, the role of legal awareness of the community itself is needed (Rosana, 2014).

Building legal awareness is still a common task. One of these roles is functioned by the Ministry of Law and Human Rights (Kemenkumham), which also makes efforts to build law in various layers of society (Ernis, 2018). The Indonesian Ministry of Law and Human Rights is responsible for legal and human rights issues, and is accountable to the President. It has undergone several name changes since its establishment, including the Department of Justice and the Department of Law and Human Rights. The current name was formalized in 2008 through Law Number 39 and Presidential Regulation Number 47 of 2009. Based on Presidential Regulation Number 44 of 2015, the Ministry assists the President in the administration of state government by formulating policies, coordinating tasks, managing state assets, and overseeing the development of law and human rights. However, there are several cases where the Ministry has made mistakes in carrying out its duties.

The Ministry of Law and Human Rights consists of four divisions including the Administration Division, Corrections Division, Immigration Division, and Legal and Human Rights Services Division (Erdiansyah, 2023). The Legal and Human Rights Services Division organizes the following functions:

- Training and Control Tasks in the field of general legal administration services and intellectual property rights, conducting legal training and coordinating legal and human rights studies and research
- Implementation of cooperation related to legal services and human rights
- Develop work programs, activity plans, and budgets within the division.
- Implement and coordinate the management of human resources, facilities, and infrastructure.

One of the areas that is part of the legal and human rights services division is the legal services sector. This field performs its duties to carry out training and control of task implementation, cooperation, technical, and monitoring and preparation of task reports in the field of general legal administration services and intellectual property. Based on Law Number 17 of 2007 concerning the National Long-Term Development Plan (RPJPN) for 2005-2025 and the Strategic Plan of the Ministry of Law and Human Rights, there is a national effort to build legal substance by involving all components of society in it. The development of this legal substance begins with increasing public awareness as a very important layer, especially efforts to increase public legal awareness by the Legal Services Division of the Kemenkumham North Sumatra Region.

II. Research Method

This research uses a qualitative research method using a juridical-normative approach. The focus of this research is to examine and analyze the efforts of the North Sumatra kemenkumham general service division in forming a law-aware society. The legal materials used in this research consist of primary legal materials and secondary legal materials. Primary legal materials include sources derived from kemenkumham data obtained through the official website of the kemenkumham of North Sumatra as well as based on interviews. Secondary legal materials used consist of legislation, scientific journals, articles, and research findings. Legal materials are collected by reviewing, collecting, and reading literature documents, and making

notes that form the basis of research (Mawarni, 2018). The analysis conducted by researchers will later be presented descriptively in the research results.

III. Result and Discussion

3.1. Position, Function, and Duties of the Ministry of Law and Human Rights

The Ministry of Law and Human Rights of North Sumatra is under and responsible to the Minister of Law and Human Rights of the Republic of Indonesia. Through the Minister of Law and Human Rights Regulation which regulates the position and legal basis for the Ministry of Law and Human Rights to carry out its functions and duties based on the policies of the Minister of Law and Human Rights and applicable laws and regulations (Sihombing, 2019). Based on Article 3 of the Minister of Law and Human Rights Regulation Number 30 of 2018 concerning the Organization and Work Procedures of the Regional Office of the Ministry of Law and Human Rights, the functions of the Ministry of Law and Human Rights in the region are to coordinate planning, program management, and reporting; provide services in various fields such as general legal administration, intellectual property, and legal information; facilitating the design and development of regional legal products and fostering legal culture, as well as providing counseling, consultation, and legal assistance; supervising the operational activities of the Technical Implementation Unit within the Ministry of Law and Human Rights in the fields of immigration and corrections; improving and offering human rights services to ensure respect, fulfillment, promotion, protection, and enforcement of human rights; and managing administrative tasks within the Regional Office.

Article 5 of the Ministerial Regulation explains that the Ministry of Law and Human Rights has 4 (four) divisions led by a Head of Regional Office.

3.1.1. The Administration Division based on Article 6 organizes the task of carrying out part of the duties of the regional office in the field of guidance and support for administration within the Regional Office. While its function based on Article 7 is to coordinate the activities of the Regional Office environment;

- Oversee the preparation of plans, programs, activities, budgets, and evaluation and reporting;
- Provide facilitation and coordination of management structure and bureaucratic reform;
- Carry out personnel affairs, financial management, and state assets;
- Oversee public relations, complaint services, and information technology management;
- Organizing the development of human resource competencies within the office; and
- Manage administrative and operational affairs in the Regional Office.

3.1.2. The Immigration Division performs the duties of the Directorate General of Immigration in the Region under Article 28 and performs the functions under Article 29, namely:

- Includes training, supervision, and management of technical operations in licensing, immigration enforcement, and related areas such as information systems, intelligence, and surveillance.
- This includes monitoring and reporting on these operations, preparing plans, programs, and budgets for the Immigration Division, as well as coordinating the management of human resources, facilities, infrastructure, and finance within the Directorate General's Technical Implementation Unit in collaboration with the Administration Section.

3.1.3. The Corrections Division is tasked with carrying out guidance and control over the implementation of tasks including technical, cooperation, monitoring, evaluation and preparation of reports on the implementation of technical tasks related to the development of prisoners and production work training as well as guidance to the community based on article 20. This correctional division consists of the field of guidance, guidance, and information technology as well as the field of detention services, health, rehabilitation, management of confiscated objects, state booty, and security. The Corrections Division, pursuant to Article 21, performs its duties based on two functions:

- The function of implementing guidance and controlling technical tasks in the field of inmate development and production work training, community guidance, and child alleviation, information technology and cooperation, and;
- Perform functions for the implementation of cooperation, monitoring, evaluation and preparation of related reports on the implementation of technical tasks in terms of inmate development and production work training, community guidance and child alleviation and information technology and cooperation.

3.1.4. The Legal Services and Human Rights Division is in charge of carrying out part of the duties of the Directorate General and the relevant Agency in the region. Based on the provisions of article 40 to carry out its duties as stipulated in article 39, the Legal Services and Human Rights Division carries out the functions:

- Supervise and manage the implementation of technical tasks related to general legal administration and intellectual property services, including organizing legal training, supporting the creation of regional legal products, facilitating legal analysis and evaluation in the regions, coordinating efforts to promote human rights in the regions, and supervising research and development activities in the field of law and human rights. In addition, it monitors the responsibilities of Technical Implementation Units within the Directorate General of General Legal Administration and manages the training, development, and supervision of regulatory drafters, legal teachers, researchers, and other specialized officials.
- Management of cooperation, monitoring, evaluation, and reporting on the implementation of technical tasks in the field of general legal services and intellectual property, legal training, development of regional legal products, legal analysis and evaluation, promotion of human rights, and research activities in the field of law and human rights. In addition, supervise the implementation of the duties of the Technical Implementation Unit within the Directorate General of General Legal Administration and ensure the effective training and management of legislative drafters, legal teachers, researchers, and other key personnel.
- Develop plans, programs, activities, and budgets for the Legal Services and Human Rights Division.
- Coordinate the management of human resources, infrastructure, and financial administration within the Technical Implementation Unit of the Directorate General of General Legal Administration in collaboration with the Administration Section.

3.1.5. Framework Awareness of Law and Human Rights in North Sumatera

An important role in building a law-aware society, of course, begins with habituation and cultivation of a mature concept of thinking about law awareness itself. Because the consequences of thought are the first step to engaging in an action in enforcing good law (Ali, 2018). Being aware of the law itself means that the law is instilled in consciousness as a form that the law has adapted in the minds of everyone who is aware of the law. The Regional Office of the Ministry of Law and Human Rights of North Sumatera applies the

concept of thinking in forming a law-aware society as a first step in legal development. This was then sparked by a thought that North Sumatra is aware of Law and Human Rights. This means that North Sumatra in which there are humans or people who have human rights, means having their own human rights and being aware of it. That is to instill the concept of rights and obligations that must be mutually fulfilled for each community so that the concept of legal justice can be found from this. In this concept, the basic point is that the existence of law cannot be separated from human rights. Law without justice is a form of indifference to human values and a form of disregard for human rights. Building on this is an integrated part of strengthening the consolidation of democracy and respect for rights in order to achieve the goal of justice, prosperity and democracy. This can certainly be done by civil society or strengthening the layers of society so that people can access sources of justice (source of justice) (Hidayah & Trihastuti, 2023).

Legal Awareness is a thought that refers to the psychological category in individuals as well as to the common perspective in certain groups of society regarding what the law is. How do layers of society play a role in law enforcement and avoid acting against the law (Ali, 2023). Legal awareness is an awareness of the rights and obligations of each individual, including awareness of their responsibilities as members of society. Legal awareness will be reflected in the behavior of each individual and society towards the laws that have been applied. The problem in this condition is that public legal awareness tends to decrease linearly with the condition of the layers of society. The lowest layer of society usually has a condition of lack of fulfillment of educational aspects and information sources so that they do not understand the existence of law as a form of awareness. There is the term Three Element of Legal System proposed by Lawrence M. Friedman as three things that become the pillars of the formation of the legal system, namely legal structure, legal substance, and legal culture. Legal supremacy can be achieved by improving the foundation of a good legal system. This can be started by making the public legal awareness factor the main and most important role. So that the establishment of the rule of law will realize legal certainty, expediency and justice (Ansori, 2007).

3.1.6. Law-Aware Family

Based on the Head of BPHN Regulation No.PHN.HN.03.05-73 of 2008, the establishment of law and human rights aware Sumatera Utara starts with the establishment of Law Awareness Family (Kadarkum). Kadarkum is an association of citizens who raise legal awareness based on their own willingness. The purpose of establishing Kadarkum is so that every member of the community can know and increase awareness and obligations to the law as their role as a citizen and can understand and obey every applicable laws and regulations. Kadarkum can be established at the center and in the regions (Ar'rosada, 2020). The establishment of Kadarkum at the center is determined by a Decree of the Head of the National Law Development Agency of the Ministry of Law and Human Rights of the Republic of Indonesia. Kadarkum formed in the regions is determined by the Governor's Decree if it is in the Province and by the Decree of the Regent/Mayor if it is formed in the Regency/City. Kadarkum fosters its members through legal awareness meetings, simulations, competitions, and other activities. It does not stop there, the development of Kadarkum is also formed with the existence of fostered villages / sub-districts that function to mobilize and guide and become role models for other Kadarkum.

3.1.7. Human Rights Awareness Society

Human rights are rights that are inherent in humans as their nature and are a gift from God. Human rights must be respected, upheld and protected by the state, government, law and everyone (Suhaili, 2019). In terms of building the concept of thinking Sumatera Utara aware of law and human rights, the general objective related to human rights awareness is formed, namely the realization of human rights awareness in all components on the earth of North Sumatra. Implementation of this is done through human rights socialization which is carried out directly or indirectly. Human rights socialization is an activity that aims to

foster understanding and awareness of human rights through an explanation of human rights to the community and government officials, especially including the basics of human rights, human rights and obligations as a human being and in order to form attitudes and behaviors aware of human rights. This socialization is conducted directly or indirectly. The direct socialization of human rights is in the form of activities that directly confront the community through dialogue, conjunction, media lectures, discussions and others. Indirect human rights socialization is conducted by not dealing directly with the community but through intermediaries/media, reading materials, films, pamphlets, and banners. The approach methods used in community human rights awareness raising activities include:

- Persuasive to ensure and realize human rights in its implementation towards members and apparatus of the government community.
- Educative, that socialization is carried out with patience and behaves as an educator to guide the community.
- Communicative, where the socialization carried out must be able to create a good communication climate in the socialization participants.
- Accommodative, that the socialization provided must be able to accommodate and offer solutions to human rights issues complained about by the community.

In addition, the formation of Human Rights Aware Families is carried out according to criteria and concepts called Panca Sadar HAM. Panca Sadar HAM includes :

- The family's statement that they are a ham-aware family is then determined by the local village government apparatus.
- The lack of human rights issues reflected in village statistics.
- There are human rights implementation groups
- Fulfillment of people's rights including education, health, etc.
- Active RANHAM working group.

3.1.8. Law-aware Village

Efforts to build legal awareness through the establishment of law-aware villages have been ongoing since the 1980s, launched in the Kelurahan/Desa Sadar Hukum (DSH) program by the justice department, now known as the Ministry of Law and Human Rights. The program aims to raise awareness of formal and customary law among sub-district and village communities. It involves the Regional Offices of the Ministry of Law and Human Rights providing legal education tailored to the needs of residents, selected in consultation with local leaders. The initiative, which has been running for more than 23 years, seeks to promote a culture of order, discipline and respect for the law, reduce lawlessness and promote a peaceful society. The program is in line with the National Long-Term Development Plan (RPJPN) and the Ministry's strategic objective to improve the national legal system through better legal awareness. As of 2016, 2,929 sub-districts and villages across Indonesia have been designated as "Sadar Hukum", contributing to the development of a more law-abiding society.

The process of forming a village or kelurahan into a Law-Aware Village/Kelurahan Sadar Hukum begins with the formation of a Law-Aware Family Group (Kadarkum), where families voluntarily gather to increase their legal awareness. With the formation of Kadarkum, the village or kelurahan can then progress to become an Assisted Village, and eventually become a Law Aware Village/Kelurahan. To achieve this status, the village or kelurahan must meet criteria such as paying at least 90% of land and building tax and ensuring that there are no underage marriages. The steps for designation include:

- Villages or sub-districts that have Kadarkum are first designated as Assisted Villages.

- The sub-district head issues a decision that is approved by the Regent/Mayor.
- The Regent/Mayor issues a decree officially recognizing the village as an Assisted Village/Kelurahan.
- The village or kelurahan is then developed through legal awareness programs and activities.
- The Governor, after reviewing the recommendations of local officials, determines whether the assisted villages meet the criteria to be recognized as Sadar Hukum. Villages that successfully meet the criteria are awarded the Anubhawa Sasana Desa award, in recognition of their commitment to legal awareness and community development.

The Ministry of Law and Human Rights of North Sumatra also carries out the function of forming a Law Aware Village (DSH) which houses Kadarkum. In the span of 2001-2024, the Ministry of Law and Human Rights of North Sumatra has formed and inaugurated 162 Law Aware Villages. And in 2024 as many as 40 villages and sub-districts have become part of a law-abiding society covering the districts of Serdang Bedagai, Asahan, Labuhanbatu Selatan, Simalungun, and Gunungsitoli city. In addition, the Ministry of Law and Human Rights of North Sumatra continues to strive in conducting training and socialization of villages that are assisted by the Ministry of Law and Human Rights in increasing law-aware communities.

IV. Conclusion

The purpose of law is to create legal order in society, ensuring peaceful and fair interactions. To achieve this goal, the law must be respected and obeyed, not ignored, thus requiring public awareness and involvement in law enforcement. Public awareness of the law is an understanding, obedience, and legal compliance by the community to legal norms and regulations that are in force. This legal awareness is the expected result for the process of legal awareness activities that must be formed in the community environment. The Ministry of Law and Human Rights, one of which is the North Sumatra region, as a party that plays a role in the formation of a law-aware society. In this function, the Thinking Concept of Sumatra Utaraku Sadar Hukum dan HAM was formed which prioritizes the rationale first as the main step. The cultivation of this concept of thinking begins with the formation of a Law Awareness Family (Kadarkum). The Kadarkum concept was formed with the aim of public awareness of the law is an understanding, obedience, and legal compliance by the community to legal norms and regulations that are in force. This legal awareness is the expected result for the process of legal awareness activities that must be formed within the community. Kadarkum is then shaded by the Legal Awareness Village (DHS) which has been formed and inaugurated as many as 162 villages in the North Sumatra region from 2001-2024. In addition, a human rights conscious community was also formed which was carried out by socialization by the Ministry of Law and Human Rights directly or indirectly. In the process of forming a law-aware society, of course, this effort cannot be said to be sufficient. The program that has been launched must also be supported by improving the quality of education at every level of society. In addition, it is necessary to implement this program gradually so that there is an increase in the quality of counseling, socialization, and training from the Ministry of Law and Human Rights of North Sumatra. From this it is expected that together the people of North Sumatra can form a strong legal culture.

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