

## Java culture order in correlation with public participation in the regulation formation process of Semarang city in Indonesia

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### Abstract

Public participation in the formation of local regulations is a form of democracy that could be described as a symptom of laws addressed differently by the public in accordance with the characteristics of the culture. It is In fact, that public participation in the regulations formation process in Indonesia is still very low, for example it can be seen in areas inhabited by the people of Java. Javanese culture with many elements in it has formed the Javanese society into a society that emphasizes manners, politeness and also communicate very strict ethics. As its closely tied to their habit of life. It is undeniably affect the public participation in the regulation formation process. This study aim is to find that where as a sample, Semarang City was chosen as it is one city where many Javanese people live. The study shows that the Javan Culture and the citizen's participation in the regulation formation process of Semarang city correlates to each other where it became one of the factors that affect the level of public participation in the regulations formation process which shows that its still very low.

**Keywords:** java culture, public participation, regulation process, Semarang

### 1. Introduction

Culture is a customary beliefs, social forms, and material traits of a racial, religious, or social group. It is the characteristic features of everyday existence (as diversions or a way of life) shared by people in a place or time or basically a rule of life that becomes the basic beliefs and the people way of living their everyday lives (Meriam Webster; 2017) [7]. Culture is a comprehensive lifestyle, complex, abstract, and spacious. Many aspects of culture determined the behavior of communication as Socio-culture elements was spread, including many social activities of human.

As a guideline, the culture was fundamental to the community in identifying any existing symptoms that grow in everyday life and then taken in accordance with the normal decency prevailing in the culture itself. The limitations in cultures reining a community standard in applying certain behavior as the response on any symptoms. And because the culture are a guidelines that are believed by the society, it would build an uniformity of shape of people's behavior in respond to any variety of symptoms that occur, including symptoms of existing laws and growth in the community itself.

The correlation of law and culture can be said to constitute a relationship of mutual reciprocity. Culture is a forming factors of law because the law is the order in public life, but the law can be a factors that shape the culture of the community because of the rules in the law will be believed by the public and then be a public behavior guideline. The relationship between culture that flourished in the society and the law as a system of rules become the legal culture, which one element is the people's behavior toward law and the legal system in such behavior contained elements of beliefs, values / norms, ideas and expectations. Elements of people's behavior toward this law will determine how people behave on the law and the legal system.

Legal principle that believed and be the basis of national life in Indonesia is democracy, and as a part of the legal system in Indonesia, the behavior of society towards democracy is highly influenced by the culture that flourished in Indonesian society. Democracy demanded justice for the whole of society, and to be able to make it happens, the transparency and accountability are the primary needs to be provided by the ruler for the whole society.

Democracy as a principle of government by the people's sovereignty is meant to put the government and the people in them as workers given by the owner of the real power, ie the people. According to Munir Fuadi, in the view that sovereignty belongs to the people, then all the policies established by the government to be accountable before the people, it is the primary source of the main strengths of democracy itself, that people can hold the government accountable as government policy makers. The concept of law and democracy state itself takes the form of organizing power to certain restrictions which limit the giver and the supervise of the limitation is the community that owned the highest authority in the state of the law itself.

In a practical level, the principle of democracy or popular sovereignty by Thomas M. Franck (1992) [16] is "Ensure that people can really Participate in the decision-making process, therefore any policy set is a manifestation of the sense of justice" (to make sure that people can actually participate in the decision-making process, therefore any policy set is a manifestation of the sense of justice). According to Giddens in a state based on law, in this case the law should be interpreted as a unified hierarchical order of legal norms that culminated in the constitution so that a state law requires the supremacy of the constitution.

The Supremacy of the constitution, besides being a consequence of the concept of state law, it is also become the

implementation of democracy because the constitution is the highest form of social contract. With the constitution then everything in governance in a country will always be returned to the constitution, and it became the agreement of all parties and elements in the country because it has become the highest social agreement that approved and agreed together. So it can be stated that the constitution is a manifestation of the desire of society which is then compiled as a guideline and guidance in the country administration, where the constitution is also a certain limit which should not be violated by the ruler.

The law is constitutional, and therefore the implementation of the law in public life should be translated into a rules into the agreement between the government administration and society. This is the basic concept of democracy which requires the participation and active role of the public in determining the course of governance. Therefore, any form of legislation is good in a democratic state should be able to accommodate the aspirations of the community, and even the formation process may involve the community actively.

Local regulations is a legal product specified in order to carry out the functions of government in a region. The rules are contained in a regulation are basic guidelines that are used to provide certain limitations at the same guidelines that can be used to carry out the functions and activities of government. As a product of the law, regulation must reflect the democratic principles in terms of both the rules contained therein and in terms of the formation process.

Public participation in the formation of the implementation of the regulation is the embodiment of participatory democracy. Community participation is needed because it is impossible to be drawn up a policy in the framework of governance in accordance with the needs of people without their input and suggestions as well as control of the people who became the object of governance itself. Public participation is a cornerstone in identifying the interests and needs of the community regarding the material will be regulated in these regulations.

As a form of community legal behavior, public participation also influenced by the local culture. This makes the level of public participation in a region will vary with the level of community participation in other areas. Javanese culture is a culture that is very thick believed and applied by people in everyday life. Selo Sumardjan stated that the Java community is one community in Indonesia that upholds the culture, implement culture with a very high compliance and consider the deviation of the culture is a mistake that can not be tolerated. With a strong culture that is still embedded in the daily life of its people, then the level of public participation in the establishment of regulations will certainly be greatly influenced by the Javanese culture.

This study attempted to examine the associated of Java culture and its relation to public participation in the establishment of local regulations. Research focused on the city of Semarang, the capital of Central Java province which is an area of origin of Javanese culture grows and develops. Semarang people although a part of Central Java, in fact, has developed into urban communities that assimilate to different cultures and lifestyles in addition to Java that are not too based on Javanese culture in full. Rational and logical considerations which are characteristic of urban society become part of the culture of the city of Semarang apart Javanese culture as the origin. Pambudhi in his research

article reveals that as many as 85% of the stakeholders of the regulations established in Central Java were never involved in the process of establishing regulations in Central Java, including the city of Semarang. (Pambudhi; 2017) <sup>[12]</sup> Furthermore, Pambudhi explained that the attendance of society in the process of establishing regulations often caused by the level of awareness and people's desire to get involved in the process of establishing the regulations themselves. This then causes the material of regulation becomes problematic because many are not in accordance with the public interest.

## 2. Research Problem

This study tried to examine the links between javanese cultural communities as a basic guideline of the people of Semarang, and it's relation to the low level of public participation in the formation of regulations. This study is expected to be able to identified how the local culture provides its influence on people's behavior in response to symptoms of law that developed in his life in the form of participation in the formation of a legal product in the form of local regulations.

## 3. Discussion

### 3.1 Law and Culture Correlation

The relationship between culture and law according to Mezey was essentially a dynamic, interactive and simultaneously dialectic in which these two elements affect each other and form elements. (Mezey; 2013) <sup>[10]</sup> Culture can be an object of study at the same time forming the law, otherwise the law may also be forming at once the object of study of culture.

Genealogic cultural terms of the discipline of anthropology, according to Thohir (2007) <sup>[9]</sup> divided into three major streams namely behavioral theory, the theory of cultural materialism, and ideational theory. Applied affixes law on the concept of culture according to each of these approaches, the concept of legal culture with references to cultural materialism will be oriented to product embodied in material, such as laws and courts. Reference behavioral theories will stress the empirical situation in which the law was expressing as behavior patterns that appear in the interaction among participants. Unlike the theory of cultural materialism and behavioral theories that treat legal culture as a mere object of study, ideational theory precisely functioning legal culture as a knife analysis. Proponents of the theory of ideational explicitly conceptualize the legal culture as mental software or the collective consciousness arise from the interaction in activities of daily life. (Ewick; 1998) <sup>[11]</sup>.

Law as a culture, are assumed to be things that are not static and homogeneous when applying the model of causation. As stated Kirkland, in their daily life, individuals actively make law, although no formal legal agents are present. In essence, when talking about the law should refer to what people think and say about the law and what they practice in accepting and understanding the law. (Saguy; 2008) <sup>[1]</sup>.

### 3.2 Public Participation at the Regulation Formation Process as the Form of Public Law Behavior

People's behavior toward law and the legal system is one element of a legal culture that shows the response from the public on the symptoms that occur in the vicinity of law which is strongly influenced by cultural norms which he believed. On this side, the behavioral aspects in the legal

culture play a very dominant role for people's behavior is a form of direct action in response to community cultural views on the application of participation in the establishment of regulations.

Community participation in the establishment of regulations is a form of community legal behavior, it is associated with how people act to implement its participation in the process of establishing a legal product. According to Samuel P. Huntington's terminology, political participation is defined as a "private citizen activities aimed at influencing decision-making by the government". (Huntington; 1977) <sup>[13]</sup> Community participation even at the smallest level of power such as the rural level will always determine the material contained in every policy, because of community participation will be reflected public expectations which if not contained will cause their dissatisfaction with the local community on the state administration.

Magill stated: "Political participation concerns the manner in which citizens interact with government, citizens attempt to convey their needs to public officials in the hope of having these needs met. (Magill; 1996) <sup>[6]</sup> While the World Bank defines public participation as community involvement is a process in which stakeholders influence each other and share control over development initiatives, decisions, and resources that will affect them. (World bank; 1997) <sup>[18]</sup> Public participation is a part of democracy, and also at the same time a manifestation of the exercise of democracy itself, it clearly shows that community participation is a form of legal behavior that should be grown in a society in order to achieve a system of democratic governance.

### 3.3 Javanese Essence that Formed the Public Law Behavior of Semarang City Residence

Culture and law are two elements that influence each other so that the discussion related to cause and effect often encountered in the discussion of culture and the law itself. In this study, culture is regarded as the elements that shape the behavior of the legal community, especially the Javanese are the focus of the study.

Javanese culture, popular for its Gamelan, their traditional music instrument (Becher; 1980) as well as other cultures of the world are basically formed by three things, namely the relationship of man to nature / environment, community and other community members as well as people with a ruler. Javanese culture according Endraswara formed on the assimilation of cultures that are pre-Hindu animist, Hindu-Javanese culture, and Islam-Javanese culture (Benedict;1972) <sup>[2]</sup> According to Achmadi quoted by Endraswara stated that in all the development, Javanese culture is still in its essential basis, which according to various books of classical Javanese and other relics can be formulated briefly as follows : (2005)

- a. The Javanese believe and refuge to the Creator, the Sovereign substance, the cause of all life, the world and the universe, and there is only One God, the beginning and the end;
- b. The Javanese believe that human nature is a part of nature. Man and nature influence each other but always natural and man must be able to fight against nature to manifest his will, ideals, nor fantasies to survive a prosperous and happy life physically and mentally. The result of the struggle (against nature) means progress and knowledge to the environment or society. Then tied together and live in

harmony with mutual respect, tolerance, nobility, harmonious peace;

- c. Peacefully mind, it means right attitude and peaceful in mind, at once evokes the sublime nature and humanity. Javanese upholds the mandate of the slogan "*memayu hayuning bawana*" which means maintaining the welfare of the world.

According Bratawidjaja, Java or the Java community is famous as the tribes were polite and refined. But they are also well-known as the tribes were closed and would not frankly. This trait is based on the character of the Javanese who want to maintain harmony or harmony and avoid conflict, which is why they tend to be quiet and not denied in case of disagreement. Javanese people also have a tendency to discriminate against people based on the origins and caste / social group (Dunn; 2001) <sup>[5]</sup> as seen in the correlation with minorities such as Tionghoans ethnic for example which could be roughly interpreted as racism. (Stevens; 1998) <sup>[14]</sup> The nature of such a cultural teachings of Hindu and Javanese are already believed to be hereditary by the Java community, after the arrival of Islam in the end there is a change in this view.

Java community upholds the values and norms of life to find a balance in the order of life which eventually became tradition embodied in the form of rites and the public are expected to obey. In the Java community ceremonies is a reflection that all the planning, action and the action has been governed by the values of the sublime. Values transmitted through customary rites is the livelihood of the Java community paced careful in carrying out the work of salvation inner and outer.

Javanese also known as the people that very concerned about etiquette, ethics and manners of behaving with other community members. Manners and courtesy in speaking the main basis underlying nature of Javanese society is less open in expressing his opinions in public life. In addition, the historical fact that Java's culture is also shaped by the many kingdoms that grew and developed in Java. Culture feudal kingdom also became one of the basic procedures for forming the community in dealing with the authorities, in which ordinary citizens should be able to put himself well in touch with these rulers.

The above description has been expressed about the culture of Java and its relation to community legal behavior. It can be concluded that there are three major cultures that make up the community legal behavior, especially related to public participation in the establishment of regulations. The culture, among others:

#### a) Conflict avoidal culture (culture of harmony)

The concept of alignment or harmony is not so apparent is evident in the behavior of people's daily lives Java. However, the principle was more on metaphysical concepts that permeate the entire dynamics of the Java community. Share a point of it illuminates all the dynamics of the process or act of all the Java community. Furthermore we can say that the alignment is at the core of all of Javanese culture.

For the Javanese, social cohesion or harmony is a great series so that the welfare of living together. Because welfare is bound absolutely to social harmony, among the divine, nature and fellow human beings. Thus it becomes clear the important role of social harmony.

In understanding the concept of harmony we will depart from the two values are highly regarded by the Java community. Those values are in harmony and respect. Both of these values are highly regarded by the Java community in the dynamics of everyday life. More contextual again to the theme of harmony is that in both the value of this is the concept of harmony discussed clearly. According to Geertz, the principle of harmony and respect in the Java community is a basic rule of the most decisive in the lifestyle of the people of Java.

*Firstly*, the value of “*Rukun*”. Java community hold firm that the pillar is a condition to keep society harmonious, peaceful, safe, and without dispute. Javanese society strive as much as possible to maintain harmony in the environment. Trying how the harmony in society at large. Need to be important that the individual is deemed not very important in social standing. Individuals should always try a broader social importance and not own person. Each person dituntu attitude to not disrupt the social balance for the sake of ambition or personal interests. It also forces an attitude that is often referred as “*Nrimo*” in each of the Java community. In the sense that every individual should have the attitude of surrender to a higher power, to realize that his life is part of a wider community.

Harmony with nature and society by the Java community is deemed able to bring peace, comfort, and peace of life. The core principle of harmony is a demand to prevent any behavior that could lead to open conflict. Thus, it will be able to realize common prosperity in the dynamics of everyday life. Simply put, the indicator harmony is when all parties in a group of peace with one another.

*Secondly*, respect. This value is closely linked in relationships with other people, in other words include social relations. More on that in the Java community there is a hierarchy that limits them to behave to others. The principle of respect is closely linked with the hierarchically ordered society. For example, the relationship between parents and children among peers. In the Java community has revealed it clear through the language they use to call or talk to an older person. (Edmund; 1976)<sup>[8]</sup>.

The first step that must be done by the Java community in developing a respectful attitude is to have awareness of his social position. Early Java community has instilled awareness of this social position to their children. Planting of consciousness is revealed directly in the form of a couple of attitudes, namely *wedi*, *ashamed*, and *embarrassed*. *Wedi* attitude which means first instilled fear to the people must be respected. Furthermore *isin* the attitude means shame is the first step towards a mature personality Java (Magnis, 1988). This means that *isin* the attitude towards mistakes embarrassment, shame if it does not respect people who deserve respect, and so forth. Then *hesitate* actual attitude intimately with embarrassment, reluctant to have a more positive meaning. *Wedi*, *isin*, and *hesitate* a continuous attitude that has a social function for psychological support to the demands of the principle of respect.

Related to public participation in the establishment of regulations, this harmonious culture causes people reluctant to participate in the process of establishing regulations because it considers that the presence of the public to question all the considerations in the establishment of regulations is a form of opposition that resulted in disharmony. Java community who

are reluctant to intersect with conflict led to active participation in the establishment of regulations that may create conflicts of interest between people and the government tend to be avoided. In order of the Java community there is embarrassment when a person labeled as a source of conflict. Shame it becomes a very dominant factor in shaping people's silence though faucet participation in the establishment of regulations have been opened by government administrators.

### **b) Feodal Culture**

Feudalism form a top-down relationships built with loyalty. Javanese feudalism which have cultural values that are reproduced and passed on from generation to generation. Feudalism Javanese rulers constructed on a rule based on the number of followers and bound by the concept of merging subjects and *gusti*, or subordinates and superiors.

The king is regarded as the center of power and the universe, as well as the owners of the universe. This understanding puts the king as landowners kingdom with absolute power. In such a situation it was, then subject only recognized right to use the land with *hanggadhuh* system. To the families and relatives of the work as well as the civil service system is implemented in the form of land appanage land loan for the families and the relatives of the king (*Sentra* palace), and *lungguh* or bent to the civil service (*Abdi Dalem*). Besides, in the particulars, the king presented the land to a certain group of residents with certain tasks. From this incident was born the lands *Perdika mutihan* and so on.

Position a leader in the Java community synonymous with *priyayis* and Nobles and highly regarded high and noble. Whose name Purebred nobility and gentry have a special image and special, in addition to "blue-blooded" they are considered qualified and most clairvoyant in the association community. And when people were inferior no right to judge the moral norm of people - those who were inferior not entitled to judge the moral norms of people in high places, let alone criticize or hold accountable those, then the boss itself is considered right, never wrong and thus become a moral standard to be emulated by subordinates (Wilson;1995)<sup>[17]</sup>.

This feudal culture is also a very dominant factor that shape public attitudes Java in Semarang were reluctant to intervene in the process of establishing regulations. The process of formation of local regulations is a legal product is considered as a process that should include the gentry class, the elite of society were regarded as leaders. The strong influence of the feudal culture that considers that the gentry affairs can not be interfered by ordinary people eventually led to skepticism among the public to unilaterally express his desire to be involved in the process of establishing the rule of law that regulate community life such regulations. Emotions are not feasible because it does not have an equal footing with the leaders make people feel that the process of establishing regulations is a process that is sacred and should be implemented by the leaders and not the people's affairs.

### **c) Javanese “Unggah Ungguh” Culture**

“*Unggah Ungguh*” is the hallmark and also at the same moral standard for the Java community, therefore “*Unggah Ungguh*” are the factors that account for the low participation in the process of establishing regulations. “*Unggah Ungguh*” or also referred to as “manners” is what characterizes the

behavior patterns that distinguish the Java community with other communities in Indonesia.

“Tata krama” is a habit manners as agreed in the inter-local human milieu. “Tata krama” consists of Tata and Krama. Tata means the customs, rules, norms, rules. Krama means manners, behavior actions, deeds. Thus, “Tata krama” mean civilized manners, habits, manners, and etiquette. For the Javanese “Tata krama” serves as social control is emphasized as a form of homage to the older or to those who prefer the elder (because of his position). This attitude basically very connected with the principle of Javanese life who are always grounded in respect and harmony. The attitude aimed to create a allignment, harmony and away from the conflict / contention. “Tata krama” essentially governs the way to communicate between humans with other humans, where the objective is to keep the feelings of others, and to maintain the honor of every person guided by the this “Tata krama”.

Java community with all the complexity of the order of life really cling to “Tata krama”. Ordinary people can not easily express her wishes in the presence of the leaders, it is because there are manners to communicate and relate to people who are respected (elder). Those who violate this order will be considered as Javanese people who forgot some cultures, it is common called as “*Kacang Lali Lanjaran*”, or peanut forgetting the skin, which means forget the ordinance behave underlying norm of life. This Manner then led the community of Java in Semarang in general tend to be quiet and turn over the process of establishing regulations to the gentry (leader) because it considers that voiced the wishes and interests of groups of ordinary people in the presence of leaders with the same status as it is applied as a principle of democracy is something that is contrary to the etiquette of Java (Javanese Tata Krama).

#### 4. Conclusion

Community participation in the establishment of regulations is a process that the purpose of the implementation of democratic principles in governance. Community participation is a form of people's behavior in response to a legal phenomenon that occurs in the vicinity. Because it is the behavior of the society, the culture becomes one of the factors that play a role in shaping the level of public participation in the establishment of regulations.

Javanese culture is a philosophical foundation that believed and obeyed in everyday life Javanese society. Semarang City community as part of the Java community certainly makes this Javanese culture as a guide in their behavior, especially in a legal behavior. In fact the level of public participation in the process of formation of Semarang regulation is still very low. If this is associated with Javanese culture that became the foundation of life of the people of Semarang, then there are three important elements in Javanese culture is the cause of the behavior of low public participation in the formation of these regulations. Cultural elements to avoid conflict makes them reluctant to participate. Participating in the process of establishing regulations means actively be involved in the debate in the legal charge drafted regulations, which equated to debate this disagreement is a form of conflict is avoided by the Java community. The feudal culture that is very thick affect the lives of ordinary people put the Java community as a party that is supposed to accept what is decided by the leader. The leader is the sacred gentry and knowing what is

best for society. While the manners of Java as the foundation of moral behavior makes people feel very reluctant to make himself equal or are equal with the leaders in the process of establishing regulations, while the same position for the community in the establishment of regulations is one of the implementation of democratic principles.

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