Legal culture in cockfighting games in east Java communities, Indonesia

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ABSTRACT: This article analyzes the legal culture of cockfighting lovers in East Java, Indonesia. Cockfighting in Indonesia is perceived as a tradition as well as an illegal economic activity. If it is tradition, it will engender a legal culture, but as an illegal economic activity, it must be prohibited. This study investigates if the East Java society, especially cockfighting lovers, have the same view. This requires further analysis. This research is quantitative research with descriptive analysis. Data was collected by surveying 400 respondents. The results showed that the perception of cockfighting lovers in East Java considered that cockfighting is a hobby and not a tradition or a forbidden economic activity. The hobby of cockfighting breeds disobedience to the law, even though it is forbidden for them to do cockfighting. Therefore, it can be assumed that the hobby gave birth to its legal culture.

Keywords: legal culture, cockfighting, east Java, community.

1 INTRODUCTION

Cockfighting's existence in Indonesian society is a cultural phenomenon of the Indonesian people. Geertz research in Bali, Indonesia, reveals that cockfighting is inherent in the daily lives of Balinese and Javanese people (Geertz 2000). A different opinion about cockfighting in Indonesia was put forward by Lindquist (Lindquist 2007), who stated that cockfighting is not a community tradition but is seen as a forbidden economic act. Cockfighting is a means of gambling to obtain a source of income illegally. Reviewed from a legal perspective, these two opinions have their own consequences for the legal views of the cockfighting phenomenon. Geertz's view is that cockfighting is a cultural phenomenon, which contains a set of upheld social values, making it inherent in the daily life of Indonesian people. The value of the cockfighting tradition, in view of legal sociology, will engender legal culture. This means that in the society's traditional values, the legal values that are realized and inherent in these traditional values will also be stored as part of the values upheld collectively. If the public realizes that cockfighting is a tradition, then automatically the legal awareness of the community will also see cockfighting as not a forbidden act. This is because the legal culture of society is in line with the culture of the community itself (Friedman 1969, 2009; Syamsudin & SH 2011). The community will not have a legal culture against a state law that is contrary to the culture of society (Nelken 2004; Polak & Nelken 2016) and will not obey the legal provisions governing cockfighting. Instead, they will still do cockfighting even if secretly. Therefore, to create legal awareness (Merry 2010; Wang & Chen 2019) for the community, the law must be in line with the legal culture of society. Cockfighting must be empowered because it saves tourism potential (Sudirman 2019).

Conversely, if based on Lindquist's opinion which states that cockfighting is an illegal economic activity, then the legal consequence of the phenomenon of illegal economic activity is to prohibit it.

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The law must clearly and definitively outlaw any prohibited economic activity. Thus, cockfighting must be restrained. Lindquist's view is in line with the state view of cockfighting. Cockfighting is seen as illegal and violates the law by categorizing it as gambling. This is based on the provisions of article 303 KUHP, article 542, article 542 designation, and article 303 of the Indonesian Criminal Code. The State view of cockfighting legitimizes the view that cockfighting is an illegal economic motive. This illegal concept has resulted in the crackdown of cockfighting by law enforcement officials in Indonesia, arresting the perpetrators and subjecting them to criminal sanctions.

Based on the two opinions above, this study analyzes the correctness of the opinion expressed by Geertz and Lindquist that cockfighting is a tradition and/or cockfighting is a forbidden economic act. Cockfighting lovers in East Java have to reveal their perception of cockfighting. If cockfighting lovers in East Java regard cockfighting as a tradition, it is in line with Geertz's opinion, and they will have the awareness that cockfighting is not illegal. However, if cockfighting lovers in East Java consider cockfighting to be the main occupation that generates economic income through gambling activities, then it is in line with Lindquist's opinion and cockfighting must be prohibited. This research took place in the province of East Java, Indonesia.

2 METHOD

This study uses a quantitative research approach (Neuman 2011; Sugiyono 2008) with the type being survey research. The procedure of this research was broadly carried out by formulating operational definitions, formulating questions, collecting data and analyzing data. The population in this study was specifically the cockfighting lovers. However, because there was no definite data about cockfighting lovers, the population used was the entire adult and married population (17+) population of East Java. Based on population data from the Central Statistic Body of East Java, there were 31,011,960 people assigned to the population at the same time and the slovin formula determined that the research sample was 400 respondents who had joined cockfighting. The sampling technique used was multi-stage random sampling. The sampling process was carried out and stratified from the Provincial-District-Village-level. The province which was the research location in East Java consists of 38 districts. The main instrument of this research was a questionnaire. The type of question used was a closed question, where the respondent chose between the alternative answers given. The data obtained was analyzed using descriptive analysis.

3 RESULTS AND DISCUSSION

The results of the study describe the responses descriptively regarding main occupation background, perceptions of cockfighting, and how much cockfighting was started.

3.1 *Main work background*

The main occupational background of the respondent of the study is presented in Table 1:

Based on Table 1, it is known that their main job is not actually cockfighters. Respondents stated that the main job of cockfighters is only around 6.5%. This indicates that cockfighting is not an economic activity for the majority of respondents. The main occupation of the most respondents is as farmers or farm laborers (by 34.5%), then entrepreneurs (29.3%), private employees (15.8%), government employees (2.5%) and breeders or fishermen (11.5%). This data shows that cockfighting is not merely an act of economic motive. This data provides a rebuttal that the cockfighting phenomenon is a social phenomenon with an economic motive, namely the illegal economy. In fact, the perpetrators of cockfighting in East Java do not work as cockfighters. Thus, cockfighting is not a job that can generate economic benefits.

Table 1. Main work.

	Frequency	Percent	Valid Percent	Cumulative Percent
Farmers/farm laborers	138	34,5	34,5	34,5
Government employees	10	2,5	2,5	37,0
Private employees	63	15,8	15,8	52,8
Entrepreneur	117	29,3	29,3	82,0
Breeders/fishermen	46	11,5	11,5	93,5
Cockfighters	26	6,5	6,5	100,0
Total	400	100,0	100,0	

Table 2. Perceptions of cockfighting.

	Frequency	Percent	Valid Percent	Cumulative Percent
Hobbies/Fun/Entertainment	345	86,3	86,3	86,3
Profession	23	5,8	5,8	92,0
Culture/Tradition	32	8,0	8,0	100,0
Total	400	100,0	100,0	

3.2 *Perceptions of cockfighting*

The respondents' perceptions of cockfighting are shown in Table 2

Table 2 confirms that cockfighting is not the main job for cockfighting lovers. This means that cockfighting lovers do not have the perception that doing cockfighting will benefit them economically. 86.3% of the respondents perceive cockfighting as a hobby or pleasure or entertainment. Respondents consider cockfighting as a hobby that brings entertainment for themselves, not as a job because only 5.6% perceive it as a profession. This data is in line with data on their main job, which only 6.5% mentioned cockfighting as their main job (see Table 1). These two data clearly show that cockfighting is understood not as a social phenomenon with economic motives but rather as a hobby or pleasure. Data Table 2 also shows that respondents who have a perception of cockfighting as a culture or tradition are only 8%. This data can be used as a reference that cockfighting in East Java is not perceived as a tradition. This is related to Geertz's statement which states that cockfighting is tied to tradition. This means that this data can be used as a basis for criticizing the statement that cockfighting is related to community traditions. The fact that most respondents consider cockfighting as a hobby or entertainment will also form the basis for the assumption that hobbies or pleasures will affect legal compliance and disobedience.

3.3 *The beginning of loving cockfighting*

The respondents' driving factors to first tried cockfighting are presented in Table 3

Base on Table 3, it is known that the driving factors of people joining cockfighting are more due to the influence of friends or other people (by 37.8%) and also because of experiment and then love (36.5%). This data also shows the fact that respondents do not like cockfighting at first for the sake of earning a living. This means cockfighting is not a social phenomenon with an economic motive. Respondents who initially liked cockfighting because it was meant to earn a living (work) is only 4.3%. Thus, this is in line with the respondents' data on their main job and perception of cockfighting. The respondents who stated that they liked cockfighting in the first place because of the community's tradition also only represented 16%. This data also strengthens the perception

Table 3. The driving factors of respondents' love for cockfighting.

	Frequency	Percent	Valid Percent	Cumulative Percent
Influence of friends/other people	151	37,8	37,8	37,8
Offspring (parents like cockfighting)	22	5,5	5,5	43,3
Experiment and then love	146	36,5	36,5	79,8
Make a living from cockfighting	17	4,3	4,3	84,0
Community traditions	64	16,0	16,0	100,0
Total	400	100,0	100,0	

of respondents who say cockfighting as a tradition is only 8% (see Table 2). These two data sets also form the basis of the argument that cockfighting is a tradition, especially for the people of East Java who are the research subjects. Based on the results of research conducted in East Java, it is known that the people who love cockfighting in East Java do not consider cockfighting as a tradition. This means that there is no actualized cultural value when cockfighting lovers engage in cockfighting. The motive for the traditional values that make up cockfighting as conveyed by Geertz is less relevant. People who love cockfighting in East Java prefer cockfighting as a hobby or pleasure or entertainment (see Table 2).

It is in contrast with Lindquist's view, which states that cockfighting is based on illegal economic motives. Judging from the background of the main occupation of the cockfighting lovers community in East Java, it is known that those who stated that the main job of cockfighters is only around 6.5%. This indicates that cockfighting is not an economic activity for the majority of respondents. The main occupation of most respondents is farmers or farm laborers (by 34.5%), followed by entrepreneurs (29.3%), private employees (15.8%), government employees (2.5%), and breeders or fishermen (11.5%), as presented in Table 1. This data confirms that cockfighting is not merely an act of economic motive. This data provides a rebuttal that the cockfighting phenomenon is a social phenomenon with an illegal economic motive. In fact, the majority of cockfighters in East Java do not work as cockfighters. Thus, cockfighting is not merely a job that generates economic benefits.

As a consequence, cockfighting in East Java is neither a tradition nor an economic activity. Cockfighting, for the people of East Java, is a fun and entertaining activity. So, some cockfighting lovers in East Java engage in cockfighting with stakes, while some others engage in this activity because of the urge to get pleasure and entertainment. The existence of cockfighting in the life of the people of East Java is a hobby, even though the state law prohibits it with criminal threats. This means that cockfighting lovers in East Java prioritize the encouragement of a hobby rather than an urge to obey the law. It can be indicated that hobbies also contain legal culture. The law will be obeyed more if it empowers hobbies instead of prohibiting hobbies.

4 CONCLUSION

In the case of cockfighting in East Java, it is known that cockfighting is not a tradition but an entertainment or pleasure or hobby. Cockfighting lovers in East Java do cockfighting, with bets or without bets, for entertainment and pleasure. Cockfighting is considered by the state as an illegal activity, so it is prohibited. The perpetrators are chased, raided and arrested by the police. However, cockfighting lovers in East Java continue to do cockfighting, despite the repressive police action. This is done to channel the hobby of cockfighting. Thus, a state law prohibiting people's hobbies

will only result in disobedience. This means that disobedience to the law is not only because the law conflicts with the legal culture of society, but also because it is conflicting with hobbies.

REFERENCES

- Friedman, L. M. (1969) 'Legal Culture and Social Development', *Law & Society Review*. doi: 10.2307/3052760.
- Friedman, L. M. (2009) 'Sistem Hukum Perspektif Ilmu Sosial', *Bandung: Nusa Media*.
- Geertz, C. (2000) 'Deep Play: Notes on the Balinese Cockfight', in *Culture and Politics*. doi: 10.1007/978-1-349-62397-6_10.
- Lindquist, J. (2007) 'Deep Pockets: Notes on the Indonesian cockfight in a globalizing world', *SPAJA Journal (Old series 1991-2013)*, 17(3).
- Merry, S. E. (2010) 'What Is Legal Culture-An Anthropological Perspective', *J. Comp. L.*, 5, p. 40.
- Nelken, D. (2004) 'Using the concept of legal culture', *Austl. J. Leg. Phil.*, 29, p. 1.
- Neuman, W. L. (2011) *Social Research Methods: Qualitative and Quantitative Approaches*, Pearson Education.
- Polak, P. and Nelken, D. (2016) 'Polish prosecutors, political corruption, and legal culture', in *Central and Eastern Europe After Transition: Towards a New Socio-legal Semantics*. doi: 10.4324/9781315571119-15.
- Sudirman, S. (2019) 'POTENSI DESA WISATA SABUNG AYAM NON JUDI DI KELURAHAN NGLEGOK, KEC. NGLEGOK, KAB. BLITAR (Strategi Konstruktif Mengatasi Judi Sabung Ayam Berbasis Wisata)', *Jurnal Praksis dan Dedikasi Sosial*. doi: 10.17977/um032v2i2p82-89.
- Sugiyono (2008) *Metode penelitian pendidikan: (pendekatan kuantitatif, kualitatif dan R & D)*. Alfabeta.
- Syamsudin, M. and SH, M. H. (2011) *Konstruksi Baru Budaya Hukum Hakim Berbasis Hukum Progressif*. Kencana.
- Wang, Z. J. and Chen, J. (2019) 'Legal Culture and Historical Development of Law', in *Dispute Resolution in the People's Republic of China*. Brill Nijhoff, pp. 15–48.