

**UUMILC 2017**  
**9<sup>TH</sup> UUM INTERNATIONAL LEGAL CONFERENCE**

**JAVANESE LEGAL CULTURE: SOCIAL WORK SANCTIONS  
AGAINST TRAFFIC VIOLATIONS**

Mulia Simamora (a)\*, Eka Wahyu Hidayat (b)  
\*Corresponding author

(a) University of Jayabaya, Jl. Pulomas Selatan Kav. 23, Jakarta, Indonesia, email: [mulia.simamora357@gmail.com](mailto:mulia.simamora357@gmail.com)  
(b) College of Economic La Tansa Mashiro, Soekarno-Hatta, Banten, Indonesia

***Abstract***

Ordinary legal culture affects the level of court use that attitude will be considered true or false, useful or not when going to court and this greatly influences the decision to get a decision on the traffic violation because currently in Indonesia not to attend the trial and can be represented and on Certain jurisdictions quite come oddity and not court. This study aimed to determine the cultural values that affect the legal culture of Java societies and Javanese society culture in influencing traffic behavior on the highway. The research method used in this paper is a descriptive qualitative research method. The results showed that the Java society has a set of cultural values that assume that the behavior, attitudes, and characteristics of the Java namely: Like to budge, mingle, mutual assistance, courtesy, friendly, remember and be vigilant, shy and hesitant, *ora ngaya*, patient can be used as an approach to discipline traffic behavior. Therefore, by applying the Integrative Theory, any violation is sought for its social responsibility to its environment.

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**Keywords:** Legal Culture, Social Work Sanctions, Traffic Violations.



## 1. Introduction

Over the past several decades, many studies have attempted to measure deterrent effect, in the form of lower levels of recidivism or accidents due to increased penalties (Walter & Studdert, 2015; De Paola et al., 2013). Many studies have demonstrated the willingness of civilians to cooperate with the police in complying with law and public confidence in legal institutions (Van Damme & Pauwels, 2016; Hough et al., 2013; Jackson et al., 2012; Van Damme, 2013). However, the lack of public transport in some areas causing allowed driving without a license (driver's license) and this is expressed Djoko Setijowarno, transportation expert from Soegijapranoto Unika Semarang that students in Belitung driving a motorcycle without a helmet and a license is not in question because of the lack of public transportation (Detik.com, accessed on October 26, 2016). Finally, November 1, 2016 has been tested ticketed Electronic cooperation between the Prosecutor and the Police in the Kediri town and Surabaya Prosecutor's Office has also conducted trials with e-banking application (Viva.co.id, accessed on November 2, 2016). The Supreme Court has issued Regulation No. 12 of 2016 that traffic violators do not need to join the session but can direct to the prosecutor because if ticketed three times, the license will be revoked or vehicle registration number will be charged an additional fee upon renewal. In line with the opinions Castillo-Manzano & Castro-Nuño (2012), that the license revocation as a road safety strategy in the global transport policy. Used to change driver behaviour and driver decisions in an effort to improve road safety (Wong, 2014) Meanwhile, according to Zambon et al. (2008) as a form of prevention with more severe sanctions until they lose their license or based on a traffic violation that has been committed (Baratian- Ghorghi et al., 2016).

The above phenomenon is in line with the development of political reform in Indonesia that causes changes in the behavioural order followed by the Government that runs the rules fairly because for most Indonesians, justice is the most important concept (Bakker & Timmer, 2014). In the era before the reforms seen traffic order is still seen in the streets and the growth rate will be the mode of transformation tend to be much discussed. After the era of reform, economic growth fairly quickly accompanied by the movement or the movement of people who are quite active so that the transportation needs higher while public transportation is less supportive, then the corresponding laws of the market there is growing means of personal transportation to support the activities of the temporary infrastructure such as the road is still difficult to follow the growth private vehicle. As a result there is a shift and social friction in public behaviour in public areas, especially on the highway which ultimately resulted in negative impacts such as traffic accidents resulting in high mortality.

To prevent high mortality occurrence caused by traffic accidents, it is necessary to be made the legal system. According to Friedman & Hayden (2017) the legal system includes three elements namely: a) structure; b) legal substance and c) culture. The legal structure elements is one of the basic and real elements of the legal system include the judiciary, the legislature and other institutions that make up and enforce the law. The structure of the judicial system looks when talking about the number of judges, the jurisdiction of the courts, the higher courts on top of the lower court and the people associated with the various types of courts. Elements legal substance composed of rules and regulations on how the institutions behave in a rule or norm in the structure of a legal system that directs the behaviour of how it should be. While the legal culture element includes human attitudes toward law and the legal system

related to values, beliefs, ideas and expectations (Friedman & Hayden, 2017; Sierocka, 2014), includes three normative tradition (Lukito, 2013). Human behaviour against law and legal system will be seen from the human attitude that use the law, avoid it or abuse it (Friedman & Hayden, 2017); behaviour norms violations opposed to attitude mismatch (Van Kleef et al., 2015)

Elements realities of the legal system are the social forces or also known as legal culture. This legal culture is an abstraction, but it does not directly move the legal system. People in society have needs and make demands and all of them sometimes achieved sometimes do not reach the legal process so it depends on the legal culture. Thus, legal culture conceptions used to see the interaction between rules and institutions (Bogojević, 2013), identification range from facts about the institution elements (Nelken, 2010), typical cultural logic in the workplace (Field, 2010)

To explain the background and each effect part of the legal system takes many role legal systems elements. The first is that depending on the legal provisions applicable as an example of a traffic violation is a legal concept and every state uses a land transportation equipment must have rules in traffic. Some of these regulations limiting nature whose purpose is to prevent traffic violations. Furthermore, the decision implementation of the traffic regulations depends on the structure of the trial. Since there are no adjacent courts, expensive court fees or substantial jurisdictional complexities that diminish a person's chance to file objections. It is seen that the structure and substance of a solid form that slowly shaped by social forces in the long term. All will modify the demands that occur within ourselves and other social demands.

Ordinary legal culture affects the level of court use that attitude will be considered true or false, useful or not when going to court and this greatly influences the decision to get a decision on the traffic violation because currently in Indonesia not to attend the trial and can be represented and on Certain jurisdictions quite come oddity and not court. In other terms, the legal culture legal culture is often used to mark the differences between used legal systems and describe the different uses of community law (Nelken, 2016), legal consciousness (Grodland & Miller, 2015) describes a relatively stable pattern of social behaviour and social attitudes, aspects of ideas, values, aspirations and mentality (Nelken, 2010). Such values overall and long-term will contribute to the shape and characteristics of the laws concerning traffic violation itself. Therefore, the attitude and the public perception of the law and the legal system is determined by cultural values. Very cultural values that he believed was to determine the attitude or actions against the law.

Each community, society or nation in the broad sense has different cultural values, resulting in an understanding of the legal culture as well as different and every society, state, community has a legal culture (Friedman & Hayden, 2017). With regard to the legal relationship between cultural values and legal culture it is necessary to observe (Cornelius, 2011):

- a. The community will tend to obey the legal substance if the values of the substance of the law indicate conformity with its cultural values;
- b. There was sebaliknya if the values of the substance of the law is contrary to the values of the culture so that people tend to behave in the sense of breaking ignore its legal substance. Although the law has a relationship with culture, but some scientists ignore the fact that the law depends on the culture.

It has been suggested that cultural values are believed to be a group, tribe or nation is closely related to or affect the legal culture of the group, tribe or nation concerned or in other words can said legal culture is a basic overview of the attitude or behavior of a group or tribe against law and the legal system are reflected in the form obey or ignore or abuse legal substances.

## **2. Problem Statement**

The attitude and Javanese people behaviour who still adhere to customs and culture, especially in Central Java compared with the traffic people behaviour on the highway interesting to study.

## **3. Research Questions**

1. What cultural values influenced Javanese legal culture?
2. How Javanese culture can influence the behaviour of traffic on the highway?

## **4. Purpose of the Study**

This study purpose was to know:

1. Cultural values that affect the Javanese legal culture
2. Javanese culture in influencing the traffic behaviour on the highway

## **5. Research Methods**

The research method used in this study is descriptive qualitative research methods were investigated for any factors that cause the legal culture of the Java community can support changing traffic sanctions against violators. According to Creswell (2014), a qualitative approach is an approach to construct a constructivist-based knowledge statement.

Data were collected through observations, interviews and focus group discussions. The data analysis used for qualitative data by Creswell (2014) with the data result is a word and not a set of numbers.

## **6. Findings**

### **6.1. Cultural Values of Javanese Society Law Relating to the Changes in Behavior during traffic on the Highway**

#### **6.1.1. Cultural Values of Java Society**

In Javanese culture, Endarwara (2016) explained the Tri Bata philosophy, namely: (1) *Rumangsa mele handarbeni* [sense of belonging], (2) *Wajib melu hangrung kebi* [required in defense with sincerity], and (3) *Mulat sarira hangsara wani* [introspective and have a daring nature for the truth]. The Javanese have a personality that reflects the behavior, attitude, and its nature is:

#### **6.1.2. Like to budge**

This feature of personality has been mentioned in the Javanese philosophy of "*Wani ngalah wekasane dhuwur*" meaning whoever will succumb to victory triumph in the future. This means that the

Javanese do not want if there is one problem then eventually become disputes or bloodshed and the accusation must be proven in order not to be slander. This fits the philosophy of "*Becik ketitik ala ketara*" meaning who is good and who is evil will be seen in the future. Then the philosophy of "*Wani ngalah wekasane dhuwur*" means stepping back does not mean losing to form a new power so that wani ngalah it will get the victory.

### **6.1.3. Mingle**

Historically, the Javanese were a mixture of indigenous people with people from China, India, Thailand, Campa, Turkey, and Arabia so it was not surprising that they were able to mingle with other peoples and nations regardless of tribe, religion, and race. For example in Yogyakarta area found indigenous people can mingle with people from East Java, West Java, Jakarta, Sumatra Islands, Sulawesi, Borneo, Papua, Maluku and others without considering the factors of ethnicity, religion, race and ethnicity. Everyone will be made friends or good friends as long as they do not do evil.

### **6.1.4. Mutual assistance**

Javanese nature is not individual, like to help each other in the sense of like to mutual assistance to realize something. For example if there is one resident celebration, the neighbors will help in the form of thoughts, energy, goods and money. Furthermore, if there is a grieving or dying out then his left neighbor will help take care of the corpse, mourning, and buried in terms of building the village of Java people also help mutual assistance on Sunday or before the greatness day such as Independence Day of Indonesia.

### **6.1.5. Courtesy**

In everyday life, the parents always taught the manners to his children, his grandchildren, always apply courtesy and behave, speak, dress in everyday life. This is visible when the guest knocks on the door and pronounces "*kula nuwun*" (excuse me), then will sit and will say "*ndherek langkung*" (excuse) step in front of parents, not standing face to face parent sitting on ground, or not running in the house and other etc. In terms of dressing is quite simple but must be polite and "*empan mangsa lan papan*" (according to time and place).

### **6.1.6. Friendly**

The Javanese are friendly not only to the people who are known but the strangers are greeted and this can be seen in public places such as hospitals or bus terminals. This causes the Java easily accepted in one environment but they are alert to the good or for evil people who are unfamiliar with the nature of "*eling lan waspada*" (remember and be vigilant).

### **6.1.7. Remember and Be Vigilant**

For the Javanese, remember and be vigilant of Ranggawarsita have become an heirloom in the course of their lives so that they always believe in a peaceful life. It is based on peace not by wealth and position but from the very soul. Because his life will not be sinned to God and evil done to others.

Javanese tend to prioritize spiritual needs rather than material where it is assumed that happiness is sourced from God not because of a position or property that is mortal and illusive.

#### **6.1.8. Shy and Hesitant**

The nature of shy and hesitant can we meet at the time of the Javanese visit, if we offer it will say it is full and if we serve food and drinks when they visit always say do not bother when in fact at that time he was hungry and need the food. This nature is very based on the Javanese because they still give priority to '*unggah-ungguh*' even though sometimes done out of place, so sometimes what they express not necessarily their inner expression.

#### **6.1.9. Ora Ngaya (not self-imposed)**

The other unique script of the Javanese people, *orga ngaya* (not self-imposed), is the personality that has been planted in their souls since they believe that every human being will get their own sustenance from God according to the time, place and rights. So the victorious people tend to work do not want to force themselves because if they '*langgar*' then they are convinced not the sustenance obtained instead disease. But this philosophy does not mean the Javanese tend to be lazy or relaxed because they realize that they become people like that they will be left behind and do not experience Rapid progress. So tend to Javanese people strongly adhere to their spiritual beliefs.

#### **6.1.10. Patient**

The patience philosophy is always used as a life guideline that is highly respected Javanese so patience is the key to achieve goals. That's why the Javanese never *gege mangsa* (doing something not yet the time) so that Java people are very respectful of the process. For the Javanese something that is achieved instantly, does not bring pleasure in life. It is with this patience that the Javanese are not easily reactive easily against all kinds of their lives steps so as not to miss the goal (Wintala, 2016).

As art works, literature and traditions, the Javanese strongly adhere to the existence of *pamali* teachings and this identifies the Javanese society characteristic. Through this *pamali* philosophy we can know that Javanese people do not like to rebuke children, grandchildren and others directly but through *sanepa* (metaphor). From this it appears that the Javanese people have taught that anyone who gets a reprimand to want to think critically over the meaning behind the reprimand. Furthermore can be defined in the Java society in his own thinking that states everything verbally expressed do not necessarily contain the true meaning so in other words it can be said generally the Java society tended to dislike frankly.

The positive teaching found in *Pamali's* philosophy is that every human being should always use the science of *titen* that is a knowledge n sourced from the observation of the incident that repeatedly become a myth in the behavior of daily life Javanese people tend to be careful. Besides the positive meaning of the *pamali* teachings it is beyond its power there is still another supernatural power either the power of God or other supernatural powers. As for the behavior of people's lives in Yogyakarta, life is very strong ancestral traditions. It can be seen how their obedience to the King without having to be commanded when they know the King of Kasuhunan Ngayogyakarta will pass, with full awareness they

will avoid so as not to impede his journey. It is quite unique that *abdi dalem* who worked at the palace actually has a very small income but they will serve as a soul and become the family pride (hereditary)

When observed the behavior of people in Yogyakarta that they are also very respectful of tradition if there is a parent in front of the house it will be excused for passing ahead even with the many immigrants caused the loss of a tradition. While on the highway even if there is a parent passing then they tend to slow the vehicle to allow pass first. Sometimes when a public vehicle picks up parental passengers then they tend to reprimand with greetings of grandparents or grandchildren as a tribute and wait until they stop saying the old man will get off the public vehicle.

This tradition is deeply rooted in Javanese culture in daily life and it can also be seen that there are still very many parents indulge in the public domain either sell or using public transport that signal the presence and comfort the parents were in the public domain are still respected and appreciated and sometimes halt the vehicle just to help get across parents who was difficult to cross.

## **6.2. Legal Culture of Java Society Relating to Traffic Behavior on Highway**

The above-mentioned description shows that the Javanese community, especially in Yogyakarta, exhibit a tendency of attitude or behavior (legal culture) to comply with the provisions on traffic rules on the highway. Factors that cause Java society have a legal culture or tendency such behavior, not only because of legal awareness that already high but the influence of cultural values factor.

In the Java society there is no social values and culture that considers that no regard for others as something that is not good. Javanese always keep itself always think positive that people will also be hurt if denigrated we ourselves trying not to drop the others esteem. Respect the principle of so-called *mad-sinabadan*, means to support the dignity of the people hold the Java for maintaining social harmonization. Another person is considered equal to his self-esteem because the Javanese use the concept of *wang-sinawang* meaning life is the same taste. The first job to do as a positive thinking is to uphold the dignity of others)

The Javanese positive thinking philosophy is the philosophy of silence, pangrasa, sugarcane and corn. Through one's silence becomes an elegant and wary according to R. Ng. Ranggwaskita () who claimed to face the era, only eling and alert that can save bias, and this is the root of Javanese thought (Endarwara, 2016). Pangrasa taste the flavor of life the growth of feelings like peanut seeds that are not visible but moving in the ground where the will of the bean will root roots to the ground and form a sprout that denotes a new form of the inhabitants of the universe. Fruit nuts that remain to the ground shows paran saran which states the origin of humans from and want to where life that is the human comes from the essence of supernatural and will return to Him. Next think sugar cane is how to bias so we give more sweet taste so that we do not have to yell at the ants to *menengerubuti*, while the philosophy of corn that only bear fruit and not branching all the parts can be utilized that describes the positive thinking that life only once so should be useful.

The existing rules only punish the guilty people but do not explore the existing culture in the Indonesian nation, especially the Javanese culture that is the behavior, attitude, and nature of the Javanese people are: Like to budge, mingle, mutual assistance, courtesy, friendly, remember and be vigilant, shy

and hesitant, *ora ngaya*, patient. Repression traffic violators do not always use the notions of law that is retributive and utilitarian because it does not change the people behavior in traffic.

## 7. Conclusion

Based on the description that has been stated above, the conclusions of this study are:

1. Java society has a set of cultural values that assume that the behaviour, attitudes, and characteristics of the Java namely: Like to budge, mingle, mutual assistance, courtesy, friendly, remember and be vigilant, shy and hesitant, *ora ngaya*, patient can be used as an approach to discipline traffic behaviour.
2. Integrative Theory, any violation is sought for its social responsibility to its environment as follows: (1) General and special prevention, one of the main objectives of criminal offenses is to prevent or hinder the perpetrators of such crimes as well as others may have the intention to commit such crimes as a further crime; (2) Protection of society, as the punishment purpose has a broad dimension, because fundamentally it is the punishment purpose. This is narrowly described as the court's discretion to find a way through criminal prosecution in order for the public to be protected from the danger of repeat offenses; (3) Maintaining community solidarity, punishment aimed at upholding the customs of society and preventing individual retaliation.

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