

THE BUILDING A LEGAL CULTURE OF AWARENESS IN NITIKAN VILLAGE, MAGETAN DISTRICT

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ABSTRACT

The legal awareness of the community in Nitikan Village, Plaosan Subdistrict, Magetan Regency, East Java in particular, needs to be conveyed and information about the law or legislation to the community, in order to increase legal awareness in the community. The purpose of this research is to find out how the Law Awareness Village Community Development of Nitikan Village, Magetan Regency and to analyze the legal awareness of the community in Nitikan Village, Magetan Regency. This type of research is a juridical sociological approach, the method of juridical sociological approach is an approach method that describes a statement that exists in the research field based on legal principles, legal rules, on applicable legislation and has to do with the problems studied. The people of Nitikan Village do not know about the actions that are not permitted or about the penalties for using social media. There are still students who use social media to bully and use impolite words, which shows the lack of legal awareness of the community in using social media wisely. The high level of legal awareness in an area will lead to a civilized society. The community in Nitikan Village, Magetan Regency needs to be given a discourse related to trusted information provider sites and sites that should be avoided. Examining viral news and hoax information that is widely circulated in the community.

A. INTRODUCTION

One of the fundamental changes after the amendment of the 1945 Constitution in a series of four stages from 1999 to 2002 is the affirmation of the principle of the rule of law as stated in Article 1 paragraph (3) of the 1945 Constitution. The idealized rule of law is based on the recognition that sovereignty is in the hands of the people, namely a democratic rule of law and at the same time a democracy based on law, as affirmed in Article 1 paragraph (2); "Sovereignty is in the hands of the people and is exercised

according to the Constitution" Jo Article 1 paragraph (3) states, "Indonesia is a State of Law".¹

In order for national goals to be achieved, the implementation of the basic rules of the constitution in the practice of the life of the nation and state is an absolute requirement that must be met, therefore the constitution must be guarded with understanding so that it is always actually implemented. According to Ewick and Silbey, "legal awareness" is formed in action and is therefore a practical issue to be studied empirically. In other words, legal awareness is a matter of "law as behavior", and not "law as a rule of norm or principle."²

The legal culture of a society also determines whether the society views law as a rule of the game for living together and as a basis for solving problems according to its legal concept arising from the risks of living together. However, in terms of materials, it is very difficult to build a legal culture in this country. In fact, public legal awareness alone is not enough to build a legal culture in this country. Because human truth is still an abstraction, not an actual form of action.³

Magetan Regency is divided into 18 sub-districts, 208 villages, and 28 sub-districts. Magetan Regency has potential in agriculture and tourism. Agriculture is the most dominant sector in Magetan Regency, as most Magetan residents live from farming. Food crop commodities, especially rice, are still a major product for the people of Magetan.⁴

Legal awareness of the community in Nitikan Village, Plaosan Subdistrict, Magetan Regency, East Java in particular, needs to be conveyed as well as information about the law or laws and regulations to the community, in order to increase legal awareness in the community. Public awareness of the law is getting higher. Such as the discipline of residents in implementing health protocols.

The establishment of law-aware villages is an implementation of the Head of BPHN Regulation Number: PHN.HN.03.05-73 of 2008 concerning the Establishment and Development of Law-Aware Families and Law-Aware Villages. Legal Aware Village itself is a village that has been fostered or because of its own initiative and self-help meets the criteria of a law-aware village, and for a village that has met the criteria of a law-aware village, the government through the Minister of Law and Human Rights gives the Anubhawa Sasana Desa award to the Governor, Regent/Mayor, Camat and Village Head whose village is designated as a law-aware village.

1 Atang Hermawan Usman, Kesadaran Hukum Masyarakat Dan Pemerintah Sebagai Faktor Tegaknya Negara Hukum Di Indonesia, *Jurnal Wawasan Hukum*, Vol. 30, No. 1, 2014, page. 30

2 Ali Achmad, *Menguak Teori Hukum (Legal Theory) dan Teori Peradilan (Judicial Prudence) Termasuk Interpretasi Undang-undang (legisprudence)*, Kencana, 2009, page. 510.

3 Syamsarina, M. Ibrahim Aziz, Arzam, Defril Hidayat, Ari Bakti Windi Aji. Kesadaran Hukum Dan Kepatuhan Hukum: Analisis Faktor Yang Mempengaruhi Kesadaran Hukum Dan Kepatuhan Hukum Masyarakat, *Jurnal Selat*, Vol. 10, No. 1, 2022. page. 12-21

4 Nina, *Magetan dalam angka*, 2015, http://eprints.undip.ac.id/61693/3/BAB_II.pdf accessed 20 Juli 2023

Law as a social phenomenon is an institution and control of society. In society, there are various institutions, each of which is needed in society to meet its needs and facilitate the fulfillment of these needs, because of its function, society needs the presence of institutions as an understanding of legal awareness.⁵ The importance of awareness of building a law-aware society is what is expected to support and make people uphold institutions / rules as a fulfillment of the need to crave obedience and legal order. The role and function of building legal awareness in society is generally attached to institutions as a complement to society can be seen by: Stability; Providing a social framework for the needs of society; Providing a social framework of institutions in the form of norms.⁶

Legal awareness must be distinguished from legal feelings. If justice is an immediate (spontaneous) decision, then it is a decision that is accepted indirectly through rational and reasoned thought. This concept of law is often shaped by social justice. Legal consciousness is nothing more than a humanized view of what is right. People's worldview is not only the result of rational reflection, but is also formed under the influence of various factors, such as religion, economics, and politics.⁷

Society is said to be aware of the law if society generally consists of people who obey the law because they are aware of the law, in the sense that they do not obey the law because of coercion or fear of sanctions. From the legal awareness of the community, it will create a legal culture in the form of orderly and obedient or obedient to legal norms and laws that apply for the sake of upholding the rule of law.⁸ The development of a legal culture is due to the development of the idea that the law will only begin to be effective if the community already knows, understands and implements the rule of law consistently.

Based on the results of pre and post evaluation through filling out questionnaires that there is an increase in understanding of legal and environmental awareness of around 18%, and based on participation action research there are real results of the real movement of the Kampung Gampingan community through the spirit and action of mutual cooperation to turn land full of garbage into economic land (catfish ponds and vegetable fields). However, this effort is not yet optimal, suggestions for future improvement require a strong commitment from all elements of society to waste management through the creation of waste banks and the formation

5 Rahardjo Satjipto, *Ilmu Hukum*, Citra aditya Bakti, Bandung, 1991, page.112

6 Zulkarnain Hasibuan, Kesadaran Hukum Dan Ketaatan Hukum Masyarakat Dewasa Ini, *Jurnal Justitia: Jurnal Ilmu Hukum dan Humaniora*, Vol. 1, No. 01, 2013, page, 74-85

7 Bahder Johan Nasution, *Metode Penelitian Hukum*, Bandung, Mandar Maju, 2008, page. 61

8 Simbolon, Lubis, Hamonangan, & Sinaga. Penyuluhan Hukum Dalam Upaya Peningkatan Kesadaran Hukum Berlalulintas Melalui Pemahaman Terhadap Isi Undang-Undang Nomor 22 Tahun 2009 Tentang Lalu Lintas Dan Angkutan Jalan, *Jurnal Abdimas Bina Bangsa*, Vol. 4, No. 1, 2023, page. 903-916.

of law-aware villages (Darkum) and environmentally aware villages (Kampung Darling).⁹

Then the research conducted by Faisal with the title PKM Legal Awareness to Overcome Local Community Disputes in Lola Village, Oba Tengah District, Tidore Islands City that community fights due to alcohol that occurred could be resolved effectively by the Lola Village Government using customary law. This means that the perpetrator must pay a fine to the victim of the conflict in the form of money as a customary fine in conflict resolution, because there is no regulation governing liquor rather than having to issue the Lola Village Regulation (Perdes) on Alcoholic Beverage Control as the full hope of the Lola village community, which has been regulated in the relevant regional regulation. Therefore, the synergy of village officials, religious leaders, traditional leaders and local communities in reviving customary law is the best overall guide in creating harmony, harmony and peace in social life.¹⁰

The purpose of this research is to find out how the Legal Awareness Village Community Development of Nitikan Village, Magetan Regency and to analyze the legal awareness of the community in Nitikan Village, Magetan Regency.

B. RESEARCH METHODS

This type of research is a sociological juridical approach.¹¹ The juridical sociological approach method is an approach method that describes a statement that exists in the research field based on legal principles, legal rules, on applicable legislation and has to do with the problems studied.¹² This research uses a qualitative data analysis method, namely the data obtained during the research process is then arranged systematically and analyzed so as to achieve clarity of the problems discussed. To approach the problem in this study, the author uses descriptive research specifications.

C. RESULTS AND DISCUSSION

1. Community Legal Awareness in Nitikan Village, Magetan District

Legal awareness is an output of the process of counseling and coaching activities that reach the ideal level of optimization marked by the emergence of a sense of respect for the law. With the understanding of the law, public legal awareness is expected to increase to respect the law. The stage of understanding the law into appreciating the law can occur if in the process of understanding the community members appreciate the benefits of the law for the common life in the community

9 Bagus Sarnawa, Pembedayaan Masyarakat Dalam Mewujudkan Kampung Sadar Hukum Dan Green Gampingan Di Kota Yogyakarta, *JMM (Jurnal Masyarakat Mandiri)*, Vol. 6, No. 5, October 2022, page. 4218-4231

10 Faisal, Irham Rosyidi, Mahmud Hi, Umar PKM Sadar Hukum Untuk Mengatasi Pertikaian Masyarakat Lokal Di Desa Lola Kecamatan Oba Tengah Kota Tidore Kepulauan, *Janur Jurnal Pengabdian Masyarakat*, Vol. 1, No. 2, 2022, page 19-26

11 Ronny Hanintjio Soemitro, *Metode Penelitian Hukum dan Jurimetri*, Jakarta, Ghalia Indonesia, 1995, page. 12.

12 *Ibid*, Page.97

concerned, and this is if the community members know the purpose and task of the law that is actually needed. In addition, drug abuse and domestic violence can happen to anyone, regardless of differences in social, economic and age status.¹³

With the understanding of the law, public legal awareness is expected to increase to respect the law. The stage of understanding the law into appreciating the law can occur if in the process of understanding the community members appreciate the benefits of the law for the common life in the community concerned, and this is if the community members know the real purpose and task of the law needed.¹⁴

The community is aware of the existence of laws that regulate human behavior to achieve the goals of the State of Indonesia listed in Pancasila to realize these goals, we must obey the rules or laws that apply in Indonesia. The community is aware and recognizes the existence of the law but is sometimes indifferent and does not care about the existence of the law.

The importance of education also plays an important role in making people aware of the importance of legal awareness that the laws made are good goals to regulate community relations, protect rights and obligations as citizens. Where in its application there needs to be coercion and sanctions so that the law runs in accordance with the goals of the Indonesian nation.¹⁵

According to Wignjosoebroto, legal awareness is a whole complex of willingness of citizens to behave in accordance with the requirements set by law. Legal awareness will motivate people to voluntarily adjust all their behavior to the provisions of the applicable state laws and regulations. According to Soerjono Soekanto, legal awareness is a matter of values contained in humans about existing laws. Actually what is emphasized is the value of the function of the law and not a legal assessment of concrete events in the society concerned. So legal awareness in this case means being aware of acting in accordance with the provisions of the law.¹⁶

Based on research conducted in Nitikan Village, Magetan to several respondents. Community members do not know the contents of Law of the Republic of Indonesia Number 11 of 2008 amended by Law of the Republic of Indonesia Number 19 of 2016 concerning Amendments to Law of the Republic of Indonesia Number 11 of 2008 concerning Electronic Information and Transactions which legally regulates the use

13 Puspita, E. A. Kepatuhan Hukum Sebagai Wujud Kesadaran Hukum di Masyarakat Desa Loa Pari Kalimantan Timur, *De Cive: Jurnal Penelitian Pendidikan Pancasila Dan Kewarganegaraan*, Vol. 3, No. 5, 2023, page 1-7

14 Amira Paripurna, Pendampingan Kelompok Sadar Hukum Dalam Menjalankan Advokasi Hukum Kekerasan Terhadap Perempuan dan Anak di Kabupaten Jember, *Warta Pengabdian*, Vol. 14, No. 1, 2020, page 1-8

15 Indis Ferizal, Hukuman Cambuk Dan Relevansinya Terhadap Kesadaran Hukum Di Aceh, *Jurnal Hukum Islam & Ekonomi*, Vol. 8, No. 2, 2019, page 49-77

16 Yayuk Sugiarti dan Hidayat Andyanto, Implementasi Program Keluarga Sadar Hukum Di Desa Patean Kecamatan Batuan, *Jurnal Jendela Hukum*, Vol. 8, No. 1, 2021, page 84-92

of social media. The people of Nitikan Village do not know about the actions that are not permitted or about the penalties for using social media. There are still students who use social media to bully and use impolite words, which shows the lack of legal awareness of the community in using social media wisely.

Based on interviews with community leaders in Nitikan Village, Mr. Sungkono, explained that people in the village are very active in social media such as Facebook, Instagram, TikTok, WhatsApp and so on. In contrast to the level of internet usage, people in the village do not fully understand the legal rules in using the internet. People often unintentionally spread news that is not necessarily true through whatsapp groups, like or repost content that contains hate speech, disseminate pornographic content and also spread news that has the potential to defame other people / business entities.

The increasing number of people in Nitikan village who use social media, so it is feared that they are easily influenced due to emotional instability and can cause teenagers to abuse social media. Lack of legal awareness in the use of social media as a means of information and communication can have a negative impact.¹⁷

Increasing legal awareness should be done through regular legal information and counseling on the basis of solid planning. Legal counseling aims to make citizens know and understand certain laws. In this context, the legal provisions to be conveyed are various criminal acts in the ITE Law, especially hate speech, pornography, spreading false news and defamation. Legal counseling is one of the activities of disseminating information and understanding of legal norms and applicable laws and regulations in order to realize and develop public legal awareness so as to create a legal culture in the form of orderly and obedient or obedient to legal norms and applicable laws and regulations for the sake of upholding the rule of law. Thus it is expected that through legal counseling activities on the ITE Law, people in Nitikan Village, Magetan not only know the law but also understand the law because in social media inadvertently, people can participate in committing criminal acts, for example by liking, retweeting, sharing, reposting and other features in social media which in essence participate in distributing the prohibited content. Through a good understanding of the law, legal consciousness or public legal awareness will be created. The high level of legal awareness in a region will lead to a civilized society.

Legal awareness in society should be nurtured and maintained so that people are increasingly obedient and subject to the law, both written and unwritten laws that grow and develop in society itself. Because public legal awareness will affect legal compliance both directly and indirectly. People who obey the law because basically they have a soul that is aware that they need the law. They realize that the law has a good purpose for social life.

17 Musfala Yudha, Polemik Kebebasan Berpendapat dalam Perspektif Undang-Undang ITE, *Julia: Jurnal Litigasi Amsir*, Vol. 9, No. 4, 2022, page 328-333

In traditional societies, people's legal awareness indirectly affects their legal compliance. They obey the law not because of their direct belief that the law is good or because they need the law, but they obey the law more because they are asked, even enforced by their leaders (formal or informal) or because of religious orders or beliefs. So in terms of this indirect influence, people's legal awareness is more about obeying their leaders, religion and beliefs.¹⁸

The culture of shame as a legal culture contains the value of maintaining self-esteem in order to avoid bad judgment due to violations of norms that become the ideal standard of society. As a personal emotion, the legal culture of shame is a mental attitude that encourages people to know the issues that include knowledge of the law, appreciation or internalization of the values of justice and obedience to the applicable law. In addition to knowledge, understanding of the information and materials contained in a regulation must be an emphasized focus. The focus of legal understanding is the public's perception in dealing with various matters relating to the norms that apply in society.¹⁹

The legal culture of shame can be used as a tool to control the behavior of a person or society in order to have good legal awareness. People can accept the law willingly and consider the law to have values that grow and develop in the midst of community life. If you already have a strong culture of shame, then of course it will be applied through the way of thinking and acting in everyday life. In addition, the person will also consciously invite others to jointly comply with the law and socialize more widely.

2. Legal Awareness Village Community Development in Nitikan Village, Magetan Regency

For the sake of upholding the rule of law in the Unitary State of the Republic of Indonesia so that legal awareness in the community can be increased, it is necessary to carry out Legal Guidance in the form of Legal Awareness Family Development in Nitikan Village, Magetan Regency.

Legal awareness can be defined as the awareness of a person or a group of people to the rules or laws that apply.²⁰ Legal awareness is needed by a society. This is so that order, peace, tranquility and justice can be realized in the association between people. Without having high legal awareness, these goals will be very difficult to achieve.

18 Dede Suryanto. Meningkatkan Kesadaran Hukum Masyarakat Dalam Bermedia Sosial Sebagai Wujud Kepatuhan Terhadap Hukum. *Belom Bahadat: Jurnal Hukum Agama Hindu*, Vol. 13, No. 1, Tahun 2023, page 80-87

19 Muttaqin, F. A., & Saputra, W. Budaya Hukum Malu Sebagai Nilai Vital Terwujudnya Kesadaran Hukum Masyarakat. *Al-Syakhsyiyah: Journal of Law & Family Studies*, Vol. 1, No. 2, 2019, page 187-207

20 Elda Arum Puspita, Kepatuhan Hukum Sebagai Wujud Kesadaran Hukum di Masyarakat Desa Loa Pari Kalimantan Timur, *De Cive: Jurnal Penelitian Pendidikan Pancasila dan Kewarganegaraan*, Vol. 3, No. 5, 2023, page. 1-7

The first factor that affects legal awareness is knowledge of legal awareness.²¹ Regulations in law must be widely disseminated and have been legalized. Then by itself the regulation will be spread and quickly known by the community. People who violate are not necessarily breaking the law. This is because it could be due to a lack of understanding and knowledge of legal awareness and the rules that apply in the law itself.

To foster this habit of legal awareness is the challenge and responsibility of all parties. A culture of awareness and law-abiding should be instilled from an early age.²² So the educational element is the spearhead in instilling attitudes and habits to comply with existing rules. Educational institutions are the primary socialization media that greatly influence the formation of human character in the future. If law-abiding attitudes and behaviors have been instilled from an early age, then in the future, the attitude to respect and obey the rules will be ingrained and cultured in society. Of course, this is done by providing the right knowledge about what should not be done and what can be done.

A Law-Aware Village is formed by members of the community and local village government who, of their own accord, strive to increase legal awareness and knowledge for themselves and village government officials. The goal of law-aware village development is the realization of community legal awareness. Legal awareness is the output of the process of counseling and coaching activities that reach the ideal level of optimization marked by the emergence of a sense of respect for the law.

According to an interview with Khoiru Rohman, who is a youth leader in Nitikan Village, Magetan Regency, the community needs to be given a discourse related to trusted information provider sites and sites that should be avoided. Examining viral news and hoax information that is widely circulated in the community. Then the community is also given an introduction related to the use and utilization of social media and electronic transactions on platforms that are often used, also related to the dissemination of information, personal identity and the worst impacts that have the potential to harm themselves or others.²³

It is also necessary to provide knowledge related to the wise use and utilization of social media platforms. Related information is also provided, such as legal traps for hoax spreaders, how to find out the truth of information in cyberspace, how to report hoax news and how to behave safely in the online world.

21 Meivi Kartika Sari, Kesadaran Hukum Pelaku Usaha UMKM Berkaitan Dengan Kepemilikan Sertifikat Halal Pada Produk Olahan Pangan Di Kabupaten Gresik, *Novum Jurnal Hukum*, Vol. 1, No. 7, 2020, page 35-43

22 Syaiful Bakri, Polarisasi Kesadaran Hukum Dalam Keluarga, *SAMAWA Jurnal Hukum Agama Islam*, Vol. 2, No. 2, 2022, page. 74-83

23 Interview with Khoiru Rohman, one of the youth leaders in Nitikan Village, Magetan Regency on June 3, 2023.

The high level of legal awareness in a region will lead to a civilized society.²⁴ Building legal awareness from an early age, does not have to wait after a violation and prosecution by law enforcement. Prevention efforts are considered very important and can start from within the family as the smallest unit of society. We must build this awareness starting from the family.

D. CONCLUSION

The people of Nitikan Village do not know about the actions that are not permitted or about the penalties for using social media. There are still students who use social media to bully and use impolite words, which shows the lack of legal awareness of the community in using social media wisely. Legal awareness is needed by a society. This is so that order, peace, tranquility and justice can be realized in the association between people. Without having high legal awareness, these goals will be very difficult to achieve. The high level of legal awareness in a region will lead to a civilized society. People who break the law are not necessarily breaking the law. This is because it could be due to the lack of understanding and knowledge of the community about legal awareness and the rules that apply in the law itself.

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24 Nora, Upaya Kesadaran Hukum dan Kepatuhan Hukum dalam Masyarakat. *Nomos : Jurnal Penelitian Ilmu Hukum*, Vol. 3, No. 2, 2023, page. 62–70.

- Dede Suryanto. Meningkatkan Kesadaran Hukum Masyarakat Dalam Bermedia Sosial Sebagai Wujud Kepatuhan Terhadap Hukum. *Belom Bahadat: Jurnal Hukum Agama Hindu*, Vol. 13, No. 1, 2023;
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