

The Role of Community Legal Culture in the Development of Public Interests in Kupang

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Abstract: The development of public interest projects is a fundamental responsibility of the state in its pursuit of public welfare and prosperity. In carrying out this responsibility, the state must ensure that governance is aligned with the nation's ideals and objectives, thereby fostering a sound legal culture within society. A strong legal culture plays a crucial role in advancing public interest development. High levels of legal awareness among citizens contribute to social order, stability, and justice throughout the development process. Development initiatives that actively involve law-conscious communities are generally more effective and sustainable. Law also serves as an essential instrument for safeguarding the public interest and ensuring that development outcomes are fair and equitable for all stakeholders. The state must therefore accommodate the diverse public interests of society in a manner that promotes both justice and prosperity. This study aims to analyze the legal culture of society, the challenges encountered in public interest development, and possible solutions as conflict-resolution mechanisms in response to community resistance toward several government development programs. This research adopts a socio-legal approach that combines textual analysis, document review, and field studies. The textual analysis focuses on the provisions of Government Regulation Number 19 of 2021 concerning Land Acquisition for Development in the Public Interest, as amended by Government Regulation Number 39 of 2023 concerning Amendments to Government Regulation Number 19 of 2021 on the Implementation of Land Acquisition for Development in the Public Interest. The findings provide an analysis of the role of legal culture in public interest development in Kupang City. The study identifies several factors that contribute to conflicts or public resistance toward government-led development projects, including: non-compliance with regulations governing land acquisition and land release for public purposes; coercive actions by the Kupang City Government; political interests and politicization; inadequate compensation; corrupt practices or bribery involving officials; the absence of direct benefits for local communities; uncertainty regarding legitimate representatives of indigenous clans or land-owning families, particularly in land transactions; and the fact that much of the land being traded has not yet been formally certified. These factors demonstrate that legal awareness within society constitutes a vital foundation for achieving sustainable development. Communities with a high degree of legal awareness are generally more inclined to comply with regulations, respect the rights of others, and participate actively in development initiatives. Nevertheless, the study also reveals that many of the causes and drivers of conflict are rooted in societal dynamics themselves. Efforts to address these issues and resolve conflicts or public opposition to government development programs may take the form of preventive and repressive measures, although some scholars also recognize curative measures as an important means of restoring relationships that have been damaged by conflict. Accordingly, it is recommended that the government address the underlying causes and drivers of conflict through the involvement of all relevant stakeholders, including community members, government officials, law enforcement agencies, community leaders, traditional leaders, religious institutions, and other stakeholders. Preventive measures, grounded in a humane and participatory approach, should be prioritized. Repressive measures should only be employed as a last resort. Where conflict does occur, curative efforts should be undertaken by the government to restore social harmony among communities affected by development projects carried out in the public interest.

Keywords: Legal Culture; Community; Development; Public Interest.

Introduction

The construction of facilities for the public interest is the duty of the Government. These facilities benefit the community. According to J. Verkuyl, in society, there are not only personal and private economic needs, but also collective needs, economic needs that are needed by all members of society. This is what people used to forget in the old view of the government's duties in the economic field. The whole society equally needs health maintenance, a good irrigation system, wide and paved roads, electrification, transportation, basic industries, regulations that allow private initiatives in the field of housing development, light industry and medium industry (J. Verkuyl, 1982: 192-198). Development that is increasingly complex, both in quality and quantity, requires the cooperation of the private sector, and does not have to be done by the government alone.

Taliziduhu Ndraha said that *government* can be interpreted as a government (*body*) and as activities (*activities*) called government. *Civil service* is thus defined as an organization and also as a service, in this case, civil service. Herman Finer (1960:709) defines the *civil service* as a government organization, namely "*a professional body of officials, permanent, paid, and skilled.*" *Civil service* as an agency, is tasked with providing services that cannot be fulfilled by the market or private institutions due to their nature. Finer cited employment, health, education, roads, and transportation as examples.

Furthermore, Ndraha stated that the above characteristics do not indicate the goal of service, namely, collectivity or individuality. For example, the target of PAM services in Indonesia is the community, not individuals, because to be able to build a clean water installation in a place a number of customers are needed. This service is different from other services that target individuals, such as personality, life safety, security, and justice.

The community should accept with pleasure and fully support the development projects that will be implemented by the government because it is beneficial for the people of Kupang City, at least, for the community around the project to be implemented. For example, the construction of the Kolhua Dam, which is very much needed or very suitable for the needs of the people of Kupang City as part of the East Nusa Tenggara region, which is famous as a dry area (with very few water sources). The public's rejection of the development program by the government certainly raises questions and is surprising. However, logically, of course there are reasons or reasons that cause conflict or public rejection of the government program.

This conflict or rejection is certainly an obstacle to the development or implementation of various government projects or programs, so it must be overcome immediately. Otherwise, this conflict or rejection will be a 'precedent' or a bad 'example'. Someone else or another party -- in another place or in the future -- will join in rejecting government projects or programs. Especially in conflicts that occur because of the politicization of certain parties and for certain reasons. These parties will "try again" to hinder development if they "succeed" in hindering or thwarting a development program. In addition, other like-minded people will use it as a "source of inspiration" and imitate

or try to do the same, i.e. try to hinder or thwart a development program. This will seriously jeopardize the sustainability of the implementation of projects or development programs that are actually needed by the community. Therefore, the problem of this conflict is felt to be studied scientifically to find effective and efficient steps in overcoming it, and especially to see how the legal culture of the community in an effort to accept or reject this public interest.

The reality in Kupang City shows that such a role and good intentions of the government are not always easy to implement. Not all development programs from the government are accepted by the people in Kupang City. Quite a lot of people reject it. Some examples of development programs or projects that the people of Kupang City rejected are: (1) The construction of the Kolhua Dam. (2) Construction of embankments along Pasir Panjang Beach, Kelapa Lima. (3) Conflict between the Timorese people and the Indonesian Air Force over the land of El Tari Kupang Airport. (4) Factory Development of PT. Cement Kupang.

People in social life have a culture in the background, including the legal culture that it shows. A legal culture shows the pattern of individual behavior as a member of society who has the same orientation towards the law in social life. The public's understanding of something that actually exists, with its publicity and naivety, can the public easily follow the invitation or recommendation of certain parties (promoters or provocateurs) that sound "reasonable" to oppose the implementation of development projects or programs by the government or not. The loss of the people of Kupang City in this example is that the community loses one source of water (Kolhua Dam) which is actually needed by the community. The community's rejection of the construction of the Kolhua Dam resulted in the central government moving the project to Kupang Regency. Good or positive participation from all residents of Kupang Regency brought benefits to them with the construction of the Reknamo Dam in the area. The construction of dams for the public interest of the community is certainly based on various regulations, including based on Government Regulation Number 19 of 2021 concerning the Implementation of Land Acquisition for Development for the Public Interest.

This research is a contribution of the author's thoughts in an effort to see the legal culture of the community in response to the development of the public interest in the city of Kupang. Does the community accept this as a form of increasing community participation in various government projects or programs and community welfare or is it different. The noble goal of this development is not achieved if the development is hampered or fails to be implemented. This results in bringing losses to the local community where the development project or program will be implemented. Therefore, this research is an urgent and important thing to do and is expected to bring benefits to all parties interested in the planning and implementation of development as well as describe the legal culture of the community. For the government, this can be a valuable lesson. The government learns from experience so that it does not repeat the same

mistakes or shortcomings, which are the cause or trigger of conflicts. In addition, the results of this research, for the community, can be an additional socialization so that it can increase public awareness or participation in the implementation of various development projects or programs. The legal culture of the community is important to ensure our understanding and knowledge as a legal society living in a state of law.

Research Methods

The essence of the problem in this study is socio-legal. Therefore, the approach used is a *socio-legal approach*. Sulistyowati Irianto¹ called *socio-legal studies* an interdisciplinary study in studying law². By using various disciplines, the substance of law can be explained in more depth and satisfactory³. The provisions in existing laws and regulations can be critically analyzed and explained for their social meaning and implications for the citizens of certain communities, such as the poor, indigenous communities, and so on. It can also be explained how norms in the law harm or benefit certain groups of people and the reasons⁴. Because this study is *socio-legal*, legal norms and social realities must be studied simultaneously and balanced. Sulistyowati⁵ described in more detail the characteristics of socio-legal research methods. First, conducting a textual study, articles in laws and regulations and policies can be critically analyzed and their meaning and implications for legal subjects (including marginalized groups) explained. So that it can be known the meaning contained in these articles whether it is beneficial or detrimental and in what way.

Second, *the socio-legal method* can also be used to examine trial cases based on the text of the judge's decision as well as field data from observations and interviews with actors and parties involved in a case. The main goal is to find the basis for considering the judge's decision and from there can be found breakthroughs and legal discoveries that pay attention to the sense of justice for victims (women and marginalized people). The trick is to construct a case, identify the parties to the dispute, sit the case, argue the parties, consider the judge and the decision. Third, *socio-legal studies* develop various methods that are the result of a marriage between legal methods and social sciences, such as *socio-legal qualitative research*, and *socio-legal ethnography*.

According to the character of the problem that the answer is to be sought, this study combines textual study strategies, documents, and field studies. The textual study was used to analyze the provisions in Government Regulation Number 19 of 2021 concerning the Implementation of Land Acquisition for Development for the Public Interest which

¹ Sulistyowati Irianto, *Access to Justice and Global Migration: The Story of Indonesian Women as Domestic Workers in the United Arab Emirates*, Jakarta: Yayasan Obor Indonesia, 2011, p. 36.

² Sulistyowati Irianto and Antonius Cahyadi, *The Collapse of Civil and Criminal Barriers: A Judicial Study of Domestic Violence Cases*, Jakarta: Yayasan Obor Indonesia, 2008, p. 9-10.

³ Sulistyowati Irianto and Antonius Cahyadi, *Ibid* thing. 10.

⁴ *Ibid*.

⁵ Sulistyowati Irianto and Antonius Cahyadi, *The Collapse*, Loc.Cit.

has been amended by Government Regulation (PP) Number 39 of 2023 concerning Amendments to Government Regulation Number 19 of 2021 concerning the Implementation of Land Acquisition for Development for the Public Interest. The study of documents is used to study court decision documents, as well as policies related to the legal culture of the community towards the development of the public interest. The methods used were semi-engaged observation, in-depth interviews, and focus group discussions. Through this strategy, the author tries to capture the meaning of the legal culture of the community that is seen when there is the development of the public interest.

This research was conducted in Kupang City, East Nusa Tenggara Province, and its surroundings, which are the residences of people who reject various development plans to be carried out.

The informants and respondents of this study were people who met the following criteria:

- 1) A person who is respected or who is considered a leader or elder, who is influential in or when the government begins to approach and socialize the implementation of a development program.
- 2) The owner or cultivator of the land that will be taken for the implementation of a development program.
- 3) Third parties who politicize or become provocateurs in the implementation of a development program.
- 4) The Kupang City Government officials.
- 5) Local government officials (village officials), community leaders, religious leaders, community members around the location of the implementation of a development program.

The informants and respondents of the study were not limited to a period of time, but were based on the uniqueness of the case as determined as the characteristics of the case above.

The main technique or instrument used in this study is in-depth interviews, which follow the guidelines from S.Nasution (1996: 71-72) below. The data collected is verbal and nonverbal. In general, verbal data is preferred, which is obtained through conversations or question-and-answers. The conversation was recorded in a notebook or recorded with a *tape recorder*, depending on the situation and environmental conditions -- especially the respondent himself -- at the time of the interview. Taking notes has a number of drawbacks. Taking notes can interrupt the conversation. It is not easy to take notes while conducting an interview. What can be recorded is very limited and needs to be equipped with memory. Memories are not always trustworthy. As a result, the report will be incomplete and undetailed. After all, memory is less trustworthy. In addition, it is difficult to distinguish whether it is descriptive data or interpretive data. Therefore, an attempt was made to record the interview. It is tried so that respondents do not object if the

interview is recorded. It can be said how important the results of a careful interview are, and how necessary it is to learn by repeating them later.

Another thing that needs to be considered is that the researcher must guarantee that the identity of the respondents is kept confidential. The results of the interview are submitted to the person concerned to be corrected, changed where necessary.

All data that were successfully collected were analyzed qualitatively with the following steps: (1) grouping of data according to the study elements that have been determined; (2) relating the relationship between the elements of the study; (3) confirm the interpretation of the relationship of the study element with the informant; (4) conceptualize to formulate the findings.

Legal Culture

Definition of Legal Culture

The rule of law can be carried out effectively in achieving its goals, so there are 3 main elements that are influential, namely, the substance of the law, the legal structure and the culture of the community or known as the legal culture of the community. Legal culture is the common response of a particular society to the symptoms of law. The response is a unity of views on legal values and behavior. So a legal culture shows the pattern of behavior of individuals as members of society that describes the same response (orientation) to legal life, which is lived by the community concerned (Hilman Hadikusuma, 1986:46).

Legal culture is the overall factor that determines how the legal system acquires its logical place within the cultural framework of the general public. Legal culture is not what anthropologists roughly call public opinion. Culture does not simply mean a set of fragments of behavior (thought) that are detached from each other. The term culture itself is interpreted as the whole of social values related to law (Soerjono Soekanto, 1977:2). So it can be concluded that legal culture is the public's perspective on how the rule of law can be implemented to achieve the goals of common interest in society.

The legal culture of society is very important to be realized and developed, considering that the culture of law in society is not only a problem for those who distinguish or contradict the law and society, but also applies to those who distinguish rules from facts. The problem revolves around how to cultivate a legal system that is imported from other societies, or how to institutionalize a legal system introduced by the ruling class. This problem must be overcome if the goal is to make the law effective. If examined further, the meanings given by the community to the law can be identified as follows:

- a. Law as a discipline, which is a system of teachings about law as a reality.
- b. Law as a science that includes science, rules and science.
- c. Law as a rule, which is a guideline regarding divinity that is appropriate or applied.
- d. Law as behavior, which is behavior that is manifested regularly.

- e. Law as an official or ruler.
- f. Law as the decisions of officials or rulers.
- g. Law as an interweaving of values or concepts about what is good and what is bad.
- h. Law as a legal system, namely the legal structure and its elements.
- i. Law as a symbol, that is, to regulate society, a symbol is needed as a substitute for the applicable rules.

Types of Legal Culture

A pluralistic society consisting of various ethnicities, cultures and religions, will certainly have a diverse legal culture. All of these enrich cultural treasures in responding to applicable laws, both within community groups and nationally influential. In general, legal culture can be grouped into three forms of human behavior in the life of society (Rusadi Kantaprawira, 1983:79), namely:

1. *Parochial Culture*

In a parochial (*short-sighted*) society, the way of thinking of the members of the community is still limited. His response to the law was limited only in his own environment. This society still persists in its own legal tradition, where the rules of law that have been outlined by the ancestors are amulets that cannot be changed. If anyone behaves deviantly, they will be cursed. This type of society has a high dependence on leaders. If a leader is egocentric, then he is more selfish. On the other hand, if the nature of the leader is altruistic, then the citizens of his society get attention, because he places himself as *primus inter pares*, the foremost among the same. In general, a simple society, the nature of the legal culture is ethnocentric, prioritizes and boasts its own legal culture and considers its own laws to be better than the laws of others

2. *Subject Culture*

In the subject culture society (subjugation), the way of thinking of the members of the community has been noticed, where there has been a general legal awareness of the output of the higher rulers. Input from the public is still very small or not at all. This is because the knowledge, experience and association of community members are still limited and there is a fear of hidden threats from the rulers. The orientation of their views is on the new legal aspects, which are reflected in the attitude of accepting or rejecting, even though the way of expressing it is passive, not overt or still hidden. This type of society that is conquering considers itself powerless to influence, let alone try to change the legal system and legal norms that it faces, even though what is perceived is contrary to its personal and societal interests.

3. *Participant Culture*

In the type of cultural society of participants (participating), the way of thinking and behaving of the members of the community is different. There are those who still have a culture of subjugation, but many already feel entitled and obliged to participate, where an individual feels part of the general legal life. The people here already feel that they have

the same position, rights and obligations in law and government. Do not want to be excluded from activities regarding legal inputs and outputs, participate in assessing every legal and judicial event and feel involved in legal life, both related to the public interest and the interests of family and oneself. Usually in such a society, the knowledge and experience of its members is extensive, there are already associations of organizations, both those whose composition is independent and those that have relations with other regions and from top to bottom. It is hoped that the community will be in the third type of legal cultural behavior, namely the legal culture of participants with the hope that the legal rules applied in the community are legal rules that are really the will of the community which is considered to be able to provide great benefits for them in living a better life in society.

The Influence of Legal Culture on Law Enforcement

Factors that affect law enforcement are the substance of the law/law itself, the legal structure/legal institution/law enforcement, facilities or facilities, and the legal culture/culture of the community towards the law. These three factors influence each other in law enforcement, where even though the legal system (rule of law) is good, the legal structure (law enforcement) is good, if the culture of the community in this case the acceptance of the law is not well respected, then the application of the law will not run well, so in turn from the other factors everything must be good and in line.

The law that is made in the end is very determined by the legal culture in the form of values, views and attitudes of the society concerned. If the legal culture is ignored, it is certain that there will be a failure of the modern legal system which is characterized by the emergence of various symptoms, such as misinformation about the content of the legal regulations that are to be conveyed to the public, the difference between what the law wants and the practices that are carried out, and the community prefers to continue to behave in accordance with what has become the values and views in their lives.

The quality of legal culture determines the quality of law enforcement. No matter how well the rule of law is made, no matter how detailed the institutionality and organizational management are arranged, the one who will run it is a human being who lives in a certain culture. When the culture hasn't changed, the rules and systems won't work as expected. In the context of law enforcement, an integrated way of "organizing" must be carried out, prioritizing commitments and facts of integrity, high morals between law enforcement agencies (police, prosecutors, lawyers, judges) and implementing the legal system by carrying out a real action plan. In addition, there must also be a strong political will from the rulers of this country, both from the government and from the legislative element (the president together with the DPR), with a moral courage and legal consistency in responding to it. Law enforcement officials must be able to break away from the culture of the law apparatus that has existed so far, where the community's judgment is unfair and bad. This must change in the direction of increasing human

resources. Better management is an asset to be able to carry out the duties of the ideal law enforcement officers. A good law culture (work culture) of law enforcement officials will result in effective and efficient law enforcement.

The aspect of behavior (legal culture) of law enforcement officials requires a rearrangement of the previous legal cultural behavior, where a person uses the law or does not use the law depends on the culture (culture) of the law. It has been proven that as a result of the bad legal behavior of law enforcement officials, they are not resistant to bribery, conspiracy and KKN, so that many cases cannot be charged by the law.

Efforts to Foster a Culture of Legal Awareness in Society

There are seven factors that cause weak law enforcement in Indonesia, including:

- a. The laws produced by the government and the House of Representatives reflect the interests of businessmen and rulers more than the interests of the people at large.
- b. The weak constitutional will of the leaders and state administrators in Indonesia.
- c. The low integrity of law enforcement officials such as police, judges, prosecutors and advocates.
- d. The paradigm of law enforcement is positivistic or emphasizes on the formal legal aspect.
- e. Lack of law enforcement facilities and infrastructure.
- f. An unsystematic legal system.
- g. The level of awareness and legal culture is lacking in society.

Efforts to change the culture that has taken root in society are actually very difficult, because the culture in Indonesia is very diverse and diverse. To be able to increase legal awareness in the community, the government or law enforcement officials as makers and implementers in the field can further socialize the law itself to the public. This aims to make the community more aware of the importance of the law for community life. Efforts to change the culture in society must begin with a deeper and directed socialization of the community about the importance of law for life.

Definition of Conflict

John M. Echols and Hassan Shadily define *conflict* as "squabbling, conflict, dispute, opposition" (1993:138). Quoting Webster, Dean G. Pruitt and Jeffrey Z. Rubin stated that *conflict* means a "fight, war, or struggle" that is in the form of a physical confrontation between several parties. These two experts interpret conflict from a psychological aspect as a perception of a difference of interest or a belief that the aspirations of the parties to the conflict cannot be achieved simultaneously (Pruitt and Rubin, 2004: 9-10). According to Johan Galtung, in every conflict there is a contradiction, something that stands in the way of something else (Galtung, 2003: 157). Hugh Miall (*et al.*) says that conflict is the pursuit of conflicting goals of different groups (2002: 28).

Alo Liliweri (2005: 240-250) emphasizes that every conflict has elements: (1) There

are two or more parties who interact and are involved. (2) There is a goal that is used as a target of conflict. That goal is the source of conflict. (3) There is a difference of thought, feeling, and action among the parties involved to achieve the goal of the goal. (4) There is a conflict situation between two opposing parties. This includes interpersonal, intergroup, and interorganizational situations (Barge, 1994).

The conflict in this study is limited to the community's rejection of development projects that will be carried out by the government or private parties that have obtained permission from the government for certain reasons or causes.

Causes of Conflict (Rejection by Society)

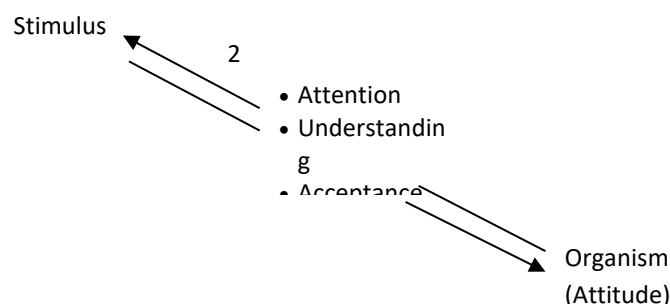
Socialization from the Government

Socialization is very important in people's lives, including the delivery of information, transfer and preservation of social values. Elly M. Setiadi and Usman Kolip said that through the socialization process, community members learned to know and understand which behaviors are required, allowed, encouraged, and not allowed. In simple terms, socialization can be interpreted as a learning process for a person or a group of people during their life to recognize lifestyles, values and social norms so that they can develop into individuals who can be accepted by their group (Elly M. Setiadi and Usman Kolip, 2011: 155-156). The definition and elements of socialization above are essentially the same as those stated by several experts such as Charlotte Buehler, Peter L. Berger, Bruce J. Cohen, Karel J. Veeger, Robert M.Z. Lawang, Soerjono Soekanto.

The object of socialization in this study is limited to various development programs carried out by the government and by private parties that have obtained permission from the government. Legal counseling aims to change people's behavior so that it is in accordance with the content of legal rules or government policies, which concern the influences between stimuli and objects (individuals). The influence of legal counseling will be seen in attitudes and behaviors in the form of likes or dislikes, accepting or rejecting stimuli (Jimmy Pello, 1991).

Socialization or legal counseling contains internal psychological forces that help shape human behavior. The internal force consists of four sub-components, namely instinct, motive, attitude, and behavior (Newcomb, et al., 1981: 27). The process, according to Mar'at, begins with attention, understanding, and acceptance of stimuli directed to the sub-component of *rationalisation of action* (attitude) (Mar'at, 1981: 27). The processes in question can be seen in Figure 1. Figure 1 shows that legal counseling efforts aim to change the pattern of attitudes to be similar to the stimulus conditions (content of legal messages) that lead to motivation so as to foster encouragement towards aspects of attitudes in accordance with cognition, affection and connotation which ultimately manifests an attitude that is a pre-action.

Figure 1 Legal Awareness Processes



Community Approach Strategy

According to Conyers (1994: 156), there are five ways to realize community participation in development planning, namely: (1) local surveys and consultations to obtain the necessary data and information, (2) utilizing field officers so that while carrying out their duties as agents of reform, they also absorb various information needed in planning, (3) decentralized planning to provide greater opportunities for the community to participate, (4) planning through local government and (5) using community development strategies. If you look at the mindset used in inventorying the way of participation, it can be understood that participation in planning is more intended in order to obtain information about conditions and problems that exist in the local community.

Some experts suggest that it include the element of involvement and the background that drives it, in the sense of participation. It is said that if what appears is only an element of involvement and is not driven by determination and awareness, it does not fall into the category of participation but is more accurately referred to as mobilization. Therefore, community participation must be in the entire development process, starting from decision-making in identifying problems and needs, program planning, program implementation, and in evaluating and enjoying the results.

Compensation for Money or Land Compensation

According to the Great Dictionary of the Indonesian Language (KBBI), compensation is (1) compensation, (2) settlement of receivables by providing goods that are worth the debt, (3) the search for satisfaction in one field to obtain balance from disappointment in other fields, (4) rewards in the form of money or non-money (natura) given to employees in a company or organization (KBBI, 2008: 719). Alex S. Nitisemito provides the definition of compensation in the context of an organization or company. According to him, compensation is a reward for services provided by the company to its employees which can be valued in money and has a tendency to be given on a regular basis. Compensation is a very important issue, because of the compensation that a person

wants to be an employee of a certain company (1992: 149-150).

The issue of compensation is not only important because it is the main motivation for a person to become an employee, but it is also important because the compensation given has a great influence on the enthusiasm and enthusiasm of employees. Likewise, the government that will take land or community land for the purpose of public interest development must provide appropriate compensation. Thus, it can support the achievement of a more effective and more efficient people's lives after handing over their land to the government. Gunanegara explains the terms "compensation" and "compensation" as follows. The term "compensation" in Indonesian laws and regulations is inconsistent, both in its use and meaning (2008: 171-172).

Legal Awareness

There is an indicator of legal awareness put forward by Berl Kutschinsky (Soekanto, 1982: 159; Achmad Ali, 2009:301) namely knowledge, understanding, attitudes, and patterns of legal behavior.

a. Legal Knowledge

The word "knowledge" is closely related to the word *perception*, and is always discussed together with *cognition*, *affection*, and *conquest* by experts. In the Great Dictionary of the Indonesian Language (KBBI) *knowledge* means "everything that is known with regard to..." (Department of P&C, 1995: 991). According to Kartono, *perception* is one of the elements of knowledge (Kartono, 1990: 46; Koentjaraningrat, 1986: 103-106). According to Otje Salman, legal knowledge is a person's knowledge of certain behaviors regulated by law, namely behaviors that are prohibited or allowed by law (Otje Salman, 1993:40).

Sunindhia and Widiyanti (1988) said that a certain level of knowledge is very necessary for a person to be able to realize what is expected of him. Anyone can make mistakes, caused by lack of knowledge. Soejadi (1987) gave an example, lack of knowledge about implementation instructions is one of the reasons why there are still mistakes in the actions of members of the National Police. (See also Siagian, 1991; Sunidhia and Widiyanti, 1988; Karjadi, 1981; Carton, 1990; Prakoso, 1987; Thoha, 1992; Mangunhardjana, 1990; and Moenir, 1988). Knowledge and understanding become objects for *attitude*.

The definition of legal knowledge in this study is a person's introduction or understanding of certain behaviors regulated by law, namely behaviors that are prohibited, allowed, or required by law.

b. Legal Understanding

Bloom and colleagues divided behavioral changes due to education into three domains known as Bloom's Taxonomy. The three domains are the cognitive domain, the affective domain, and the psychomotor domain (in Moeslichatoen Rosjidan, FIP-IKIP Malang Lecturer Team, 1988:121). Understanding includes the cognitive domain.

Understanding is the ability to grasp the meaning of what is learned (Moeslichatoen Rosjidan, FIP-IKIP Malang Lecturer Team, 1988:121).

According to Otje Salman, legal understanding is the understanding of the content and purpose of a regulation in a certain law, written or unwritten, as well as its benefits for the parties whose lives are regulated by the regulation. In terms of understanding the law, it is not required that a person must first know the existence of a written regulation that regulates something. However, what we see here is how they perceive things in dealing with things, in relation to the norms that exist in society. This perception is usually manifested through their attitude towards daily behavior (Otje Salman, 1993:41). The meaning of legal understanding here is a deeper understanding of a person about certain behaviors regulated by law, namely behavior that is prohibited, allowed, or required by law.

c. Legal Attitude

Attitude is a synonym for *the word attitude*. Gerungan defines the word *attitude* as an attitude towards a certain object, namely the willingness to act towards a thing, an object, towards objects, people, events, scenes, norms, institutions, values, and others (Gerungan, 1996: 149). L.L. Thurstone in 1931 defined, "Attitude is liking or rejecting a psychological object." Another definition of attitude is also put forward by Daniel J. Mueller and E. Bogardus (in Mueller, 1992: 4).

Otje Salman said that the attitude of the law is the tendency to accept the law because there is an appreciation for the law as something useful or beneficial if the law is obeyed. A legal attitude will involve the choice of citizens towards the law in accordance with the values that exist in them so that finally the citizens of the community accept the law and accept the law based on their appreciation for the law (Otje Salman, 1993:42).

The definition of legal attitude here is the assessment or acceptance of society towards certain behaviors regulated by law, namely behavior that is prohibited, allowed, or required by law.

d. Legal Conduct

Behavior is "an individual's response or reaction to a stimulus or environment" (KBBI, 1995: 755). Behavior is synonymous with actions and deeds. Behavior (actions, deeds) is closely related to or determined by attitude, but Saifuddin Azwar states that behavior is not solely determined by attitude, but there are also other aspects such as motivation, learning, and other viewpoints (Azwar, 1995: 13, 15-16). Bimo Walgito explained that by knowing a person's attitude, people will get an idea of the possible behaviors that will arise from the person concerned (Walgito, 1990: 105).

Jehezkel Dror said that the pattern of legal behavior is the desire to behave according to the law (in Otje Salman, 1993:42). According to Salman, the pattern of legal behavior is the main thing in legal awareness because here it can be seen whether a regulation applies or does not apply in society. Thus, the extent of legal awareness in society can be seen from the pattern of legal behavior of a society (Otje Salman, 1993:42).

The fourth indicator of legal awareness is the patterns of legal behavior (Kutschinsky in Soekanto, 1982: 159). The definition of legal behavior here is the act or action of the community seen from the law that regulates the behavior (deed, action).

e. The Relationship between Legal Knowledge, Understanding, Attitudes, and Behaviors

Implicitly, the relationship between these four aspects has been mentioned in the previous description. If a person's knowledge and understanding of an object -- that is, an act, or behavior regulated by law -- is positive, then his attitude towards the object will also be positive, then it will be manifested in positive behavior or action. On the other hand, if a person's knowledge and understanding of an object is negative, then his attitude towards the object will be negative, then it is manifested in negative actions as well.

Conflict Resolution or Resolution

Conflict Resolution Stage

The following are some stages of conflict resolution, especially the crime of collective violence in this study, according to Johnson & Johnson (1994):

- a. Data collection: the initial data that must be known is to answer the 5 W and 1 H questions.
 - 1) *Who?* Who is directly and indirectly involved in conflicts (disputes, attacks)?
 - 2) *Which?* What kind of conflict (disputes, attacks) do they involve?
 - 3) *Why?* What are the reasons why two or more parties are involved in a conflict (dispute, attack)?
 - 4) *When?* When did the conflict (dispute, attack) occur?
 - 5) *Where?* Where does the conflict (dispute, attack) occur?
 - 6) *How?* How did the initial to the end process of the conflict (dispute, attack) take place?
- b. Double-check the recording of data number 1 above.
- c. Remember that you are working to produce a conflict management decision, winning the termination of the conflict (dispute, attack).
- d. Listening to two parties or other parties, strengthening each other by providing support for the same ideas.
- e. Create the impression that resolving conflicts (disputes, attacks) requires cooperation. Therefore, redefine the conflict (dispute, attack).
- f. Negotiate and compromise to choose the best way to resolve conflicts (disputes, attacks).
- g. It is stated that harmony is much more expensive than opposition and conflict (disputes, attacks) (in Alo liliweri, 2005: 294-295).

Conflict Arrangement according to Ralf Dahrendorf

Allowing conflict to develop will result in a constructive and destructive nature of conflict, but suppressing conflict actually creates a latent danger that ultimately the

depressed conflict explosion has a more terrible impact. Therefore, suppressing conflicts as the Seoharto regime once took is only pseudo-social stability.

To resolve conflicts well is to find the root of the problem of the conflict so that a solution point can be found. The symptoms of social conflict will be resolved if the root cause of the conflict can be eliminated without leaving a condition that harbors antagonism so that it can ignite new conflicts at any time.

Social conflicts cannot be destroyed but can be regulated (*conflict configuration*) so that every conflict does not take place in the form of violence. Conflict management will be effective if it meets three things, namely:

1. Both parties are aware of the conflict situation between them and are also aware of the need to implement the principles of justice and honesty between the warring parties.
2. Those involved in the conflict are the organization of interest groups, which means that if the social conflict is clearly organized, then the arrangement will be effective, and if the social conflict is not organized, the arrangement will not be effective.

There is a *rule of the game* that is agreed upon and obeyed together, because the rules of the game will ensure the survival of conflicting groups (Ralf Dahrendorf in Elly M. Setiadi and Usman Kolip, 2011: 385-387).

Analysis and Discussion

Community Legal Culture Towards the Development of the Public Interest in Kupang City

The development of public interest in Kupang City is quite important to get attention, not only from the government but also from the community. The legal culture of the community to accept development plans for the benefit of the community should be seen from the aspect of the interests and needs of the community. However, it was also found that there are attitudes that lead to conflict or public rejection of some programs carried out by the government, this will be reviewed first through the driving factors. There are many factors that motivate positive and negative actions in cases of land conflicts. Every aspect of human life can be a driving factor. Then, the triggering factors, namely special aspects that directly cause an event, situation, incident, in this study are negative actions. The author feels the need to remind here that these driving and triggering factors are relative and uncertain. One or a number of driving factors in one case become a trigger factor in another, and conversely, one or a number of triggering factors in one case are the driving factors in another. When collecting data, it is known that land conflicts, both tribal land, other collective land, and individual land, with the government when procuring land, are largely due to impure and consequential implementation of the law. This supports what was stated earlier that in the hands of the apparatus or officers

depends on the good-bad or positive-negative of a law and regulation. The law must be constantly refined. A good law will be bad in the hands of a bad officer or officer, and vice versa a bad law will be good in the hands of a good officer or officer. If a good law can be bad in the hands of bad officials or officers, especially if the law is indeed bad? Of course, this bad law will be the "basis" or "reason" for the bad actions of an officer or officer.

Landowners who feel aggrieved certainly do not take it for granted, in fact they will unite with other fellow community members who experience the same thing, fighting to defend their rights. They will be unaccepting until it manifests itself in acts of rejection and physical conflict such as acts of violence that will bring down physical victims and loss of life.

The following describes the driving factors and triggers of various negative actions to violent crimes and lawsuits in district courts in cases of land conflicts that occur in the community. *First*, the neglect of various regulations regarding the acquisition or acquisition of land for the public interest (development). Various regulations are good, but their implementation or implementation is not as good as expected. Land owners and officials (officers) who are assigned to the field of land acquisition are often the ones who often carry out impure and inconsequential various land regulations and more specifically lands that will be released for the public interest. The parties involved in the acquisition or acquisition of land often "interpret" according to their own desires or interests, for certain reasons or reasons, which result in the emergence of various cases of community rejection of various development projects to be carried out.

Second, the factor of forcing the will by the Kupang City Government, namely wanting to build a Wave Retaining Embankment in the Pasir Panjang Village area and the Kolhua Dam suddenly, without sufficient socialization for the community in the location where the canoe is placed and also the owner of the land where the dam will be built. The very abrupt plan caused shock and unpreparedness among the public to accept this government program.

Some people in the Pasir Panjang area initially accepted the embankment construction program that would be carried out by the government, but because the delivery / socialization carried out by the government was incomplete, it caused various opinions, and led to development results that were not in accordance with the wishes and expectations of the community, even the development hindered the income search activities of the people of Pasir Panjang. This is what encourages the community to then act against the government to no longer continue its work. Meanwhile, in the case of the Kolhua Dam, basically the community no longer likes this government program, because it will be a "time bomb" waiting for a trigger that will explode the negative reaction of the community. The factor of imposing the will by the Kupang City Government which came

suddenly and without sufficient socialization for the land-owning community gave birth to a negative reaction from the community in question. According to several data sources in this study, the unrest, irritation, anger and hatred of the community are almost unstoppable so that they will hold demonstrations and mass riots as a protest against the dam construction plan.

The unrest, aggravation, anger and hatred of the community towards the Kolhua Dam construction plan is due to the Kupang City Government not conducting sufficient socialization and not using an approach that is in accordance with the feelings and awareness of the people of Kolhua. The Kupang City Government seemed suddenly and in a hurry to build the dam and seemed to be "imposing its will." The reason given by the Kupang City Government is that the funds for the construction of the dam already exist or are available and the amount is large, namely "billions of rupiah", so the construction must be carried out immediately. Such a method then "shocks the community" and "the community is not ready" to accept the offer of dam construction which is of course beneficial for the community itself. Socialization and the right approach to the community are very necessary because development brings negative aspects in addition to the positive aspects. For example:

- 1) The community must prepare in advance new land and new residences (houses).
- 2) The community must first prepare a new workplace. The question that arises is whether the new land is suitable and has the necessary facilities suitable for farming, livestock farming, or other activities?
- 3) The community must prepare (move) their goods or possessions to a new place in advance. In this case, including family cemeteries, cattle sheds, and so on.
- 4) How will they survive after giving up their land to the government? This question is especially if the community is a farmer or breeder, whose livelihood directly depends on land or land.

The same question was also asked by Ali Sofwan Husein. According to Husein, as experienced by the people of Kedung Ombo and its surroundings, it turns out that the benefits of a people's land acquisition are not enough at all, only answered by showing macro evidence, that the eviction has produced economic added value of several percent, increased the added value of land by thousands of times, has encouraged the growth of economic activities in the area by ten percent and so on. Why not show it, who enjoys it, how much has been sacrificed, what percentage of the increase in slums, how many people have become landless and so on. Such macro evidence, even if it only exaggerates the benefits, will clearly refract the assessment of the truth (Husein, 1997: 42). The

negative impacts and micro or specific evidence that actually occur and be experienced by land-owning communities that are handed over to the public interest, are very rarely or even never raised and questioned

In addition, of course, there are many other questions that need to be anticipated by the government and the community who will release their land for the sake of development and public interest. Once again, the development implementer needs to prepare everything related to the interests of the community to be moved, considering that they have lived and lived there for decades. Moving them suddenly, let alone forcibly moving, is the same as killing them indirectly because it will cause suffering and misery to society. Repressive approaches can no longer be used because their use will result in people becoming more unsympathetic to various development plans or work programs that will be carried out.

Community participation can be tried or grown with several efforts: (1) in order to win their hearts, it takes a long time, (2) it takes precision, (3) patience is needed, and (4) a humanist approach. Proper socialization will foster awareness or a sense of belonging in the community. When the community understands and understands the benefits of a development program for themselves and the community as a whole, of course they will accept and support the development program. The implementation of the government's development plan or work program will be accepted by the community and run well if the government implements the stages of approach and socialization that have been outlined in various existing regulations (guidelines, implementation instructions, technical instructions). It is the right humanist approach that the government uses in offering various development plans or work programs to the community.

Various development plans or work programs offered by the government are indeed beneficial to the community, but they cannot be immediately accepted by the community for various reasons, including (1) lack of knowledge and understanding of the goals and benefits of the development programs to be implemented, (2) the amount of compensation that is often not feasible, (3) not feeling the direct benefits of these various programs, (4) the inaction of the community to innovate.

The government's development plan or work program must involve the community from the beginning, so that there is no misunderstanding of the wishes of the government and the community, who think that the government closes their access to seek income, as in the case of the construction of the embankment along the Pasir Panjang coast. The government or the implementer of the development program must carry out socialization for a long time so that the community is ready to receive the development program. This "community readiness" will also cause a "sense of ownership" of the community towards the development plan or work program carried out. The "readiness of society" and the

"sense of belonging" of this society cannot be obtained in a hurry, but it takes a long time through socialization and humanist approaches.

The "readiness of the community" and the "sense of belonging" of the community are very important and are one of the main keys to the success of development. Thus, in order for the development plan or work program to be accepted by the community, it is highly dependent on *the government's political will* and patience to spend enough time to carry out socialization and approaches that are in accordance with the feelings and awareness of the community (humanist approach) where the development plan or work program will be implemented.

Third, political or politicization factors. Certain parties take advantage of this situation (the hasty imposition of a will by the Kupang City Government) for the benefit of certain parties themselves to "heat up," "fan," and "ignite the hearts of the people until they become burning." Thus, the situation and conditions of the relationship between the community and the Kupang City Government in terms of the implementation plan for the construction of the Kolhua Dam became "hot," "burning," and tense. An inhumane approach opens up space for the entry of various elements and other interests and results in the atmosphere becoming increasingly cloudy, complicated, complicated, and uncontrollable. Other elements that also affect such as politics, social, economic, cultural, and various other aspects.

Fourth, the factor of less appropriate compensation. This compensation factor is the most frequent or most triggering factor in cases of community land acquisition for development. It is not uncommon for community land to be taken unilaterally by the authorities (government) without regard for the rights and interests of the community's life. The two things that are the most sources of problems in terms of compensation are: (1) The amount of compensation set by the government, is not followed by the compensation paying officer but is reduced to less so that it becomes not or less feasible. (2) The stages recommended in the regulation are also not followed and often want to carry out a development project suddenly or in a hurry so that the community is "not ready" to accept or be involved in the construction of the project.

Actually, it has been regulated and legal about this compensation for a long time. However, in its implementation, these rules are ignored by land acquisition officers for development in the field. The community is not involved in the determination of compensation, but is often determined unilaterally by the implementing party of the land acquisition for this development. The community is forced to accept the price or amount of compensation set by the government unilaterally.

Fifth, mentally corrupt or bribery of the apparatus (officers). This factor is closely related to the third factor above. As long as this corrupt mentality or bribery has not been

abandoned by the officers and as long as the officers still prioritize personal interests over the interests of the community, this problem of compensation will still exist. Such corrupt or bribery officials will always "rack their brains" (think, try) to "set aside some of" the funds they manage so that they can go into their personal pockets. The resource person of this research, on various occasions, expressed his frustration with the bureaucratic apparatus who were not willing to provide the amount of compensation as stipulated in the regulation on compensation for community lands taken (released) for development. Usually, the amount of compensation awarded to the landowner is much smaller than the amount specified in the compensation regulation. He said: "The compensation money prepared by the government is state money that must be given to the people who own the land that the state wants to take. This is not *a fool* who has money. After all, this money must be returned to the people, which will be used by the people for various purposes of their lives, and in the end the money will return to the government. Thus this money goes on and on."

Indeed, the reluctance of the compensation enforcement officials in giving the specified amount of money is something surprising, "Why is this happening?" The amount of compensation has been determined at a certain amount of rupiah, but the implementing officials always try to give less or much less than the predetermined amount. Various speculations arose about the attitude of the officials, for example, "If you want to work straight, the implementing officials will not get anything," or "Maybe the compensation money will be 'circumcised' so that the excess can go into the personal pockets of the compensation implementing officers in the field?" This is as difficult to prove as true as it is very difficult to prove the untruthfulness of this speculation.

Sixth, there is no direct benefit to the local community; others benefit or enjoy the results. As stated in another part of this article, the question will arise, how will they survive after relinquishing their land to the government? This question becomes even more important if the community is a farmer or breeder, whose livelihood directly depends on the land or land. It should not happen that after the community relinquishes its land, even with proper compensation, they do not enjoy any direct benefits from the project after completion. It is not the local community who enjoy the results, but other parties who benefit or enjoy the results. This will cause "social jealousy" for the local community and may lead to conflict. Conflicts that occur must be overcome immediately, otherwise it will be followed by physical violence.

Seventh, there is no certainty as to who represents the existing tribes or families of land owners, especially in land transactions. This is one of the causes of protracted land conflicts. There is a very interesting phenomenon in land transactions that occur, especially in Kupang City, Regency, and other mainlands of Timor Island. The phenomenon in question is that "one-field-of-land-that-is-same" is sold by more than one

person (several or many) sellers, and also bought by more than one person (several or many) buyers. This may also happen in other regions in Indonesia. When an individual appears on behalf of a certain family or tribe to settle the administrative affairs of land purchase and sale transactions with other parties, for example with community members, the buyer usually fulfills his obligations by paying a sum of money according to the agreement with the individual representative of the family or tribe. However, problems arise when buyers who have fulfilled their obligations and have received or have a receipt for the sale and purchase, a letter of release of land rights from the seller, and even certified, are visited by other people (individuals, representatives) or "new people" who claim to be parties who also have rights to the land that has been sold. He explained that he was an older brother, or sister, or grandson, of a "common blood" family, "Kona'i of male descent," "Kona'i of female descent," or another party who was a descendant of the landowner so that he felt that he also had the right to enjoy the results. Thus, he also came with the purpose of asking for a sum of money as payment for the price of the land that had been given to the previous seller, let's call it the "first seller." Many buyers--who have paid the price of the land to the first seller--then pay again to the party that comes later, let's call it the "second seller." After that, another person appeared who claimed to be like the second seller earlier, that he was a descendant of the landowner who was also entitled to a share of the sale and purchase of the land. Call this person a "third seller." The buyer fulfilled the request of this third seller again so that there would be no commotion. The unfortunate thing is that there is another "fourth seller," "fifth seller," and so on. These people who emerged later or "new people" also claimed to be descendants of the landowners who were also entitled to a share of the sale and purchase of the land and "pungut doi" (asking for payment of a sum of money) from the community. In addition, these later people or "new people" do not recognize the validity of land purchase and sale transactions with previous sellers. This phenomenon shows that the rights of the buyer are not protected and there is no legal certainty for land transactions between families or tribes and the community of the buyer or beneficiary. The parties who are most disadvantaged in these incidents are of course the buyer or the immigrant community from outside the tribe or the family of the owner of the existing tribal land.

The same thing happens on the buyer's side. Cases of "one-field-of-the-same" sale to more than one (several or many) buyers by a single seller, as well as often the sale of "one-field-of-the same land" by more than one (several or many) sellers to a single buyer. Not only the land that has been purchased by community members who are not guaranteed the certainty of their rights or legal certainty, there are "leaks" or rumors that the land that has been handed over or given to the church also wants to be taken back by the Kona'i tribe or family. In fact, the land has long been handed over or given to the church.

Eighth, most of the land for sale has not been certified. Land that does not have certainty of rights and legal certainty is very vulnerable to causing various new problems.

As stated earlier, most of the land that is traded is done by buying and selling under the hands. This disadvantage is taken advantage of by the landowner (the first seller or seller) to sell again to another buyer even though the land (the same plot of land) has been sold to someone else (the first buyer). In addition, seeing such weaknesses, it can encourage other parties who both have inheritance rights to come to the buyer and declare that the sale and purchase is invalid and he does not admit it. Therefore, he obliges this buyer to pay him again so that he acknowledges that the transaction is legitimate. If this buyer does not agree to the offer of the "new seller" then the new seller will transfer (sell) to someone else. Such cases will encourage the emergence of "new" sellers (1st seller, 2nd seller, 3rd seller, and so on; in turn will encourage the emergence of "new" buyers (1st buyer, 2nd buyer, 3rd buyer, and so on). Of course, buying and selling like this will be detrimental to the buyer.

Conflicts between groups, between groups and individuals, and between individuals must be prevented, or if they have already occurred, must be resolved immediately. Conflict must not be allowed to drag on. Otherwise, it will bring great losses to both parties. Ali Sofwan Husein's approach is less humane and seems to be "imposing will". Husein said that as is often the case, the exemption was set for the sake of development, which *nota bene* was immediately equated with the public interest. In this regard, as a *backing* of the public interest, the state apparatus immediately used its hands and feet to facilitate and secure the course of the liberation. If anyone obstructs, or questions the release, then the "troublemaker" must be secured so that the land release is more often interpreted as "eviction of rights." Although the use of the term "eviction" has no legal basis, it is more popular and better understood by the wider community. Thus, this term will be used in a position that is parallel to the term land acquisition and the like. In fact, in some cases it can be referred to as the "forcible takeover" of people's land. We need to ponder this statement with a clean heart and soul because if it happens, it means that there has been a reversal of history. This is said because in the last decade of the Old Order, the government so aggressively promised to equalize people's access to land, with the consideration that land is a production asset so that its control and ownership must be distributed, at least maintained from *de-possessing efforts*. The goal is to reduce or inhibit land inequality that tends to be polar, because it follows the capitalistic economic logic. Meanwhile, after the New Order, along with the incessant development, it seems that there is a kind of compulsion to eat people's lands, even though it spreads conflicts, that is, no longer between those who do not have land and violators of the provisions of the UUPA, but now between land owners with capital power labeled as public interest.

Although the taking has compensation, the compensation is not intended to compensate for the factual losses suffered by the residents from the beginning of the eviction plan until they are completely evicted from their land/residence. Damages often serve as a tool of justification, and even as a tool of engineering through the law to give

the impression of a constitutional measure. For example, on the grounds that they have been given/"conditioned" compensation money, then they cannot be called as unlawful or encroaching on land belonging to the people, because the formal conditions made to facilitate it have been fulfilled and nothing has been violated.

There is a tendency that if a development project has been launched, then whatever happens, if you need land, a land acquisition procedure is taken. And if it swallows a sacrifice, it is easily referred to as a cost that must be incurred to achieve common prosperity. That's the greatness of land, almost everyone scrambles to invest their money in it to establish types of businesses and economic activities, although there are many other types of businesses that do not need to be bothered by land problems, for example if the money is deposited to the bank, then how much profit has been obtained, without having to bother with eviction problems, labor problems and other dizzying problems.

Amazingly, even though they have been so rich, so powerful, and so powerful, they still object and are unable to evict the people's land with the "civil" procedure as stipulated in the BW, which puts investors and landowners on an equal footing. They still ask the government for help to make protective masks, so that their interests are seen as the interests of the people. That way, they won't bother freeing the people's land alone. After all, there are many parties who are willing to provide their hands and feet to secure the land acquisition. It is enough for them to hide behind the back of the power holder, then the desired land will easily be controlled. In fact, there is no history if the land acquisition desired by investors and rulers fails completely because there is no land that can be liberated. In fact, there is no history of the landowner's lawsuit that reached the court "won."

Landowners will experience a different fate from the impact of land acquisition for development purposes. There are landowners who are not affected by the development project but are adjacent to the land with other owners affected by the project. According to Ali Sofwan Husein, the owners who are not affected are only spectators, who can fall profit at any time. However, it can also be the opposite of disaster, because suddenly they have to pay fairly high taxes and also have to spend extra living expenses due to the increasing patterns and costs of living in the region. However, what is certain is that most of them do not have a significant role in the use and acquisition of benefits on the land. In fact, for most of those who were displaced, many were thrown out of the standard of living they once enjoyed, and could no longer afford to buy land worth the land that was now swallowed up by development.

So, once their land is evicted, a million problems and a million questions will automatically fill their minds. For example, questions about how his life will be, how his job is, how his livelihood is, how his housing, how his social life, how his surrounding

environment, what about the fate of his children. Based on these questions, it is evident that the issue of land acquisition for anyone is a very vital problem and a big problem. So, it's not a small problem, as many have reported as nothing ever happened and "just went smoothly."

Basically, the landowner does not disagree with the land acquisition. The condition is that the exemption must be really in the public interest. The problem in question is usually about the amount of compensation, as well as how the procedure for determining the compensation is. Likewise regarding the methods used by land liberators. It may be true, however, that the landowner did not react much and comment, for he saw a crowd of people in shoes and sometimes fully armed. This scary condition is enough to make him afraid to express his opinion systematically and correctly.

There is an irregularity or mistake in this land acquisition, which is that they often do not "see" the reality that applies in the community, for example to cultivators of customary land, state land and abandoned land. They are usually called "land grabbers" without rights, because they do not have a strong proof of land ownership in the form of a certificate issued by BPN. In fact, they have "other evidence", such as witnesses, tax documents, and the length of time of possession (historical aspect). Then there is also good land management (not abandoned), without interference from other parties and there is still a lot of "other evidence" that shows that he is the "owner." Whatever the status of the land owner's rights, whether as a "legitimate" landowner or a vague owner, they have "sacrificed" a lot for others. For example, for those who "happen" to have land around the project, and "coincidentally" are also not evicted, then their fate is like a fall or a lottery because their land turns into a wealth mine that is endlessly dredged and will always increase in value.

Another problem that needs to be earthed is that land is a social function, and the state is indeed given higher power by the people to utilize and manage the land. However, that power also contains a comparable mandate, as well as the sanctions attached to it. And all of them are the benchmark is Article 33 of the Constitution 45 and the UUPA. The existence of a balance between land ownership rights and obligations is expected to bring common prosperity. Thus, there is no other way that is more possible, and the only way to achieve that balance is to uphold or restore the rights of the people who have been drowned and revoked without a good reason. The prelude to achieving that balance, the most feasible means is to implement agrarian law consequentially and comprehensively, rather than piecemeal, by taking the "advantageous" parts. As has happened so far, only a few certain provisions have been operationalized, while many other provisions have become dead letters, as if they are irrelevant, or as if they are not part of the agrarian regulatory system that affects each other. Thus, on the one hand, there are regulations that provide a large budget to implement it, such as regulations on granting and

registering land rights. Meanwhile, on the other hand, many land regulations that are not/have not been regulated are more operational.

Level Of Public Legal Awareness Regarding The Role Of Government And The Benefits Of Development For The Community

Legal awareness can be known from several indicators or clues. B. Kutschincky (in Soekanto, 1982:159) stated that there are four indicators of legal awareness, namely knowledge, understanding, attitudes, and legal behavior. The data obtained in this study on the parties in the research respondents stated various results.

a. Legal Knowledge Indicator

Based on the results of the study, it was stated that the respondents' legal knowledge about the role of the government and the benefits of development for the community, as well as the law of land acquisition for public interest development, amounted to 36 (56.2%) who knew about it, this number was more than those who did not know (28 or 43.8%). This means that many people both in the Pasir Panjang and Kolhua areas know about the law of land acquisition for public interest development.

b. Indicators of Legal Understanding

Based on the results of the study, it was stated that the respondents' legal understanding of the role of the government and the benefits of development for the community, as well as the law of land acquisition for public interest development amounted to 36 (56.2%), this number was more than those who did not understand (28 or 43.8%). This frequency distribution is the same as the frequency distribution of the respondent's legal knowledge.

c. Legal Attitude Indicators

Based on the results of the study, it was stated that the legal attitude of respondents who agreed with the government and the benefits of development for the community, as well as the law of land acquisition for development of public interest amounted to 47 (73.4%), this number was more than those who disagreed (17 or 26.6%). This frequency distribution is not the same as the frequency distribution of respondents' knowledge and legal understanding.

d. Legal Behavior Indicators

Based on the results of the study, it was stated that the legal behavior of respondents who behaved in support of the role of the government and the benefits of development for the community, according to the law of land acquisition for public interest development, amounted to 15 (23.4%), this number was less than those who did not comply (49 or 76.6%). This frequency distribution is not the same as the frequency distribution of the other three indicators of legal awareness, namely the respondents' knowledge, understanding, and legal attitude.

The results of the research on four indicators of community legal awareness of the role and benefits of development carried out by the government regarding the law of land acquisition for the public interest illustrate that actually many people have known, understood, and agreed that actually community land can also be allocated for the benefit of the government/public, but in reality the attitude of the community is different from their knowledge, they are not willing to give land for the program building. So with the above results, it can be concluded that the level of public legal awareness regarding the role and benefits of development by the government is only limited to knowing, and the level of public awareness is still very low to voluntarily give their land for the development of government programs.

Efforts To Solve Problems As Conflict Resolution Or Community Rejection Of Several Development Programs Carried Out By The Government

In the context of dispute resolution, there are three dispute resolution efforts, namely preventive, repressive and curative. However, there are two solutions that are more widely used in resolving disputes or conflicts that occur, namely (a) preventive or preventive efforts, and (b) repressive efforts or problem solving both in court and outside court. Because the cases or conflicts obtained in this study are those that have occurred some time ago, the countermeasures discussed here are repressive efforts. However, there are also several examples of preventive efforts put forward by the resource persons of this research, namely examples of countermeasures carried out by the Kupang Regency Government.

First, socialization about the procurement of government programs must be socialized long before the implementation of activities and must be fully understood by both parties, meaning that it must ensure that the response of the community responds to accept or reject, what the community wants must *be in line* with the government's plan, so that it does not happen like the case of the construction of a wave retaining embankment on Pasir Panjang beach.

Second, Conducting a commitment agreement between the government, the community, community leaders, traditional leaders, and religious institutions so that *there is black on white* as tangible evidence of the community's willingness to accept government development programs, so that in the future it will no longer cause conflicts or rejections for various reasons because there is evidence of the willingness of all related parties.

Third, the payment of compensation that is commensurate and in accordance with mutual agreement on community land that is taken over by the government for development. *Fourth*, a customary approach to the community so that it is well received, not imposing will. *Fifth*, the Government needs to provide direct benefits to the community, such as by recruiting one or several community members around the location of the development program to become employees in government agencies. They do not

question their rank or position in the workplace, but this way can foster a sense of acceptance and ownership of existing development projects. Just an example, just being a *cleaning service* must be happy for them. In addition, this method can also dampen the outbursts of protests and public jealousy of development projects on their land. the situation and conditions of each agency and development project carried out. *Sixth*, involve the community as much as possible in the implementation of a development program, be it the labor, when the community is directly involved in the project, of course they are very supportive of it, it is very impossible that they will make a fuss or reject this project because they will feel the results directly. The approach used is a cultural or customary approach, involving community leaders including tribal chiefs is a very effective strategy used by the Government in development (which provides direct benefits to the community).

Conflicts that occur must be overcome immediately, otherwise it will be followed by physical violence. There are many series of questions that need to be anticipated by the government and the community who will give up their land for the sake of development and the public interest. Once again, the development implementer needs to prepare everything related to the interests of the community to be moved, considering that they have lived and lived there for decades. Moving them suddenly, let alone forcibly moving, is the same as killing them indirectly because it will cause suffering and misery to society. Repressive approaches can no longer be used because their use will result in people becoming more unsympathetic to various development plans or work programs that will be carried out.

Community participation can be tried or grown with several efforts: (1) in order to win their hearts, it takes a long time, (2) it takes precision, (3) patience is needed, and (4) a humanist approach. Proper socialization will foster awareness or a sense of belonging in the community. When the community understands and understands the benefits of a development program for themselves and the community as a whole, of course they will accept and support the development program. The implementation of the government's development plan or work program will be accepted by the community and run well if the government implements the stages of approach and socialization that have been outlined in various existing regulations (guidelines, implementation instructions, technical instructions). It is the right humanist approach that the government uses in offering various development plans or work programs to the community.

Various development plans or work programs offered by the government are indeed beneficial to the community, but they cannot be immediately accepted by the community for various reasons, including (1) lack of knowledge and understanding of the goals and benefits of the development programs to be implemented, (2) the amount of compensation that is often not feasible, (3) not feeling the direct benefits of these various programs, (4) the inaction of the community to innovate.

The government's development plan or work program must involve the community from the beginning. The government or the implementer of the development program must carry out socialization for a long time so that the community is ready to receive the development program. This "community readiness" will also cause a "sense of ownership" of the community towards the development plan or work program carried out. The "readiness of society" and the "sense of belonging" of this society cannot be obtained in a hurry, but it takes a long time through socialization and humanist approaches. The "readiness of the community" and the "sense of belonging" of the community are very important and are one of the main keys to the success of development. The use of the right approach is a humanist approach so that it only takes a very short time to prepare the community to receive development in their place. Thus, in order for the development plan or work program to be accepted by the community, it is highly dependent on the government's *political will* and patience to spend enough time to carry out socialization and approaches that are in accordance with the feelings and awareness of the community (humanist approach) where the development plan or work program will be implemented.

Conclusion

Based on the description in the previous chapters, the following conclusions can be formulated:

1. The community's legal culture towards the development of the public interest in Kupang City can be seen from various factors that cause conflicts or community rejection of several development programs carried out by the government, namely the following: ignorance of various regulations regarding the acquisition or acquisition of land for the public interest (development); the factor of forcing the will by the Kupang City Government; political or politicization factors; Undue Consequences; mentally corrupt or bribing the apparatus (officers); no direct benefit to the local community; there is no certainty as to who represents the existing tribes or families of landowners, especially in land transactions; And, most of the land being sold has not been certified. The factors that cause/drive the occurrence of this conflict are based on the results of research that have been analyzed.
2. Efforts to solve problems as conflict resolution or community rejection of several development programs carried out by the government are through preventive efforts and repressive efforts, although in some opinions it is stated that there are also curative efforts as part of restoring the relationship that occurred due to the conflict.

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