

THE STATE LAW ENFORCEMENT IN LOCAL COMMUNITY IN INDONESIA

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ABSTRACT

At least two problems run behind the existence of laws in local context in Indonesia. The first problem, as the consequence of too many order, procedure, and mechanism of the enforcement are impossible for the plural and heterogenic society in Indonesia to know the details. Second, the problem turns to be more complicated since the existence of the state regulation causes the local community facing two contradictory situations. At the one hand is the efforts to sustain the identity. On the other hand, they have the obligation to obey the institution and state law that present in front of them. This article explain that conflicts that appear in the state law enforcement in local community in Indonesia are frequently caused by the lack of understanding of the meaning of culture broadly, within which law is reflection of the culture of the society. Enforcing the new state law will have conflict potencies for the local community where there is no understanding of the local culture in enforcing it. The efforts that can be accomplished in enforcing the state law are besides understanding the targeted local community it is also necessary to undergo the law communication and internalization of new developing values in the process of institutionalization.

Keywords: State Law, Local Community, Legal Culture, Communication

Introduction

The development of national law that centered upon codification and unification politics, has been “succeeded” to create modern law building.[1] Indonesia has written regulations that are rational, clear, and relatively sistematic.indonesia also owned modern justification system that filled by special educated profesional to operate codification law. However, surely that modern law system is not without the problem. [2] In the other hand, law building that stand on that codification and unification politics, wrapped its own problem in aras praksis.[3] especially in the context of local community by its uniqueness[4] and pluralism.

Minimally, two problems always follow the existence of that law in local context. The first problem, as the consequence of centered regulation, all regulation, procedure, and main mechanism is impossible to be known by itself by all layer of Indonesian society that is so plural and heterogenic.[5] The condition is being worse since the law education “paradigmed” by codification and unification, tend to be focus on how to make rule as many as possible, without considering on how people whom rule is made for, feel “sticked” in “content” of that law. In the name of codification, the written rule just to be served without proper communication. For unification, codification law is like to be considered as single size of legality surpass the legitimation and local wisdom. Below national law “certificate”, the nation tribes that is spreaded from Sabang until Merauke, forced in one “law uniformity”.[6]

The problem of sentrality here is how state law with its common, abstract, and uniform regulation, can be “reached” by the society,[7] especially local community. And about the possibility of law incorrectness as the local answer that is “effective”. This is stated logically due to two reasons. In one hand, local community have local assossiation that is always different from one another and from one another locality, in the other hand, law is tied up to its idealityas the logical system[8] that is not only stated as law era in common meaning, but also as the special norm (formal) that should defend its authority[9] and specifically take the responsible to lead the people. Its validity does not depend on personal or group will, but it is valid commonly surpass the uniqueness of local community people that are being ruled.

Meanwhile, in the law there is law fiction theory doctrine that determine that every people should be considered to understand the law, so the misunderstanding of one people towards the law is not allowed to be the reason to free someone from the fault and law responsibility. The consequence, the law administrator feel enough when a rule has been validated and constituted by publishing it in formal publication of law, and feel no longer responsibility to distribute and plant those new rules continuously among the society (promulgation of law).

In aras empiric, law state[10] that is built relatively perfect in the maker’s environment[11], and predicted become behavior model that obligate all, is not always accepted so by local community[12]. Sometimes, for the people the content of one regulation is never only considered as objective obligation that is free of value, but also always be keyed to cultural means and local symbolic system, whether as promises, new model, stigma, or dominance symbol, conflict trigger, and etc.[13]

Therefore, in local community, law state is never only accepted as “normative text” about “what” should be obeyed, respected, and done.[14] It is also not considered as “strange document” that people asked about “how” to obey, respect, and do all of those obligation[15]. Even every state regulation always faced to the question, does it have cultural validity to borrow van perseun, “culture pasport” in their environment[16].

That situation also related to the reality of local community as “filled” environment. This is the second problem. Local society is not the empty jar. They have what is called by *volksgameenschappen* that is contain of value, norms, teritoirs, leadings, and

conflict managements as arranged system[17] that is tested for its functionality in their situation system. That's why although all regulations, procedures, law state standing systems had been known and understood by the people, there is no guarantee that the people will set them as valid instrument.

The problems become more complicated due to the existence of state regulation, local people will be faced to two contradictive situations. In one side is the effort to defend their identity, that is the demand to make their identity admitted by public as something important, as social confirmation about themselves as something that can't be underestimated by anyone.[18] In the other side, is the obligation to follow the state and state law maker that is served to them.

Both James C. N. Paul and Clarence J. Dias suggested that debate of values that are contained in national law and the valid values in suburb (local) people often make difficult to local people to understand the law national regulation that is valid. The distribution of national law to suburb people is still lack. Legislative organization that produce the constitution and its explanation is often felt still in the far distance geographically and socially.[19]

It should be considered that 80% of Indonesian people live in suburb area. These village people live schatered in about 60.145 villages in Indonesia. Commonly, village people's live standard is categorized to be poor, and so is the education standard. How can we demand those village people to behave along with the means of law regulation? Besides they can't understand the content due to the difficulties of law language, law communication is only done just for meet formal requirements, that is published in State Sheet. Communication canal that is not well and tidily organized will effect on misunderstanding information about the contents of law regulation that should be delivered to the people.

As the cosequence, there will be differences between what is demanded by constitution and practice done by people. How can someone hoped to behave as the change demanded by the law, if they don't understand what they should do. Inexistence of communication about regulation means often make people keep behaving as what becomes their ideology or former organized values.

Law communication is one of the most important factors beside other factors in forming understanding, accepting, and people setting in the content of constitution. Because, what is demanded on constitution tend to be contradictive to the values that had been idealized by the people. Yet, those values and behavior basically become "gasoline" that will move the machine of law setting available.

The problem of centrality and uniformity law characteristic related to establishment of paradigm of the change of policy that is contradictive to local culture through law communication mechanism done, also can be seen in the problem of fish processing in Indonesia. Normatively, through constitution Number 45 Year 2009 about Fishery (Fishery Constitution), it is ruled about the paradigm of change of rule in fish processing. Through constitution Number 45 Year 2009, new values are added in fish processing, especially change from explorative to conservative behavior to guarantee the existence of fish resources.[20]

Chapter 10 Fishery Constitution specifically ruled about fishermen community development efforts. Related to the new paradigm of fish processing so it can be seen that fishermen community development efforts are stated in Article 60, 61, 62, 63, and 64 Fishery Constitution placed in a big figure of conservation paradigm. Article 61 Verse (3) fishery constitution thightly rule that small fishermen and fish cultivator as mentioned in article (1) and article (2) must obey conservation rule and other regulation established by the Minister.

Therefore, there are new values that its scoring standart is ruled one side by the government, that will be intervented in fishermen community development framework, that is conservative value of fish resources.

From anthropologic perspective, fishermen community have their own culture system as the product of their interaction process with their environment, both physic and social environment. Manifestation of culture system owned by fishermen community can be mediated and granted as social cultural regulation available.

Therefore, every effort to run fishermen community development should firstly identify correctly about the characteristic sticked to fishermen community, especially about economic social adaptation pattern, social network and resources environment characteristic that become their life pillars. The effort to develop fishermen community can't be uniformed among the community one to others.[21] That's why law communication in fishermen community development become important to tack on the people and regulation so there will be no conflict/crash between state law and local community values.

In this research will be discussed about law communication effort in developing fishermen community in Gunungkidul Regency. It is interesting to be researched due to characteristic of Gunungkidul residents principally are agrarian people, but as the condition of its area of Gunungkidul Regency that has 70 kilometers of coastal area or about 63% of all coast in southern of DIY Province, its marinal potency is still not being developed. On that reason, it is conducted "tratment" policy of fishery development as an alternative to increase farmers' income. In the other words, "tratment" policy to change the culture is done, from agrarian culture to fishery culture.

Based on the background above, it can be concluded that the questions in this research are:

1. How is the perception of fishermen community in Gunungkidul Regency towards the state regulation in the field of fishermen development in Gunungkidul Regency?

2. How is law communication effort done by the Government of Gunungkidul Regency in the development of fishermen community?

DISCUSSION

Coastal area in Gunungkidul Regency firstly opened and managed by The Government of Gunungkidul Regency in early of 1980 by practicing 4 fishermen pioneer and give support to them by 2 jukung boat engined by 15 PK patched machine in Baron Beach. Then, various program of fishing development (sea) were started to be developed by the government including built infrastructures and supporting facilities such as infrastructure developing and Local Regulation making about fish auctioning.

Along with the efforts of The Government of Gunungkidul Regency in managing its marine potency, fishermen village growth (residence) and centre of fishery auction also develop continuously. Along with the development of various line, since three years ago economic actors in coastal area are given chance and opportunities to be independent through various developing programs.

Until now in Gunungkidul Regency there are about 5.373 fishermen families with 26.868 people. Fishermen groups and marine sources catcher has 36 groups. Fish processing trade group has 7 groups, and micro monetary organization has 36 groups.

Although the building process of fishery auctioning harbour in Sadeng Beach had been started in 1991, people's intention to develop and occupy job as fishermen is still fluctuative. They need adaptation and proof whether catching fish is beneficial. From the field of the amount of motorboat in the year of 1997 was still 139 boats, in 1998 was 176 boats, in 1999 was 310 boats, in 2000 was 330 boats, and 2001 was 506 boats.

In the other side, demand of fish product from DIY people keep increasing along with the rise of amount of the people and their economic level. Based on the data of DIY people, fish consumption per capita per year increase averagely 5.45%. in the year of 2006, it was assumed fish consumption by the people was 11.43 kilos per capita per year, while the target was 18 kilos per capita per year. To fulfill the need of fish in the year of 2006, it was needed 39,63 ton fresh fish. Yet the production of fish was only 7.840,5 ton.

Why can't that big fish potency be used? In macro term, it can be said that Yogyakarta people were far from fish catching tradition. They were lack of experience. For them, ocean was something strange to be sailed through. They thought ocean was the sacred home for Ratu Kidul that should be respected. In one discussion, representative of Community of Aquatic Resources and Empowerment said, it will be good if DIY Governor, Sri Sultan Hamengkubuwono X, as the descendant of Mataram King, gave suggestion or order to the fishermen to be pleased catching fish in Southern Ocean. This suggestion believed can grow the fishermen due to the myth, Ratu Kidul only obey the King of Mataram. Until now, the myth about Ratu Kidul is still exist. Every Tuesday and Friday, moreover by *pasaran Kliwon*, the fishermen reluctant to go to the sea. So does in Javanese month like Sura. They will set limit for themselves. No wonder if sailing trip average per month is only 20 days (March, 28th 2003).

Based on the reason above, this research explain further about the situation and process the meeting of law state (state regulation about fishermen community development) and perception of local fishermen community in Gunungkidul Regency with its program dynamica of fishermen community development in Gunungkidul Regency especially law communication aspect done.

a. Perception of fishermen community in Gunungkidul Regency to the state regulations about fishermen empowerment in Gunungkidul Regency.

In the field study about state regulation about fishermen empowerment in Gunungkidul, it is declared that finally the law is operated as social control system in the policy of fishermen community development.

In this case, from law anthropology perspective it can be seen that law is not only as the product of logical abstraction result of a group of people that have authority that is formulated in the form of constitutive regulation, but law also represented as social behaviour as cultural product from interaction with other factors, such as politics, economy, religion, etc.

Law in anthropology perspective is not only shaped as constitutive regulation created by the state (state law), but law also shaped as local regulation that comes from the custom of a community (customary law), include the self regulation/inner-order mechanism that function as social control facility (legal order) in the community.

Therefore, anthropological studies about law known as legal anthropology, basically study about symbiosis between social phenomenon happened in community living and law works as social control facility in the community. Anthropology studies about law pays attention to human cultural aspects related to law phenomenon in the function as facility to keep social harmony or social control device. Therefore, law anthropology specially studies about social processes where regulation about community's member's rights and obligation are created, changed, manipulated, interpreted, and implemented by the member of the community.

From law anthropology perspective, cultural product called law is not only exist in one community organization in the form of state, but also exist in every community form. Therefore, law beside on the shape of state constitution regulation, it also formed as social control mechanism in the form of law norms.

Law norms that valid in the society methodologically can be understood from the decision of someone or a group that socially given the authority to give punishment to the law violence. Therefore, in this research to investigate the law that live in the society (living law) is done by three ways:

1. By investigating recorded abstract norms and the memories of culture leader, magnate, or authoritarian that given the rights to make law decision (ideological method)
2. By doing observation to every actual behaviour of the member of the community in daily live when interact in his community (descriptive method)
3. By exploring trouble cases that have been/are exist in the community (trouble cases method)

From field observation through those three ways it is indicated that the policy of fishermen community development in Gunungkidul Regency generally run well, especially in coordination side and coordination pattern. This is created in the forming of special department that take care of fishery problems that is Fishery and Marine Department, where all fishery problems are merged to Fishery Food Plant and Farming Department. Organization coordination pattern that afforded also run well.

However, generally people's perception about the policy of fishermen community development in Gunungkidul is not completely good. This is related to policy development approach done by government program/project approach that in this case had not been united yet with people's awareness. In the other side, those approach will create burden the people due to incorrect empowerment pattern identification that finally caused communication discrepancy as the result of negative image of the program and the officer.

b. Law communication efforts done by the Government of Gunungkidul Regency in developing fishermen community

In discussing the function of a system (including communication system) is not apart from input and output functions. Input is something that in and output is something that out/resulted. Input comes from other system environment. From input data, material, information, events can be found to be "materials" for the process of communication. For the government, this input function is useful in formulating the processed policy in communication system after process happened or the policy published. Because, the process of policy publishing will be different one another in communication subsystem.

Output is the result or consequences of the run of communication system that have important means to the society. From output, it will be obtained apathy behaviour or reward from the society. Not-good policy surely will cause output that is apathy behaviour from the society. That apathy behaviour will be material, event, or information for input. And so on continuously in a never-ending process. A system will die if there is no continuous process.

In giving feedback, there is social control function, both in the form of critic and honour for the output of communication system. It is important to be done so the communication system will run dynamically. Besides, an agreed way is needed in forming social control, so there is *rule of the game*. Of course the community can't do controlling by themselves. There are rules, agreements, and commitments among the components of community. Here are values, laws, and *das sollen* affected. There are values, norms, and laws that become the base to convey those controls.

According to Everett M Rogers, communication is a process where an idea is converted from the source to one or more receiver by the goal to change the behaviour. The definition stressed that in communication there is a process of converting (processing) idea, thought, symbol, and in that process involving other people.

In the relation with the fact that communication is something that can't be apart from human's activity, surely every person will have their own way, objectives, medium, and receiver. In Harold D. Laswell's formation, they are called *who, says what, with what effect*, and surely every person has different thing in implemented those communication. Therefore, in communication there are certain pattern as manifestation of human's behaviour in communication.

Observed from the pattern done, there are five communication pattern, they are interpersonal communication, small group communication, organization communication, mass communication, and public communication.

Joseph A. Devito divided communication pattern to four pattern, they are interpersonal communication, small group communication, public communication, and mass communication.

a) Self communication

Self communication become one pattern that develop in every layer of Indonesian society.

According to Hafied Changara (2000), this communication process happens since someone interpreted an object and thought about it. The object can be thing, information, nature, event, experience, or fact that objected as something means for human. Those objects can be related to themselves or outside the humanity. Then the object is given the means, interpreted based on the experience that effect on their behaviour. Since every people is different in giving interpretation and awareness, then each people should be different in finding the following behaviour.

Nevertheless, although there are many decision to be taken, at least there are common signals something is called to be self communication, they are: 1) decision is the result of thinking activity or intellectual effort; 2) decision involves choices from some alternatives; 3) decision always involves real action unless it can be delayed or forgotten (Rakhmat, 1991)

b) Interpersonal communication

Interpersonal communication is a process of communication directly face to face between two people or more. It is like said by R. Wayne Pace (1979), "*interpersonal communication involving two or more in a face to face setting*".

According to the characteristic, interpersonal communication divided into two, they are diadic communication and small group communication. Diadic communication is a process of communication done between two people in face to face situation done through three forms: utterance, interview, dialogue. Small group communication is communication process among three people or more in face to face setting where the members interact one another. The limit of the member is not mentioned clearly. There is an opinion that the limit is 2 – 3 people.

The main aspect of interpersonal communication are at least *first*, the members involved in face to face communication process, *second*, there is no dominant source, *third*, the source and receiver are difficult to be identified and known. There is no influence among the members.

As a face to face communication, interpersonal communication has objectives as below:

1. To know ourselves and other people
2. To know outside world
3. To create and let meaning relationship
4. To change character and behaviour
5. To play and look for entertainment
6. To help other people (Widjaja, 2000)

c) Group communication

Something is called group communication because, *first* communication process where the messages delivered by a source to many people in face to face situation. *Second*, communication runs continuously and it can be differed which is the source and which is the receiver. It causes the communication become limited so the feedback is limited because the time is small and the receiver is abundant. *Third*, the message delivered is planned (prepared) and not spontaneous to certain segment of receiver. In our communication we know lecture, discussion, panel, speech, meeting, traditional exhibition in villages, briefing, and talk in front of many people. In other word it is social communication where place, situation, and the objective is clear.

d) Mass communication

In theory of *agenda setting* it is said that what is served by media will be the trending topic in the society too. In communication field, this fact called mass communication phenomenon.

Shortly mass communication can be explained as mass media using communication. The mass media here surely is modern mass media. Therefore, traditional media are not included in this category. Mass media included here for examples are television, newspaper, and radio. Looking the pattern of communication conveyed, so it involved a number of people that are distributed, heterogenic, and anonym by a short and glance message.

According to Michael W. Gamble and Teri Kwal Gamble (1986) in his book *Introducing Mass Communication*, something can be called mass communication due to these following requirements:

1. Communicator in mass communication rely on modern devices to distribute or publish the message quickly to the distributed and large society. That message is distributed through modern media such as newspaper, magazine, television, film, or merge of those medias.
2. Communicator in mass communication distribute the messages to try to share the thought with millions unknown people one another. This anonymity audiences in mass communication differentiate this kind of communication with others. It means that message sender and receiver is not know each other.
3. Message is public. It means that this message can be reached and accepted by many people and not to certain group of people. That's why the message is called to be belonged to public.
4. As the source, mass communicator usually is a formula organization such as network, group, or association. In the other word, the communicator is not come only from one person, but from organization. This organization usually oriented in economic profit and not nonprofit or charity organization.
5. Mass communication is controlled by gate keeper. It means the message that distributed or published is controlled by a number of person in that organization before published through mass media. It is different from interpersonal communication, group, or public where the controller is not a number of person. Some people in that mass communication take a role in limiting or enlarging the published message.
6. Feedback in mass communication tend to be delayed. In other kind of communication, the feedback can be obtained directly. For example in interpersonal communication. In this

communication feedback can be obtained directly but communication through newspaper the feedback can't be obtained directly and being delayed.

So, what differ mass communication from other communication? According to Elizabeth Noelle Neuman (1973), there are four main differing aspect, that are: 1) indirect communication, it means the communication should pass technique media; 2) one way communication, it means there is no interaction among the communicans; 3) opened communication, it means purposed to unlimited public and anonym; and 4) has large geographically public. (Rakhmat, 1991)

From exploration and field observation result, theory, pattern, and communication system above principally done and conducted formally organized. However, law/policy communication strategy that have been made is not planned well yet, especially the inexistence of "grand design" of effective planned communication pattern to obtain the goal of the policy.

CONCLUSION

- a. The policy of fishermen community development in Gunungkidul Regency basically run well especially in organization field and coordination pattern. It is proved by the existence of special Department that has responsibility to fishing problems, that is Marine and Fishery Department, where all problems about fishery is merged by Farming, Food Plant, and Fishery Department. Organization coordination pattern established also run well. However, people perception commonly about the policy of fishermen community development in Gunungkidul is not all good yet. This is because the approach of policy development done and approach program (government's project) in many things are not balanced yet to people's awareness. In contrary, that approach create burden to the people since the identification of development pattern is not correct and cause communication discrepancy due to negative image about the program and the officers.
- b. Law communication efforts done in the development of fishermen community in Gunungkidul Regency done by common communication principles. However, policy/law communication strategy made is not planned well especially the inexistence of "grand design" communication pattern planned effectively to reach the goal of the policy.

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[1] If simplified, Max Weber, Marc Glanter, or R. Unger give characteristic to the modern law as: uniform, otonom, non personal, teritorial, normative, and secular. See in David Trubek, 1972, "Max Weber and

Rise of Capitalism”, Wisconsin: Wisconsin review. See also Marc Galanter. 1966. “The Modernization of Law. In Myron Weiner (ed). *Modernization: The Dynamics of Growth*”.

[2] In the context of Indonesia, Raharjo as quoted by Sahetapy make the constanta that law system that available now as modern law, is not supported yet by a community growth that suitable to the demand of modern law. As the result, incorrect interpretation and practice from the people towards the validity of the law and its organization become something sure. J. E. Sahetapy, 1981, *Kausa Kejahatan dan Beberapa Analisis Kriminologik*, Bandung: Alumi, p. 37 – 60.

[3] In his note about idea of codification politics that established on Indies Netherlands, Wignjosoebroto made constanta that codification and unification law politics is something contradictive to social reality along the history. Soetandyo Wignjosoebroto, 1994, *Dari Hukum Kolonial ke Hukum Nasional: Dinamika Sosial Politik dalam Perkembangan Hukum di Indonesia*, Jakarta: Raja Grafindo Persada. P. 37 – 60.

[4] About unity and diversity ia a permanent problem for Indonesia that will be implicated in one policy taken, include in law education. Both its unity and diversity has its own system and dynamic. If it only stressed on its diversity and difference, it will be trapped in the situation of divorce and separate. So does if only pay attention to its unity, it will be trapped on the situation of permissive unification that is totaliter. Compared to the description of the culture root of Bhineka Tunggal Ika from Eka Darmaputera, 1997, *Pancasila: Identitas dan Modernitas*, Tujuan Etis dan Budaya, Jakarta: Gunung Mulia, p. 13 – 65.

[5] Examined from ethnique and cultural side, heterogenity of Indonesia is seen from a number of ethnique group (more than 300) and language (about 50 local) that are very different one to others. This is not included the descendant of China, Arab, India, and etc that lived for generations. Economically, there are variations among farming system, full capital gardening, modern giant factories. Social system also differs from small and isolated villages to big and developed cities from community without layers (nomaden cube community) to plural layered community. Generation system is also various, there are patrilinear, matrilinear, even billateral. Politics system differs from tribe, kingdom, and modern republic. See Ibid p. 14.

[6] About uniformity, Montesquieu ever said “There are certain ideas about uniformity that attracted big souls...., but surely broke the smalls...., Doesn’t the genius majesty place in the skill of understanding where uniformity is needed and where diversity is needed?” See in Norbert Rouland, 1992, *Antropologi Hukum*, Yogyakarta: Universitas Atmajaya. P. 26.

[7] State regulations in written form is so many and covered all so not only the common civilians don’t understand and become confused to face it, but also the most dilligent and smart judge and law expert will be difficult to examine them.

[8] Strong critics to this paradigm system, served by Charles Sampford, 1989, *The Disorder of Law: Critics! Legal Theory*, New York: Basill Blackweli Inc.

[9] This understanding very monumentally stated in the pure law theory by Hans Kelsen. In his own words, Kelsen formulated his theory as an analysis of positive law done as exactly as possible, an analysis that independent in ethnic and politics scoring about value. See C. K. Allen, 1985, *Law in the Making*, New York: Oxford University Press. P. 52.

[10] This term point to state law in the form of constitution law to differ it from non state law, such as cultural law, customary law, which are in the literature included to the concept of living law, people law, traditional law, customary law. See Von Benda-Backman. 1990. “Changing Legal Pluralism in Indonesia.” IV Th. International Symposium Commision on Folk Law and Legal Pluralism. Ottawa. P.100. later the term state law will be used alternately in the same term by the term state regulation.

[11] If it is limited on constitution, most of its framework is done in birocracy room (include workroom of law experts that act as advisor). It is seldom to be a disscussion for constitution framework.

[12] It can be caused, like said by Stanley Diamond, state law is never received as only “normative text” about “what” should be obeyed, followed, and done. It is also-if not the main, considered as “strange document”, which people talk about “how” to obey, follow, and do something must.

[13] Similar to this, Galanter said that every regulation or law decision is never have single mean when implemented in real situation with unique time and room. It means every people or group in the situation of the system, always give plural meaning to every system of law regulation. This assumption of uniform meaning that surpass time and room is “the need ideology” by sacrificing substantial things in local stage. Marc Galanter. 1981. *Justice in Many Rooms: Courts, Private Ordering, and Indigenous Law*. In *Journal of Legal Pluralism*, p. 99.

[14] According to normative principle, state regulation should not be apart from the problems. In the middle of state regulation that is scattered in various room and shape, every people can be in non-predictive

violence. To obey one regulation, it is possible to break other regulation in one room. In the other side, if one rule is broken, it is possible that other rule is being obeyed.

[15] This is related to regulation/laws meaning that is made and taken from other people, in this case, the state. Law is made by certain people, by certain goals/objectives, by certain room and time. Shortly, law is human's construction in certain context of situation that is not for ever relevant.

[16] The term "cultural passport" was introduced by Van Persuen to explain the validity of cultural answer in one cultural environment. This is a critical judgement towards cultural strategy to cope the problems of its environment. An offer can own cultural passport qualification only when it correctly answer the local question. C. Van Peursen, 1985, *Strategi Kebudayaan*, Jakarta-Yogyakarta: Gunung Mulia Kanisius.

[17] Use term Friedman, those all are social force that called law culture. A regulation of positive law is accepted or not by the people determined by behaviour, deology, and values that are obeyed by the member of the society itself. Lawrence M. Friedman, 1975, *The Legal System: A Social Science Perspective*, New York: Rusell Sage Foundation. P. 15. Satjipto Rahardjo, 1986, *Ilmu Hukum*, Bandung: Alumni, p. 153 – 155.

[18] See Clifford Geertz, 1963, *The Intergrate Revolution*, in Clifford Geertz (ed). *Old Societies and New States: The Quest for Modernity In Asia*, New York: The Free Press. P. 108.

[19] James C. N. Paul and Clarence J. Dias, "Law and Legal Resources in the Mobilization of the Rural Poor for Self-reliant Development" in *International Centre for Law in Development*, ed. July 1980.

[20]Kusnadi, 2003, *Akar Kemiskinan Nelayan*, Yogyakarta, LkiS. P. 68.

[21]Ary Wahyono dkk, 2001, *Pemberdayaan Masyarakat Nelayan*, Yogyakarta: Penerbit Media Presindo, p. 204.

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