

## The Role of Students in Realizing Justice in Community Life

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### Abstract

*Many societal injustices occur due to lack of education/awareness in society. This makes society blind to justice. The purpose of this research reveals the importance of the role of students in realizing justice in society. The method used by researchers is the descriptive method by collecting library data, reading and taking notes in carrying out journal preparation. The results achieved are that students have an important role in realizing justice in society.*

**Keywords** Justice, Role of Students, Society

### INTRODUCTION

Social Justice is an important thing in preserving human rights (human rights), positively human rights aim to provide equal rights to humans as providing basic rights without distinguishing between ethnicity, skin color, gender and religion. Social justice education must be able to open up expanded and equal opportunities for every citizen to obtain education. Education must be able to be directed at achieving education for all, and education must be able to open up opportunities for people's rights, including the right to education. Efforts to educate students. Nationally, education is a means that can unite every citizen into a nation through education, every student is facilitated, guided and nurtured to become a citizen who is aware of and realizes his rights and obligations. Education is also a tool that makes every student able to sit at the same low level and stand at the same height. Quality and equitable education can open up equal opportunities for every individual to achieve prosperity and equal treatment, with commitment and consistency in fighting for social justice which must be realized through equal access to education and social assistance.

Social justice is one of the principles or principles of the Indonesian nation's ideology, Pancasila. As a principle, it should have a higher position than the constitution. Therefore, all regulations and policies made by the state must contain these educational values and principles. The principle of Social Justice for all Indonesian People (Prosperity) in Pancasila in principle emphasizes that there will be no poverty or educational backwardness in an independent Indonesia. Education is part of the state's responsibility, therefore it is a right that the state must provide to its people. Because it is clear that the Preamble to the 1945 Constitution clearly states that the purpose of the founding of the Indonesian nation was to make the nation intelligent. In line with this noble mandate. Article 28C paragraph (1) of the 1945 Constitution states "Every citizen has the right to develop himself through fulfilling his basic needs, has the right to receive education and obtain benefits from science and technology, arts and culture, in order to improve the quality of his life and for the welfare of humanity, more firmly in Article 31 paragraph (1) states "Every citizen has the right to receive education." Concerning the right to education. The law has mandated the state to implement an education system that is equitable and just for Indonesian citizens.



## **LITERATURE REVIEW**

### **Justice System in Indonesia**

As a country of law, Indonesia guarantees its citizens to obtain justice in accordance with applicable law through judicial power with judicial intermediaries. Article 24 paragraph (1) of the 1945 Constitution of the Republic of Indonesia confirms that judicial power is an independent power to administer justice to uphold law and justice. The spirit of Article 24 paragraph (1) of the 1945 Constitution of the Republic of Indonesia was later reduced to the Republic of Indonesia Law Number 48 of 2009 concerning Judicial Power. The Supreme Court is the highest state court of all judicial bodies, which in carrying out its duties is free from intervention as mandated by Article 24A of the 1945 Constitution of the Republic of Indonesia. Then in CHAPTER III of Law Number 48 of 2009 concerning Judicial Power regulates perpetrators judicial power, where in Article 18 that judicial power is exercised by a Supreme Court and judicial bodies subordinate to it in the general court, religious court, military court, state administrative court, and by a Constitutional Court. General courts are regulated in the Law of the Republic of Indonesia Number 2 of 1986 concerning General Courts. Law of the Republic of Indonesia Number 8 of 2004. Law of the Republic of Indonesia Number 49 of 2009. In this law, what is meant by court is the district court and high court within the general judiciary. Then, Article 8 states that within the general judiciary, special courts can be established which are regulated by law. Religious courts are regulated in Law of the Republic of Indonesia Number 7 of 1989. Law of the Republic of Indonesia Number 3 of 2006.

Law of the Republic of Indonesia Number 50 of 2009 concerning Religious Courts. In this law, what is meant by court is the religious court and the high religious court within the religious judiciary. Religious courts are courts for people who are Muslim. Then, Article 3A states that within the religious judiciary, special courts can be established which are regulated by law.

Military justice is regulated in the Law of the Republic of Indonesia Number 31 of 1997 concerning Military Justice. In this law, what is meant by court is a body that exercises judicial power within the military justice environment which includes the Military Court, High Military Court, Main Military Court, and Combat Military Court. The State Administrative Court is regulated in Law of the Republic of Indonesia Number 5 of 1986. Law of the Republic of Indonesia Number 9 of 2004.

Law of the Republic of Indonesia Number 51 of 2009 concerning State Administrative Courts. In this law, what is meant by court is the state administrative court and the high state administrative court within the state administrative court environment. Then, Article 9A states that within the state administrative court environment, special courts can be established which are regulated by law. The Supreme Court is regulated in the Indonesian Rebulik State Law Number 14 of 1985. The Republic of Indonesia State Law Number 5 of 2004. The Indonesian Rebulik State Law Number 3 of 2009 concerning the Supreme Court. In this law the Supreme Court is one of the actors of judicial power as referred to in the 1945 Constitution of the Republic of Indonesia. As for the Constitutional Court, it is regulated in the Republic of Indonesia Republic Law Number 24 of 2003. Republic of Indonesia Law

Number 8 of 2011 concerning the Constitutional Court. In this law the Constitutional Court is one of the actors of judicial power as intended in the 1945 Constitution of the Republic of Indonesia.

### **The Urgency of Students in Realizing Just Laws**

Justice is always used as a topic of debate in the world of law, because in principle justice is the goal of the birth of the law itself. The large number of cases that are not resolved and are instead brought into the realm of politics means that justice or justice cannot be found in its true state because legal truth and justice have been manipulated in a very systematic way. Here the role of law enforcers is very necessary, who should be able to become commanders in upholding justice, not making the law a tool of power. On the other hand, indicators for realizing just laws must be supported by the performance of professional law enforcers whose position is to support society's hopes for creating justice, so that the professional performance of law enforcers is not something that can be negotiated and its value can be bought and sold in order to realize a legal order that is fair and responsible as expected by society and the state in particular. The birth of law enforcers who are able to realize legal justice can never be separated from improving and reforming the legal higher education sector in Indonesia, where so far there has been a lack of synchronization between various policies, which is a demand that is becoming increasingly common today.

So far, legal education has tended to pursue a profession and this has a side effect where the fruit of professional work is an attitude to treat legal knowledge as a sequence of procedures and mechanisms. The meaning of this mechanism is that various elements of the law must be implemented in accordance with its provisions, in short the science of law becomes more positivistic. This legal tradition positions certainty as the main key in the legal system by focusing on written rules rather than unwritten rules and/or customary law. If this continues to be implemented, it is normal for the world of law to be filled with practical political interests by some people who are parties in formulating the law. If understood in depth, it can be seen that there are differences in the objectives of legal education from time to time, although there are no significant differences between graduates of each legal higher education. Law graduates from year to year seem legalistic and do not have significant differences from graduates during the Colonial era, and even tend not to fulfill various legal education goals after Indonesia's independence. If it is developed further, it will be known that the legal system adopted by a country determines the direction of policies implemented by higher legal education in its learning process.

### **The Form of Justice in Society**

Viewed from the Perspective of National Law The view of justice in national law originates from the basis of the state. Pancasila as the basis of the state or state philosophy (fiilosofische grondslag) is still maintained and is still considered important for the Indonesian state. Axiologically, the Indonesian people are supporters of Pancasila values (subscribers of Pancasila values). An Indonesian nation that is devout, humane, united, populist and socially just.



As supporters of values, it is the Indonesian people who appreciate, recognize and accept Pancasila as something of value. Recognition, appreciation and acceptance of Pancasila as something of value will appear to be reflected in the attitudes, behavior and actions of the Indonesian people. If recognition, acceptance or appreciation is reflected in the attitudes, behavior and actions of humans and the Indonesian nation, in this case, it is also the bearer of the attitudes, behavior and actions of Indonesian people. Therefore, Pancasila as the highest source of law is irrational and as a rationality it is the source of national law for the Indonesian nation. The view of justice in the national law of the Indonesian nation is focused on the foundation of the state, namely Pancasila, the fifth principle of which reads: "Social justice for all Indonesian people". According to Kahar Masyhur in his book, he expresses opinions about what is fair, there are three things about the meaning of justice. (1) "Fair" is: putting something in its place. (2) "Fair" is: receiving rights without more and giving others without less. (3) "Fair" means: providing the rights of each person who is entitled completely without more or less between those who are entitled under the same circumstances, and punishing evil people or those who violate the law, according to mistakes and violations."

## **METHOD**

In this research, the method used is a descriptive method using a literature study approach. The research was carried out by collecting all data originating from literature and reading materials that were relevant to this research. This is done by reading books, literature and writings related to the problem being discussed. Second, document study (Document Research), research is carried out by collecting data which is analyzed from dialogue contained in social media.

## **RESULTS AND DISCUSSION**

Article 1 paragraph (3) of the 1945 constitution of the Republic of Indonesia states that Indonesia is a state of law. The concept of a rule of law must be idealized by making law the commander of all state and political and even economic dynamics. The symbol of the law is law enforcement, so law enforcement must be able to help the rule of law to realize the ideals of the law itself. This law, which was actually created and exists for good, impartiality and of course justice for the interests of the wider community, actually in practice enforces the existing law more in favor of the interests of those in power rather than the interests of the people themselves. Weak law enforcement will be clearly visible if the existing law is reduced to purely procedural issues without looking at other aspects.

Legal authority lies in the ability of law enforcers to resolve any existing legal problems. Theoretically, the effectiveness of law enforcement will be fulfilled if the five legal pillars can run well. Legal instruments, law enforcement officers, equipment, society and bureaucracy are the five legal pillars in question. The weak law enforcement in Indonesia has put law enforcement officials in the spotlight, and on the other hand, public trust in legal officials is very worrying, one indication of this is the many actions of small people who carry out many acts of taking the law into their own hands (*eigenrichting*). and its



enforcement cannot be said to be running in accordance with the direction and objectives of the common law.

Law enforcement problems always have a tendency towards an imbalance in the dynamic interaction between *das sollen* (expectations) and *das sein* (reality). Evidence that law enforcement in Indonesia is still weak can be seen from the resolution of various unresolved cases, especially corruption practices which are increasing, but very few of the main perpetrators are caught late in the law and are not sentenced according to the legal regulations in force in Indonesia. This is the reality of law enforcement that hurts the hearts of small people and will give rise to *a priori* attitudes in society, leading to public distrust of law enforcement agencies.

### **Philosophy of Legal Science as a Foundation for Thought in Carrying Out the Law**

To understand the overall framework of philosophy, it is necessary to first know what is meant by philosophy. "Philosophy" comes from the Greek word *philosophie*. The word philosophy consists of the word *filo* which means love or desire, while *sofie* means wisdom. Philosophy means love of wisdom, namely the wisdom of life means that what is thought about in philosophy is life as a whole of experience and understanding. From several branches of philosophy of science, discussions about justice are issues discussed by the philosophy of law considering that one of the goals of law is justice and this is one of the goals of law that has been most discussed throughout the history of the philosophy of law.

The philosophy of law, some call it legal philosophy, is actually a sub-branch of human philosophy, which is called ethics or human philosophy. Because legal philosophy and legal philosophy are sciences that study law philosophically, their object is law. Regarding the distinction between legal science and law, Curzon said that legal science includes and discusses all matters related to law. Such is the breadth of the problems covered by this science, that it has provoked people to say that "its boundaries cannot be determined".

Satjipto Rahardjo then added, as with every branch of science, legal science also has its own object, namely law. As explained previously, legal science covers a very broad field. This characteristic is the result of the burden it carries, namely presenting before us the phenomenon of law in its essence, characteristics, function in society so that it can be understood, why it contains quite diverse thoughts and explanations, both philosophical, technical and sociological. .

Discussing the concept of law enforcement from a review of legal philosophy can be studied from law enforcement factors, especially judges as humans who will understand the legal values that live in society. Judges in relation to law enforcement are two things that are interrelated and cannot be separated, namely "law and justice", as the leading legal philosopher Gustav Radbruch explains: "Law is the desire of the will to serve justice." Furthermore, basically the judge's task in enforcing the law will be very closely related to issues of legal philosophy as Roscoe Pound said that one of the objects of legal philosophy is: "The application of law." Through legal discovery, judges are required to interpret reality in providing fair decisions based on truth and realizing a sense of justice itself using conscience. This conscience is important as a factor that can prevent and maintain the



discovery of laws that must be continuously improved and sharpened so that they are able to receive guidance from God.

Returning to the concept of justice, that basically humans want justice. Philosophers provide different definitions of justice according to their views and goals. Aristotle provides the understanding that justice is a virtue related to relationships between humans: legalist, distributive and commutative justice. Thomas Aquinas, justice is divided into 2 (two), namely general justice (*justitia generalis*) and special justice (*justitia specialis*). Meanwhile, Roscoe Pound divides justice into 2 (two) parts, namely judicial justice and administrative justice. Meanwhile, Paul Scholten states that justice must not conflict with conscience, law without justice is like a body without a soul. Philosophical thoughts on justice related to legal philosophy are also closely related to the thoughts of John Rawls who revealed 3 (three) main factors, namely: (1) Judgment regarding justice (*gerechtigheit*); (2) Legal certainty (*rechtssicherheit*); and (3) Legal benefits (*zweckmassigkeit*).

### **The True Meaning of Students in the Context of Higher Education in Indonesia**

According to Indonesian government regulation no. 30 of 1990 states that someone can be called a student if they are registered and studying at a certain university. Meanwhile, in the Republic of Indonesia Law No. 12 of 2012 article 13 concerning the academic community, students have academic freedom by prioritizing reasoning and noble morals and being responsible in accordance with academic culture. The meaning of students is not only limited to students who are registered in a tertiary institution, but students are expected to become future leaders of the nation because they have higher intellectual abilities, namely being able to analyze existing conditions compared to students. With his academic abilities, he understands organizational and social politics in accordance with the multidimensional conditions of society.

With these abilities, students are expected to become agents of change who are able to bring about change in various fields and places. This change is what becomes the public's mouthpiece for government policies.

### **Community Empowerment through the Role of Students in Legal Aid**

Student involvement has been stated in Law no. 16 of 2011 in the form of Legal Aid activities is an effort to realize the Tri Dharma of Higher Education in the Community Environment. This is because the legal assistance provided by academics such as students can provide relief to underprivileged people. This is based on the role of students as agents of change who can make educational and societal changes. Because of the capacity of students as educated people, of course the community expects students to play a role in empowering them in the field. And students can also convey the knowledge they have gained from college. This is also to change perceptions regarding current students who are perceived as being closed off from their surrounding environment because of apathy and fading society's expectations for students.

People who are poor and do not understand the law will have difficulty when facing a case in court because of economic and knowledge limitations. So, with the presence of Law

no. 16 of 2011 concerning Legal Aid, this is attempted to be addressed with free Legal Aid for poor people. This is stated in Article 3 of Law no. 16 of 2011 which explains the objectives of providing legal aid, namely: guaranteeing and fulfilling the rights of legal aid recipients to obtain access to justice; realizing the constitutional rights of all citizens in accordance with the principle of equality under the law; guarantee certainty that the implementation of Legal Aid is carried out evenly throughout the territory of the Republic of Indonesia; and realizing justice that is effective, efficient and accountable. Also, Article 5 paragraph (1) also explains that legal aid recipients are people or groups whose basic rights cannot be fulfilled properly and independently. As a country of law, our basic constitution, the 1945 Constitution, regulates the rights of all people to be treated equally before the law and legal aid is the right of the poor. The spirit contained in the Constitution is equality before the law as written in Article 28D paragraph (1) which explains the right of every person to obtain recognition, guarantees, protection and fair legal certainty as well as equal treatment before the law. This is the role of law as a means of social engineering to create a better society, where law can direct desired goals, eliminate irrelevant habits, create new standards of behavior and so on. That with the existence of Law no. 16 of 2011, this is so that all communities can access legal aid services and student involvement is an effort to empower students to create change for better conditions.

## CONCLUSION

Sisdiknas No. 20 of 2003 states that education is a conscious and planned effort to create a learning atmosphere and learning process so that students actively develop their potential to have spiritual, religious strength, self-control, noble personality, intelligence in thinking, noble morals and the necessary skills. himself, in the community and national environment which aims to achieve national goals. Because education plays a very important role in developing and improving human resources in society so that a society is created that has an advanced and developing mindset.

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