

## **Learning The Concept of Individual Law in Civil Law to Improve Citizenship Competence (Case Study Program for Pancasila and Civic Education Students at Pasundan University)**

**Delila Kania**

*Universitas Pasundan Bandung, Indonesia*

**Abstract:** *This study aims to reveal that learning the concept of individual law in civil law can improve citizenship competence in students of the Pancasila and Civic Education (PPKn) 3rd semester (three) academic year 2021-2022. The students in the subject of this research are prospective Civic Education teachers in schools. The case study method is used to determine the extent of knowledge and understanding of the concept of individual law according to civil law in these students. Observations and interviews with students are to ensure the results of case study research. The implications of this knowledge of individual legal concepts will have an impact on understanding their rights and obligations as citizens as well as on citizenship competence. Students as legal subjects should know and understand individual law in Indonesian civil law. This knowledge is very useful for students to protect their rights and interests in the life of the nation and state.*

**Keywords:** *individual law concepts, legal knowledge, PPKn students*

### **Introduction**

In the Civic Education Study Program (PKn), in general, Pasundan University (UNPAS) is known as the Pancasila and Civic Education Study Program (PPKn), and the Civil Law course is a compulsory subject. The material for Civil Law is not much different from that given to undergraduate students in Law at the Faculty of Law. The difference lies in the Semester Credit System (SKS). For Strata 1 (S-1) PPKn, the weight is 3 (three) SKS, while for S-1 Law Sciences, the weight is 4 (four) SKS. The position of Civil Law courses is included in the components of scientific and skill systems (MKK). Competence in the field of study and professional competence that a civics teacher must possess can be obtained through an educational process that is relevant, accountable, efficient, and effective (Kania, 2013: 2). This is in line with the prospects for graduate students from the Civics Study Program at UNPAS that the professional targets are: 1) education in the fields of Civics, State Administration, Sociology and Anthropology; and 2) community development in the field of Law and Society (UNPAS, 2018: 88).

According to Bloom in Armiza (2007:19), understanding the concept is the ability to capture meanings, such as being able to express a material that is presented in a form that is more understandable, able to provide interpretation, and able to apply it. The concept of individual Law in Civil Law is often encountered in everyday life, so it will facilitate students' understanding of the concepts of civil Law itself.

The concept of civil Law, in general, is to regulate legal relations privately or, in other words, to focus on legal protection for the benefit of individuals or legal entities. Maintaining the regularity of relations between citizens of one country with another citizen is one part of citizenship education. The frequency of legal ties between these citizens is regulated by civil Law (Kania, 2013: 4). The concept of individual Law in question is a legal concept that governs humans or people as individuals. So understanding the concept of personal Law will affect the citizenship competence of students as citizens.

### **Literature Review**

One of the legal sources of civil Law in Indonesia is the Civil Code/KUHPer (Burgerlijke Wetboek/BW). Based on the systematics in the Civil Code consists of 4 (four) books (Subekti, 1982:17), namely:

- (1) Book I on People (Van Personen), which contains individual Law and family law.
- (2) Book II concerning Objects (Van Zaken), which contains the Law of objects and the Law of inheritance.
- (3) Book III concerning Engagement (Van Verbintenissen), which contains property law relating to rights and obligations that apply to specific people or parties;
- (4) Book IV on Evidence and Expiration (Van Bewijs en Verjaring) contains the means of proof and the effects of overtime on legal relationships.

From the description above, the concept of individual Law is contained in the KUHPer. However, according to Algra's opinion Salim (2001:19) defines people's Law as the general legal rules governing legal subjects and their authorities, skills, domicile, and civil records.

In Law, the words of a person or person mean that the bearer of rights and obligations is called a legal subject (Triwulan, 2010: 40). The term legal subject (rich subject) is generally defined as a supporter of rights and obligations, namely humans and legal entities. Legal subjects have a crucial position and role in the field of civil Law because legal subjects can have legal authority. Man as a legal subject begins in the womb and ends after he dies.

Authority, according to the Big Indonesian Dictionary (KBBI), is having (getting) the right and power to do something (KBBI, 2022). So legal authority can be interpreted as having (obtaining) the right and ability to do something based on the Law. So, for example, someone still a minor is not authorized to take legal actions, such as buying a house. Instead, a little must be represented by a parent's guardian, namely the father. His father's role is to exercise parental authority, and he acts for and on behalf of his minor child.

Although. According to Law, humans can have rights and obligations, but not all legal subjects can carry out legal actions. A legally competent person who is mature has a sound mind and is not prohibited by a statutory regulation to carry out specific legal activities (Triwulan, 2010:45). A legal act is an act whose consequences are regulated by Law. For example, a man marries a woman. The legal action between a man and a woman is to match. As a result of marriage, there will be rights and obligations between husband and wife reciprocally. The consequences of his legal actions are regulated in the Marriage Law.

Based on article 330 of the Criminal Code, it is stated that the adult limit is those who have not reached the age of 21 (twenty-one) years and have not been married before. Differences in the age limit for adults according to several legal provisions in force in Indonesia:



No.	Applicable law	Adult age limit
1.	KUHPerdara	21 years old
2.	Law No. 16 of 2019 concerning Amendments to Law No. 1 of 1974 concerning Marriage	Male 19 years old Female 19 years old
3.	KUHPidana	16 years old
4.	KUHAcara Pidana	17 years old
5.	Law No. 3 of 1997 concerning Juvenile Court	18 years old
6.	Law No. 12 of 2006 concerning Indonesian Citizenship	18 years old
7.	Law No. 23 of 2006 concerning Population	18 years old
8.	Law No.22 of 2009 concerning Road Traffic and Transportation	17 years old driver's license A & C 20 years old driver's license B
9.	Law No. 12 of 2003 concerning Elections	17 years old
10.	Law No. 30 of 2004 concerning the Position of Notary	18 years old

*Source: (Bachri & Kania, 2019)*

In the object of discussion of PKN there is material on the Rights and Obligations of Citizens. The rights and obligations of citizens are formed from the relationship between the state and citizens. According to Hans Kelsen in Mertokusumo (2010, p.60), rights are interests protected by law. So that the right is legal because the legal system protects it. The obligations are everything considered a necessity/obligation to be carried out by individuals as members of citizens to get the rights they deserve (Zakaria, 2017:132).

One proof that a person is a resident of the Unitary State of the Republic of Indonesia is to have an Identity Card. Electronic Identity Card (KTP-el) is the official identity of the residents as proof of self which is equipped with a chip issued by the Implementing Agency (Article 1 paragraph (14) of the Population Administration Law).

Branson's opinion that civic competence is contained in the components of civic knowledge, civic skills, and civic character (Branson, 1999: 8-25). Citizenship knowledge is related to the substance that citizens must know (Komalasari, 2011: 50) related to their rights and obligations as citizens (Arif, 2016: 49). Citizenship skills are developed from civic knowledge, meaning that the knowledge gained becomes meaningful in dealing with problems in the life of the nation and state. These civic skills include intellectual and participation skills (Komalasari, 2011: 50). The civic disposition, according to Quigley et al. in Arif (2016:58), is "... these attitudes and habits of mind of the cities that are conducive to

the healthy functioning and common good of the democratic system". a state that supports the development of healthy social functions and guarantees the public interest of a democratic system.

The objectives of Civic Education (Djahiri, 1995/1996: 120) are as follows: "Increasing knowledge and developing the ability to understand, appreciate and believe in the values of Pancasila as a guide for behavior in the life of society, nation and state, so that they become responsible and reliable citizens and provide the ability to learn further."

The ultimate goal of Civics, in general, is to make good and intelligent citizens who understand, appreciate, and believe in the values of Pancasila as guidelines for behavior in the life of society, nation, and state. The purpose of this Civics is related to the purpose of civil law is to regulate the relationship of personal interests related to civil law between citizens of one country and another so that it is well maintained thus that the purpose of civil law is in line with the objectives of Civics (Kania, 2013: 29).

### **Methodology**

The research method used in this study is the case study method because the object raised as a case is contemporary, that is, what is ongoing or has taken place (Yin, 2003).

This research method is used to reveal how learning the concept of individual law in civil law for PPKn students in semester 3 (three) academic year 2021-2022 at Pasundan University can improve civic competence.

The steps in research with a case study approach (Arifianto, 2016:39-40) are as follows:

- 1) determine and limit the cases that will be the object of research;
- 2) choose a phenomenon, theme, or research issue to be used as a case study;
- 3) selecting the characteristic forms of data to be searched and collected;
- 4) perform triangulation to test the validity of the data;
- 5) determine alternative interpretations to be re-examined; and
- 6) develop and identify essential things from the research result on the "cases" studied.

The data collection technique used in this case study research is the method of documentation study, observation, and interviews.

Research data sources are obtained from relevant literature such as books, scientific papers or articles, and so on. Observations were made to observe the attitudes and behavior of students in the legal age category. The interviews were conducted to dig deeper into how their understanding of individual law in civil law can improve civic competence in the third semester (three) PPKn students for the 2021-2022 academic year.

### **Findings & Discussion**

The results of the literature study show I About People in the Civil Code contains the following provisions:

- Chapter I - Enjoy and lose citizenship rights;
- Chapter II - Civil registration deeds;
- Chapter III - Place of residence or domicile;
- Chapter IV - Marriage ;

- Chapter VI - Joint assets according to the law and their management;
- Chapter VII - Marriage agreement;
- Chapter VIII - Joint property or marriage agreement in the second or subsequent marriages;
- Chapter IX - Separation of property ;
- Chapter X - Dissolution of marriage ;
- Chapter XI - Separate table and bed ;
- Chapter XII - Fatherhood and the origin of children's descendants;
- Chapter XIII - Family by blood and by marriage;
- Chapter XIV - Parental power ;
- Chapter XV – Determining, modifying, and revoking living allowances; and
- Chapter XVI-Immaturity and guardianship.

The concept of individual law in civil law above is not all discussed in the Civil Law learning in the Civics Study Program. The topics discussed are adjusted to the object of discussion on Civic Education as contained in the Decree of the Director General of Higher Education Number 43/Dikti/2006 concerning Signs for the Implementation of Personality Development Courses in Higher Education, as follows: a) Pancasila Philosophy; b) National Identity; c) State and Constitution; d) Indonesian Democracy; e) Human Rights and Rule of Law; f) Rights and Obligations of Citizens; g) Indonesian geopolitics; i) Indonesian Geostrategy.

Thus it is known that the position of the Civil Law course in Civics material is included in the fabric of the rights and obligations of citizens. The Civics Study Program curriculum itself has two main elements, namely the academic education curriculum and professional education. Based on the Decree of the Minister of National Education No. 232/U/2000 concerning Guidelines for Preparation of Higher Education Curriculum and Assessment of Student Learning Outcomes, the element of academic education is called the component of scientific and skill courses (MKK).

So the topic of discussion in the concept of individual law is the legal rules governing legal subjects and their authorities, skills, domicile, and civil records. The case is by the objectives of Civics and the achievement of civic competence for students as Indonesian citizens. However, what will be discussed here are three topics, namely legal subjects, legal competence, and legal authority.

Learning the concept of individual law in civil law improves the understanding of student citizenship competencies. The citizenship competencies include:

1. Citizenship knowledge is the knowledge that citizens must know. In individual law, the knowledge that citizens must know is related to their rights and obligations as citizens that: a) individuals and legal entities are legal subjects; b) legally competent is someone who meets the age of maturity and is of sound mind, and c) legal authority is the right and power to do something based on the law. In this case, it is expected that students, as initial knowledge know that someone as a legal subject has an equal position in the eyes of the law. As regulated in Article 27 of the 1945 Constitution. Then knowing that there is a difference in the age of maturity in the provisions that

apply in Indonesia, the difference is solely to protect the interests of citizens. Considering that the average student is between 18 to 21 years and over. After knowing about legal competence, the next step is knowing about legal authority. Knowledge of legal authority is seen from a person's legal position. The legal status is related to rights and obligations. So someone is a person in his role as a student or child.

2. Citizenship skills are skills developed from civic knowledge so that the knowledge gained becomes meaningful and can be used in dealing with problems in the life of the nation and state. The development of knowledge of individual legal concepts, followed by the ability of students to use the ideas of personal lawyers in real life. Examples of understanding legal competence other than adulthood must also be healthy because they are not crazy. So even though he has fulfilled his adult age, he does not necessarily have a healthy mind. For example, a student who wants to marry must meet the requirements for marriage, both male and female, and must be 19 years old. However, if it is related to legal authority, if the student adheres to Islam, then a woman cannot act alone because, according to Islamic law, there must be a marriage guardian, namely her biological father. So here, the one with legal authority to marry off his daughter is the father, not himself, in contrast to men who can carry out their marriages or, in other words, act for themselves.
3. The character of citizenship implies a public and private character that is important for maintaining and developing constitutional democracy. In this case, personal feelings such as moral responsibility, if a person has met the civil legal age of adulthood, namely 21 years, then he is responsible for all his actions or legal actions. A public character such as heeding the rules of the game (the rule of law) in this case, if someone wants to have a driving license (SIM), then another requirement besides having an Identity Card is that the person must be proficient in driving a motorized vehicle on the highway. This is so that when the person is going on the road, they can maintain their safety and the safety of others on the road. Thus, when the owner of the SIM has reached the character of citizenship, he automatically has a sense of responsibility to himself and the interests of others.

From the description above, the understanding of the concept of individual law in civil law for students of the Civics Study Program is fundamental to master, both mastered for their interests as citizens and as a provision in applying these citizenship competencies when they become Civics Education teachers in schools. Thus, students as prospective Civics teachers can, as early as possible, cultivate civic competence for students according to their age and interests as citizens. Furthermore, so that the purpose of Civics itself can be realized, in addition to making all citizens good citizens, it also makes citizens with citizenship competence.

## References

- Arifianto.S.(2016). Implementation of the "Case Study" Research Method With a Qualitative Approach. Cet.1, Yogyakarta: Aswaja Pressindo.
- Armiza. (2007). Empirical Abductive Learning Cycle Model to Improve Concept Understanding and Critical Thinking Skills for Junior High School Students on Reflection of Light. Thesis SPs UPI. Not Published.
- Ali, Chairir.(1976). Legal entity. Bandung:Alumni
- Arif, Dikdik Baehaqi. (2016). Developing Citizenship Competency Components in the Citizenship Population Textbook for SMP/MTs. Journal of Civic Vol 13 No.1 June 2016 accessed <https://journal.uny.ac.id/index.php/civics/article/view/11076>
- Bachri, Asep Syamsul & Kania, Delila. (2019). The Importance of Adult Concept Materials in the Learning of Civic Education at University, OCEANSIDE: Vol 12, No one accessed from [https://oceanidenetne.net/index.php/o\\_dated\\_07-02-2022](https://oceanidenetne.net/index.php/o_dated_07-02-2022)
- Branson, M.S. (1998). The Role of Civic Education. Calabaras: Center for Civic Education.
- Djahiri, A.K. (1995/1996). General Basics of Methodology and Teaching of Moral Values PVCT, IKIP Bandung.
- TheBigIndonesian Dictionary online is accessed from <https://kbbi.web.id/tangan>.
- Kania, Delila. (2013). Learning the Concept of Civil Law to Increase the Meaning of Citizenship Education. Thesis. SPS UPI. Not Published.
- Civil Code (Burgerlijke Wetboek)
- Komalasari, K. (2011). Contribution of Contextual Learning for Citizenship Competency Development of Junior High School Students in West Java. Pulpit Vol.27 Number 1 of 2011 accessed from <https://ejournal.unisba.ac.id/index.php/mimbar/article/view/311>
- Mertokusumo, Sudikno. (2010). Knowing the Law is an Introduction (revised edition). Yogyakarta : Cahaya Atma Pustaka.
- Subekti, R. (1982). Principles of Civil Law. Jakarta: Internusa UNPAS.(2018). Student Guidebook for Academic Year 2017-2018. Bandung: Unpas Press
- Law Number 24 of 2013 concerning Amendments to Law Number 23 of 2006 concerning Population Administration
- Zakaria, Mochamad and Yadiman.(2017). Pancasila and Citizenship Education. Bandung: Manggu Makmur Tanjung Lestari.

### About the Author:

<b>Chief Researcher</b>
<b>Delila Kania</b> <i>Pancasila And Civic Education Program Study Pasundan University</i>
<b>Researcher Member</b>
-