Legal Awareness and Community Participation in Village Development Planning in Plakaran Village, District Grumpy Sampang Regency

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Abstract

Village development is the implementation of the ideals of the Indonesian state to improve the welfare of village communities. In order to carry out village development so that it can run well, regularly and effectively, it must be done by first making a village development plan. In carrying out village development planning, village communities must be involved. The focus of the research is Legal Awareness and Community Participation in Village Development Planning in Plakaran Village, District Grumpy Sampang Regency, using social and legal research methods, while the results of this research are that the implementation of village development in Plakaran village does not fully involve the community, whereas community involvement will provide new values and new ideas that are in accordance with community needs, so with community involvement in planning to implementation of village development will provide legal awareness to the community so that they can work together to build a better village.

Keywords: *Village, Village Development, Legal Awareness.*

A. INTRODUCTION

Indonesia is a country of law, in accordance with the provisions of Article 3 paragraph (1) of the 1945 Constitution of the Republic of Indonesia. Being a country of law means that all actions carried out by the authorities and society must be based on law, and law is the main basis for carrying out the life of the Indonesian nation and state (Ansori, 2017). In the concept of the State of Law, it is idealized that what must be the commander-in-chief in the dynamics of state life is law, not politics or economics. Therefore, the jargon commonly used in English to refer to the principle of the rule of law is 'the rule of law, not of man'. What is called government is essentially the law as a system, not individual people who only act as 'puppets' in the scenario of the system that regulates it.

Jimly Asshidhiqi further put forward the Concept of the Contemporary Rule of Law. The idea, idea or idea of the Rule of Law, apart from being related to the concept of 'rechtsstaat' and 'the rule of law', is also related to the concept of 'nomocracy', which comes from the words 'nomos' and 'Kratos'. The word nomocracy can be compared with 'demos' and 'cratos' or 'kratien' in democracy. 'Nomos' means norm, while 'Kratos' means power. What is imagined as a determining factor in the exercise of power is norms or laws. Therefore, the term nomocracy is closely related to the idea of legal sovereignty or the principle of law as the highest authority.

In English terms developed by A.V. Dicey, this can be related to the principle of "rule of law", which developed in the United States into the jargon "the Rule of Law, and not of Man". What is actually considered a leader is the law itself, not the people. In Plato's book entitled "Nomoi", which was later translated into English with the title "The Laws", it is clearly illustrated how the idea of nomocracy has actually been developed for a long time since ancient Greece.

The term rule of law comes from "rechtsstaat". "The concept of the rule of law has become known since modern times, originating from continental Europe and Anglo-Saxon Europe. The concept of the rule of law in continental Europe was developed, among others, by Immanuel Kant, Paul Laband, Julius Stahl, and Fichte. Meanwhile, in the Anglo-American tradition, the concept of the rule of law was developed based on the pioneering work of A.V. Dicey as "The Rule of Law" (Ansori, 2017).

In several concepts of the rule of law, among others, one can find opinions or descriptions from Julius Stahl, which, in essence, there are four related things, namely: Protection of human rights, Division of powers, Government based on law, State Administrative Court.

The aim of a state based on law is to avoid arbitrariness in the actions of the authorities, including the actions of the community in accordance with the aims of the national and state life of a country. According to Jimly Asshidiqhi, the idea of the State of Law was built by developing the legal instrument itself as a functional and just system, developed by arranging orderly and orderly political, economic and social institutional superstructure and infrastructure, and fostered by building legal culture and awareness. Rational and impersonal in the life of society, nation and state. According to A.V. Dicey explained that there are three important characteristics in every rule of law, which he calls "The Rule of Law", namely Supremacy of Law, Equality before the law, and Due Process of Law (Mukhlish, 2021).

Thus, a rule of law is a state that upholds the rule of law and law enforcement. There are several views that a state of law is a democratic state, Muhammad Tahir Azhary, who looks at the inspirational aspect of the Islamic legal system, puts forward the view that the characteristics of a good nomocracy or rule of law contain 9 (nine) principles, namely The principle of power as trust; Principle of deliberation; Principles of justice; Principle of equality; The principle of recognition and protection of human rights; The principle of an independent judiciary; Peace principles; Welfare principle; The principle of popular obedience.

Indonesia is a state of law and has become the basis that must be implemented in the administration of state government, as stated in the 1945 Constitution of the Republic of Indonesia which is the main source of the Indonesian rule of law.

In line with the concept of the rule of law, and another aspect that must be in line with its implementation is in terms of law enforcement. Law enforcement is something that is very important because the law must be enforced. Law

enforcement is an effort to realize the legal provisions that have been formulated in statutory regulations so that there is legal certainty and the realization of justice and orderly social life in society.

According to Dellyana and Shant, Law enforcement is an effort to make legal ideas and concepts that the people hope for become a reality. Law enforcement is a process that involves many things, and concrete law enforcement is the application of positive law in practice as it should be obeyed. Therefore, providing justice in a case means deciding the law in concreto in maintaining and guaranteeing compliance with material law using procedural methods established by formal law (Khakim, 2017).

In this way, law enforcement applies values and/or rules that embody justice and truth. In enforcing the law, it is the responsibility of all government parties in society as a whole to consistently and consistently take full responsibility. Dellyana and Shant further said: "Law enforcement is the process of making efforts to enforce or function real legal norms as guidelines for actors in traffic or legal relations in social and state life. Law enforcement is an effort to make legal ideas and concepts that people hope for become a reality. Law enforcement is a process that involves many things.

Law enforcement is one of the important instruments in a rule-of-law state and is the responsibility of all elements in the state, both law enforcement itself and support from the community and will give birth to legal consciousness in society.

Meanwhile, legal awareness can be defined as the awareness of a community group in national and state life and submitting oneself to applicable laws and regulations. Therefore, this legal awareness is very determining in realizing legal certainty and justice in society. According to Ewick and Silbey in Ali Achmad, Legal Awareness refers to the ways in which people understand the law and legal institutions, namely understandings that give meaning to people's experiences and actions (Arif, 2017).

Good legal awareness will give rise to actions from individuals or groups of people with high awareness to understand and comply with what is permitted and what is prohibited in accordance with the provisions of applicable laws and regulations. Such conditions will be complete if accompanied by law enforcement discipline by law enforcers. The importance of legal awareness is well developed if it is also accompanied by interaction between citizens and the community and government, including law enforcers themselves. According to Satjipto Raharjo, there are several aspects that cause people to need legal awareness, namely, firstly there is legal uncertainty, secondly regulations are status in nature, thirdly the inefficiency of society's ways of maintaining applicable regulations (Kamaruddin, 2016).

Consequently, having legal awareness and good law enforcement will create order in people's lives and can support a government that is aware of the law, especially in providing services to the community. Ultimately, order and security will be created in people's daily lives.

Likewise, in the implementation of village government, which essentially is to serve the community and develop the Village. Its existence is very important because "the administration of village government is a sub-system of government violations so that the village government has the authority to regulate the interests of its community, and in order to regulate and manage its community, each Village is given the following authority:

1. Existing authority is based on village origins.
2. Authorities that, according to applicable laws and regulations, have not been implemented by the regions or by the central government.
3. Assistance tasks from the central government, provincial government, or district government.

Village development is the implementation of the ideals of the Indonesian state to improve the welfare of village communities. In order to carry out village development so that it can run well, regularly and effectively, it must be done by first making a village development plan. In carrying out village development planning, village communities must be involved so that village development ideas and proposals are in line with community aspirations. In designing village development planning, apart from the community, other village government elements are also involved, namely the Village Consultative Body (BPD). Based on Law of the Republic of Indonesia Number 6 of 2014 concerning Villages, Article 1 number 4 determines that: "Village Consultative Body or what is called by other names is an institution that carries out government functions whose members are representatives of the Village population based on regional representation and are determined democratically".

Thus, the BPD is a community representative consisting of elements from the village community in accordance with the status of the village community, such as religious leaders, traditional leaders, religious scholars, other youth leaders. The Village Consultative Body is representative of the village community, and the importance of participating in village development planning is included in the village deliberations. Article 1 point 5 determines that Village Deliberation, or what is known by other names, is a deliberation between the Village Consultative Body, the Village Government, and elements of society held by the Village Consultative Body to agree on strategic matters.

Making a village development plan through deliberation is a strategic village development program because it determines the direction of future village development to create a prosperous village community. In this way, involving the community is called community participation and is very important, because participation is an aspect that determines the implementation of development, as well as implementing the principle of deliberation and providing opportunities for every member of the community to participate in development planning, especially village development.

The participation of village communities in the formation of village development planning means that development in the Village is a shared need.

Therefore, active participation from the community is very much needed. This participation must be accompanied by a strong will from the village community, and the ability and opportunity.

Thus, according to Siagian, the form of community participation in development planning is community involvement in determining the direction and strategy that will be implemented, especially in implementing village development. The most crucial thing is the legal awareness of the village government in enforcing the law, especially in making village development plans in accordance with current provisions and implementing them consistently.

B. METHOD

This research method uses a sociolegal research method, namely a method that combines doctrinaire legal research methods and empirical legal research methods (which borrow social science methods), so what the researcher carried out was a document study, accompanied by field studies.

C. RESULTS AND DISCUSSION

1. The Concept of Legal Awareness and Its Implementation

Legal awareness is the awareness or values contained within humans about existing laws or about laws that are expected to exist. Law is a concretization of the system of values that apply in society. The desired situation is that there is conformity between the law and the value system (Marsinah, 2016).

The consequence is that changes to the value system must be followed by changes to the law, or on the other hand, the law must be used as a means to bring about changes to the value system. Thus, the problem of legal awareness is actually a problem of values. So legal consciousness is an abstract conception within humans, about the harmony between order and the desired or appropriate peace.

The indicators of the legal awareness problem are:

a. Knowledge of legal regulations (law awareness)
b. Knowledge of the contents of legal regulations (law acquaintance)
c. Attitude towards legal regulations (legal attitude)
d. Patterns of legal behaviour (legal behavior)

Each of the indicators mentioned above points to a certain level of legal awareness, starting from the lowest to the highest. Meanwhile, Zainudin Ali concluded that the problem of legal awareness among citizens actually concerns the factors of whether a particular legal provision is known, understood, obeyed, and respected. If members of the public only know about the existence of a legal provision, then their level of legal awareness is lower than those who understand it, and so on. This is what is called legal consciousness or knowledge and opinion about law (Ali, 2007).

Matters relating to legal awareness are as follows:

a. Legal knowledge If a piece of legislation has been promulgated and published according to a legal and official procedure, then legally, the legislation

applies. Then, the assumption arises that every member of society is considered to know about the existence of this law.

b. Understanding the law If only legal knowledge is possessed by the community, it is not sufficient; an understanding of the applicable law is still needed. Through understanding the law, the public is expected to understand the purpose of statutory regulations and their benefits for parties whose lives are regulated by the statutory regulations in question.
c. Obedience to the law: A citizen obeys the law for various reasons. The reasons in question can be exemplified as follows:
    1). Fear of negative sanctions if the law is violated
    2). To maintain good relations with the authorities
    3). To maintain good relations with fellow colleagues
    4). Because the law is in accordance with the values adhered to
    5). Its interests are guaranteed. Theoretically, the fourth factor is the best thing. This is due to the first, second and third factors, the application of the law is always in reality.
d. Expectations of the law: A legal norm will be respected by members of society if they know, understand and obey it. This means that he can really feel that the law produces order and peace within him. Law is not only related to the external aspect of humans, but also the internal aspect
e. Increasing legal awareness should be carried out through regular legal information and counselling on the basis of solid planning. The main aim of legal information and counselling is for citizens to understand certain legal laws according to the legal problems they are facing at any given time. Legal information and counselling are the tasks of legal circles in general and, in particular, those who may have direct contact with members of the public, namely legal officers.

2. Village Government Legal Awareness in Involving the Community in Making Village Development Plans

Legal awareness is very important for village governments in implementing village governance, not only in terms of awareness regarding the provisions that are complied with in accordance with applicable laws and regulations but also in terms of legal awareness to include village communities in it, including involving communities to participate in village development planning. Participation of community members is the involvement of community members in development, including activities in planning and implementing (implementation) development programs carried out in local communities. Community participation or participation in development is the actualization of the willingness and ability of community members to make sacrifices and contribute to the implementation of the programs/projects being implemented (Jufri, 2023).

It is important for the community to be involved because, in essence, village development is carried out by and for the village community itself (Boemiya, 2023).

Thus, they are directly involved in the development itself. Likewise, the village government Plating**,** Village government's legal awareness starts from planning to implementation and must involve the village community.

In Village government Plating The provision also applies that before development is carried out, planning is made first involving the village community, which begins with the process of preparing the Village Government Work Plan (called RKP Des) document. This Village RKP will contain several stages, namely:

a. Preparation Stages

This stage is the activity stage for reviewing the Village Medium Term Development Plan (RPJM) documents, namely by reviewing and re-evaluating the previous year's Village Government Work Plan (RKPDes) documents. This activity involves analyzing data and verifying data in the field if it turns out there is a lack of data that is really needed.

The data that must be analyzed start from an analysis of the risks faced by the Village or the vulnerability of the Village and looking at the village emergencies that are immediately handled immediately. The concrete data includes data on families that are considered poor, then numbers, unemployment, then how many children have dropped out of school, health and deaths of mothers, babies and toddlers in the Village. Plating. This data will later be used as consideration for the preparation of an initial draft of the Village Government Work Plan, which is correlated with the preparation of the required budget. In reality, the Village government Plating do not carry out these processes by involving the community. Based on the results of research in the field: "Legal Awareness of Village Government Plating Involving the community in making village development planning is very lacking, starting from studying the potential risks that exist in the Village or things that become vulnerable to the Village, whether emergency or not, should be obtained from asking directly to the community or existing community leaders, so that calculations of the real conditions of village communities are highly accurate, this is not done. If it is appropriate to examine community data, for example, regarding poor families, unemployment rates, also the number of children out of school, health and mortality of mothers, babies and toddlers in the village playing. In my opinion, this data will later be used as material for consideration in preparing the initial draft of the Village Government Work Plan and can be used to calculate financing in overcoming and implementing it in the implementation of village development as stated in the Village Development Plan, both short, medium and long term.

There is interaction between the village government and the community, and this is a must for the village government to carry out in accordance with the provisions of Law Number 6 of 2014 concerning Villages, which implies that every implementation of government and village development involves the community. Therefore, this legal awareness is very important to be implemented by the village government.

b. Implementation Stages

The next stage in implementing development in the Village is the stage of implementing development planning, which will be carried out according to the planning program, which is called the preparation stage. Involving village communities at this stage is very important because the community's role in planning and implementing development will be successful as expected.

This stage is crucial because it inputs the necessary data and will be included in village development planning. The existing data will be explained by stakeholders and community leaders for analysis by explaining the real conditions in the Village. Conditions must be objective, for example, what constitutes vulnerability in the Village and other problems.

To ensure that accurate data is obtained which will be used as material to be included in village development planning and as a basis for the Village Government Work Plan (KPD). The existence or operation of this mechanism is called village development deliberation (village Muserembang). The data obtained accurately can be used as a basis for determining priority scales and preparing cost budgets.

The results of this deliberation are used as a document of collective agreement and stipulated in the Village Head's Decree so that village development planning is legalized in accordance with applicable regulations.

These kinds of activities in the village playing has not been running as it should, in this case, this mechanism must be carried out as well as possible so that development in this Village can run well in order to improve the welfare of the village community.

After careful research, it turns out that village government officials still do not fully understand why this process must run as it should. There is still a serious lack of education and training for village government officials at the highest level of government, especially from the Sampang Regency government.

c. Socialization Stage

The next stage is the socialization stage, this stage is very important because all the contents of the Village Development Planning documents must be socialized to the community so that the community can understand the details of the contents of the village development planning which will be outlined in the Village Short Term Development Plan (RPJMP-Des), Term Development Plan Medium (RPJM-Des) and Long Development Plan (RPJP-Des).

Village development will run well if the socialization of the contents of the program stages that have been prepared is well understood by stakeholders or community leaders and the community itself so that, in the end, they can participate directly in development.

If all elements of society can understand well what has been planned and included in the village development planning, this will receive direct support and participation from the village community. For the village government, having conditions like these will make it easier to carry out government and development in the village.

In Plakaran Village, District Grumpy Sampang Regency, this socialization has not been carried out as it should and is felt to be very lacking. This lack of socialization will affect the process of implementing village development because many people still do not know and understand what their obligations are in village development.

Facts found in Plakaran Village, District Grumpy It turns out that the cause of the Sampang Regency is a problem of awareness of the legal aspect. Because implementing this socialization is an obligation in accordance with the provisions of applicable laws and regulations. Another aspect of why this outreach must be carried out as it should is because the contents of the documents in the Village Development Planning are the contents of the Village Development Plan (RKP-Des) and are used as the main material in preparing the Village Revenue and Expenditure Budget (APBDes). In Plakaran Village, District Grumpy Sampang District, the awareness of Village Government Law in involving the community in making Village Development Planning is still low. This low level of legal awareness can be seen from the preparations to the implementation of the Development Planning deliberation, which should have been socialized first to all levels of village society, starting from the Neighborhood Unit (RT), Hamlet and community leaders, which has not yet been carried out. Then, when discussing the Village Government's Work Plan, it did not involve the village community.

D. CONCLUSIONS

Village Government Plakaran Subdistrict Grumpy Sampang Regency, in building legal awareness in planning and implementing Village Development, must involve the village community. In fact, the implementation of village development in Plakaran village does not fully involve the community, whereas community involvement will provide new values and new ideas that are in accordance with the community's needs, so with community involvement in planning and implementation of village development, it will provide the value of legal awareness to the community. To also build a better village together.

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