

HUKUM DAN KEADILAN MASYAKARAT

(Kajian Sosiologi Hukum tentang Kasus Pencurian Satu Buah Semangka yang dilakukan Dua Warga Miskin di Kelurahan Ngampel, Kecamatan Mojojoto, Kota Kediri)

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ABSTRACT

This study titled *Law and Justice Society; Review of Sociology of Law of Theft Cases Conducted One Watermelon Fruit Two Poor in Sub Ngampel, Mojojoto District, City of Kediri*.

This study departs from the rampant practice of legal injustice that afflicts the poor. Law and justice communities such as the two poles apart, not closer together. The phenomenon of injustice of this law continue to occur in practice arbitrate in this country This study attempts to answer the three issues, among them: *First*, how local communities resolve conflicts that occur between members of the community as well as with the people outside? Are local laws are still used as reference in solving problems that arise in society, including in the case of the second law of poor farmers?, *Secondly*, How can the public understand the laws of the country in view and resolve conflicts in society, especially in legal cases affecting both poor farmers ? How is justice according to the society?. *Third*, what kind of legal justice he deserves by poor communities affected by the case of misdemeanors such as Basar- Kholil?

This research is descriptive-qualitative type of research. One type of descriptive study is a research-qualitative case study approach (Case Study). This study focused intensively on a single object or a particular case, namely the theft of the watermelon fruit farm workers who do Basar-Kholil in Kediri. The conclusion that the cases of theft which carried a watermelon fruit Poor, Basar-Kholil, in view of the local community is a small case, which should not be resolved through a process of positive law, but simply resolved at the community level through the way of peace and consensus. Local people rate more sociological settlement provide a sense of justice for Basar-Kholil. This settlement, known as restorative justice principles, namely justice outside the court obtained by positive law, through the recovery process with a spirit of mutual forgiveness between perpetrators and victims. Therefore, in applying the law against the poor, it's time we not only understand and apply the law in a legalistic-positivistic, but need to do a legal breakthrough that more progressive and responsive, which is trying to get out of shackles or prison law is positivistic and legalistic. The law that responds to the social needs of society. Juridical-normative approach is considered "failed" in resolving various legal matters in the community. Now, it's time, establish a juridical-sociological approach. This approach is believed, will not just be able to restore the deterioration of the law itself, but also a more real, able to bring law and justice community that is more substantive.

Keywords : Law, Justice Society