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Legal Awareness of Maduresse Nahdliyin: A Partnership Study between BMT (Baitul Mal wa at- Tamwil) Nuansa Umat East Java and MWC NU (Majelis Wakil Cabang Nahdlatul Ulama) Tlanakan Pamekasan

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Abstract:

Building people's legal awareness, including in the economic sector, requires appropriate steps and strategies. This study examines the importance of partnership in building legal awareness on Moslem's economic sector. It captures a partnership story between BMT Nuansa Umat East Java and MWC NU Tlanakan Pamekasan in developing legal awareness specifically among *nahdliyin* or NU followers. The focus covers the concept and implementation of legal awareness in the partnership between both as well as the benefit from the partnership. The study used a descriptive qualitative method while its data collection techniques included observation, interviews and documentation. Respondents of this study consist of leaders of BMT NU and the head of MWC NU. Based on this research's findings and analysis, it is clear that the partnership type between BMT NU and MWC NU is *syirkah* (cooperation). This model is found to successfully internalize cultural, professional and mutual legal awareness among *nahdliyyin*.

Keywords:

Legal Awareness; Partnership; BMT NuansaUmat; MWC NU

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Abstrak:

Penelitian ini mengurai pentingnya kemitraan dalam membangun kesadaran hukum ekonomi umat Islam. Secara khusus, ia memotret pola kemitraan antara BMT Nuansa Umat Jawa Timur dengan MWC NU Tlanakan Pamekasan dalam mengembangkan kesadaran hukum di kalangan warga *nahdliyyin*. Fokusnya adalah pada konsep dan implementasi kesadaran hukum dalam kemitraan dua pihak tersebut serta manfaat dari kemitraan antar keduanya. Penelitian ini menggunakan metode deskriptif kualitatif dengan teknik pengumpulan data meliputi observasi, wawancara dan dokumentasi. Responden dalam penelitian ini terdiri dari pimpinan BMT NU dan ketua MWC NU. Berdasarkan temuan dan analisis dalam penelitian ini, dapat disimpulkan bahwa jenis kemitraan usaha yang dijalankan antara BMT NU dengan MWC NU adalah persekutuan (*syirkah*). Dengan kemitraan model ini, kesadaran hukum yang berbasis kultural, professional, dan kesalingan dapat ditanamkan dengan baik.

Kata Kunci:

Kesadaran Hukum; Kemitraan; BMT Nuansa Umat; MWC NU

Introduction

Legal awareness is a specific topic under the law as its big concept. It refers to independent awareness of the law according to the context or locus in which people live in. In the context of Indonesia, there found a variety of law types covering customary, Islamic, positive and such. Therefore, legal awareness in Indonesia can relate to a type of variety or even more.

Previous researches mentioned that legal awareness actually means a belief or conviction to seek and find peace in life. This theory commonly uses two indicators, which are regularity (*Regel mating*) and decision (*beslissigen*).¹ It implies that legal awareness contains consistency and the shared vision and mission for extraordinarily obeying the law among individuals or groups as the objects of law. In

¹ Purbacaraka and Purnadi Soekanto, *Renungan Tentang Filsafat Hukum* (Jakarta: Alumni, 1985), 9.

a simpler word, legal awareness is not only formal or scientific knowledge. Instead, it is the attitude or behavior of those who hold it.

Legal awareness, on another perspective, is individual or collective's perception of the law, both written and unwritten, which can be either true or false according to the valid or the desired law. For example, although Islamic and customary law does not have a formal (written) form within the national (or positive) law, both are often used for making any lawfully valued decision. Legal awareness furthermore closely relates to the growing and developing values in a society. Instead of leading people to obey the law because of coercion, it guides them for obedience based on their own awareness that the law is in line with the existing values of their everyday life.

In relation to this, East Javanese people, especially Maduresse, have different and distinctive characteristics compared to people of other regions. They have high adherence to Islam and most of them are affiliated as *Nahdlatul Ulama* followers or *nahdliyin* with strongly embedded cultures of *pesantren*. This is clear, among others, from their loyal obedience to the figure of *kiai* as their spiritual leader. In addition to serving as *pesantren* leaders, there also found structural *kiais* with a strategic positions in *Nahdlatul Ulama* Branch Regional Council (MWC; *Majelis Wakil Cabang*) in each region.

MWC NU, moreover, does not only deal with spiritual aspects of Muslim or *nahdliyyin*, but also on other important aspects, such as economic. Therefore, a microfinance company called BMT NU (*Baitul Mal wa at-Tamwil* Nuansa Umat) of East Java (later mentioned as BMT NU), for instance, has established a partnership with MWC NU Tlanakan Pamekasan (later mentioned as MWC NU) through a scheme called KSPPS (*Koperasi Simpan Pinjam dan Pembiayaan Syariah; Cooperation of Saving, Loan and Shariah Financing*) to build and develop its own existence. This shares the same insight with some experts mentioning the partnership as another method of introducing self while approaching the (future) customers by creating two-way communication. The Partnership enables the mutually beneficial

relationships between customers and the company to develop customer satisfaction.²

Building an economic partnership is not an easy thing to do because it requires a good image between stakeholders and the company. However, many companies keep choosing the partnership strategy to achieve the goals they have set. It ranges from small to large companies and from manufacturing companies to savings, loan and finance-based companies such as BMT NU. It turns out as a very good choice to build a partnership with MWC NU to expand its customer base.

Based on the mentioned background, it is fascinating to examine this partnership from the perspective of legal awareness, mainly on how *nahdliyyin* apply their legal awareness in business and cultural institutions. The research problem of this article, therefore, are as follow: 1) How is the legal awareness concept in the partnership between BMT NU and MWC NU? 2) How does the partnership between BMT NU and MWC NU implement legal awareness?? 3) What are the advantages of a partnership between BMT NU and MWC NU?

Research Methods

This is a descriptive qualitative research using observation, interview, and documentation as data collection techniques. Respondents in this study were leaders of BMT NU and the the chairman of MWC NU. Meanwhile, secondary data comes from supporting materials in books, reports, journals, internet, papers, articles, or literature studies relevant to BMT NU's partnership with MWC NU.

The Concept of Legal Awareness in the Partnership of KSPPS BMT NU and MWC NU

Every time BMT NU East Java establishes new branch offices, it always collaborates and makes a partnership with the local MWC

² Husnia Hanny, "Pengaruh Relationship Marketing Terhadap Kepuasan Dan Loyalitas Nasabah Pada PT. Prudential Life Assurance Cabang Jember," n.d., 3, <http://repository.unej.ac.id/handle/123456789/63784>.

NU in order to build several common concepts of both as mentioned below:

First is the concept of ideological unity. Both cannot be separated from each other in both ideology and struggle path. BMT NU itself was established in 2004 with NU standing for *Nahdlatul Ulama*. However, administrative procedure taking place in 2009 did not allow the use of "*Nahdlatul Ulama*" as a business institution name because it has been registered as a mass organization. As an alternative, the abbreviation was replaced by *Nuansa Umat* for not totally omitting the NU.

Ideology is very crucial in the context of legal awareness as it becomes a fundamental element of its definition as consciousness on how the law is supposed to be.³ One of its indicators is sufficient knowledge on the law itself. For example, a man believing in religion must have understood his religious teaching and been aware that every part of it comes from God's law. In Islam, this is called *taqwa* which means the attitude of obeying all God's commands and avoiding all of His prohibitions. Accordingly, positive law must also be considered as a part of God's law so that devotion and obedience can directly become the foundation for building legal awareness. This is the thing that *the nahdhiyyin* community really aims to by making the partnership between the two institutions.

Second is the concept of structural and cultural development. MWC NU, in this context, is a structural NU institution that represents local people's characteristics and is under the leadership and management of their local community's leaders. Therefore, when BMT NU builds a partnership with MWC NU, the former actually utilizes the legitimation and trust of local people who are formally and culturally affiliated to NU. Moreover, MWC NU routinely socializes and promotes BMT NU to the community that impresses people with very good image of BMT NU. It is obvious, therefore, that in addition to business partnership purpose, the merger aims to contribute to the empowerment of NU followers through the local MWC NU.

³ Yasona Laoly, "Kesadaran Hukum Dan Terwujudnya Keadilan Bagi Seluruh Rakyat Indonesia," 2019, 3 Delivered in public lecture of Nurul Jadid University, March 27th .

This second concept is quite interesting in relation to legal awareness because understanding the law is one of its indicators.⁴ Understanding the law means mastery of the content and purpose of a particular type of law, either written or not, as well as its benefits for the whole related parties. This literally shows that *nahdhiyyin* has both structurally and culturally understood the concept of legal awareness through the business goals and empowerment in the partnership.

Third is the concept of partnership or relationship marketing. This concept is a marketing strategy with strong relevance with efforts to enhance the good image of BMT NU. It can give benefit for all parties such as people's interest to use KSPPS BMT NU services due to social and structural bond among BMT NU, MWC NU, and the community. Additionally, BMT NU can provide attractive rewards or prizes for customers while keeping social relationships among one another stable. These additional values can be the main factors to motivate local people to choose BMT NU as a preferable financial institution. The main purpose of partnership or relationship marketing is to maintain existing customers/members and add new fellows. As a consequence, the big number of customers will then impact the profitability of BMT NU and make the customers unlikely to move to another financial institution.

Apart from it, the main objective of any Islamic financial institution transaction is customer satisfaction while partnerships or relationship marketing puts the goal to turn people into customers as its long-term goal.⁵ The partnership is furthermore the main key in improving and maintaining any business.⁶ In this case, customer satisfaction plays a vital role in BMT NU that it needs further improvement ahead to reach the customers' loyalty level and to keep the institution's image well maintained. Practically, the good image of BMT NU is driven by customer satisfaction as it will encourage other people or future customers to make transactions at BMT NU. This needs serious concern and attention to not let any customer move to

⁴ Soerjono Soekanto, *Beberapa Permasalahan Hukum Dalam Kerangka Pembangunan Di Indonesia* (Jakarta: Yayasan Penerbit UI, 1982), 140.

⁵ Lizar Alfansi, *Financial Service Marketing* (Jakarta: Salemba Empat, 2010), 130-32.

⁶ Lizar Alfansi, 130-32.

other financial institutions in the midst of nowadays tight competition of financing institutions. One of the relevant strategies is by designing the scheme of sustainable transactions that customers will keep using the service of BMT NU more and more.

In the terminology of the law, the concept of partnership is actually a manifestation of the legal attitude in which people tend to accept the law because they respect it as something beneficial providing obedience. Through the concept of partnership or relationship marketing, *nahdhiyyin* have found a concept of legal awareness and is reflected in their legal attitudes.

Implementation of Legal Awareness in the Partnership between BMT NU and MWC NU

The partnership between BMT NU and MWC NU is generally based on the MUI DSN *Fatwa* No 114/DSN-MUI/IX/2017 concerning *syirkah*, namely a culturally and professionally based partnership strategy. The cultural strategy is based on the distinctive spirit of NU while professional aspect is clear from mutual responsibilities and authority to manage and make progress for BMT NU. This type of cultural and the professional based partnership relying on the fatwa is crucial in implementing the legal awareness as it will formally arrange both written and unwritten regulation in implementing the legal awareness. This is mainly because the existence of this regulation is among the main indicators in the theory of legal awareness.⁷

More specifically, the type of business partnership between both is called *syirkah abdan* or *syirkah a'mal* which means cooperation in expertise. It usually occurs when some parties agree to make their work as joint capital so that any pay they get after working for an employer will be shared with one another.⁸ Based on this scheme, BMT NU and MWC NU agree to do business by sharing both management responsibilities and the profit according to the initial agreement. To run the business well, both BMT and MWC NU

⁷ Soerjono Soekanto, *Beberapa Permasalahan Hukum Dalam Kerangka Pembangunan Di Indonesia*, 57.

⁸ A. Djazuli, *Kitab Undang-Undang Hukum Perdata Islam (Majallat Al-Ahkam Al-Adliyah)* (Bandung: Kiblat Press, 2002), 310.

identify influencing factors to attract customers, namely Madurese people with *nahdliyyin* as its majority.

They consider Madurese local wisdom which is believed as one of the factors beyond legal awareness. Some of the local wisdom are clear from wise words that Madurese keep maintaining and relying on, such as "*bing-rambinganna kor'an: (scarp of the Koran), manggu 'ka karsana Alla (subject to Allah's will), and abhântal syhadât, asapo' iman, apajung Islam, (making two shahadat (divine confession) as a pillow, faith as a blanket, and Islam as an umbrella). Those show the ideal figure of Madurese who sticks to Islamic teaching in every detail of their daily activities.9 Another important and popular wise word is *buppa, 'babbu, guru, rato* (father, mother, teacher, king or government) which shows the hierarchy of obedience, loyalty, and respect of whom Madurese will give priority to, particularly relating to religious matters.¹⁰ Madurese religiosity is also clear from the common expression for religious teachings breakers. Society will label them using proverbs *ta 'noro' sarē'at* (disobeying *sharia*) or *ta 'anabi* (excluded from the Prophet's followers due to the ignorance).*

This religious attitude plays a very important role in guiding people's activities as well as the decision they make. More specifically, according to Kotler and Keller, the factors beyond customers' decision on any product or service they choose are cultural, social, personal, and psychological. Therefore, those factors must be taken into account to determine the business strategy for attracting more and more buyers and or customers.¹¹ BMT NU relies on this principle in strengthening its existence by paying very much attention to the religious characteristics of the Madurese people. It avoids any financial activities which tend to deviate religious teaching, such as

⁹ Mien Ahmad Rifai, *Manusia Madura (Pembawaan, Perilaku, Etos Kerja, Penampilan, Dan Pandangan Hidupnya, Seperti Diceritakan Peribahasannya)* (Yogyakarta: Pilar Media, 2007), 165.

¹⁰ A. Sulaiman Shadik, *Kearifan Lokal Madura (Pesan-Pesan Mulia Dari Leluhur)* (Bidang PNFI Nilai Budaya Dinas Pendidikan Provinsi Jawa Timur, 2010), 37.

¹¹ Philip Kotler dan Kevin Lane Keller, *Marketing Management* (New Jersey: Prentice Hall, 2012), 166.

the system of usury while replacing it with profit-sharing and trading system.

The partnership with MWC NU is clearly another strategy to create the image of BMT NU as an Islamic financial institution that avoids any unlawful transaction. As a consequence, the reality of law¹² becomes better because individuals assume that their membership at BMT NU is a part of their obedience to Islamic teaching. To some extent, the partnership actually displays so-called spiritual marketing on the basis of openness, mutual trust, and responsibility to comply with of Islamic teaching principle with each own job. BMT NU is responsible for providing business service while focusing on management and supervision, while MWC NU focuses on socialization and promotion of BMT NU's service to *nahdliyyin* community through any religious supervision agenda. Additionally, BMT NU is also responsible for empowering *nahdliyyin* and the structural NU officers by allocating 10% of the net profit and 10% of the annual BMT NU CSR which is divided at at RAT (Rapat Anggota Tahunan; annual member meeting) event.¹³

BMT NU furthermore puts itself as an Islamic-based financial institution that functions as the mediator to mobilize funds from the public then channeling them back to people in need. It creates its own image as a sharia principle-based the institution accentuating the characteristic of interest-free, usury-free, complying with Islamic provision, as well as a committing for people and NU's welfare.¹⁴ To promote this, the role of MWC NU as the mediator and legitimacy builder is very much urgent.

In the context of legal awareness, this characteristic is called the legal pattern describing a person who complies with any regulations in his/her community. It becomes the most important indicator as it

¹² Yasona Laoly, "Kesadaran Hukum Dan Terwujudnya Keadilan Bagi Seluruh Rakyat Indonesia," 4.

¹³ Hamid Zubair, "MWC NU Partnership" Direct interview on April 11 2018. Masyhudi, "KSPPS BMT NU Partnership" Direct interview on April 12 2018.

¹⁴ Sutan Remy Sjahdeini, *Perbankan Islam* (Jakarta: PT Pustaka Utama Grafiti, 2007), 1.

can clearly display whether and how regulation applies in society and furthermore measure the legal awareness level in.¹⁵

The Benefits of Partnership between BMT NU and MWC NU

The partnership between BMT NU and MWC NU is a symbiotic mutualism. It provides advantage and satisfaction for both parties altogether. Due to MWC NU's legitimacy, outreach and promotional strategies, BMT NU gets an image-building even enhancement that makes local people put their trust to be its customers. On the other hand, the cooperation enables MWC NU to get much chance for empowering *nahdliyyin* both culturally and structurally. This is obvious, among others, from the annual program of BMT NU which provides compensation for the orphans, the economically weak, the poors, the indigents, the widows, and the elderly. In addition, MWC NU can also empower itself from 10% of the annual net profit of BMT NU which it routinely gets.

In the long term goal, any partnership aims to provide customers the value which will then lead to their long-term satisfaction.¹⁶ This occurs the same to the partnership between BMT NU and MWC NU as the main key of marketing is through developing a deep and long-lasting relationships with people and organizations which either directly or indirectly influence a company's marketing activities. Moreover, this type of marketing partnership aims to build amutually satisfying long-term relationships with key customers in order to build and maintain business. Another goal of marketing relationship is to put a greater emphasis on maintaining old and loyal customers.¹⁷

As a representative of the local NU community, MWC NU's initial choice on a certain financial institution to merge with will make it stay as long as it receives values more than what its competitors offer. This happens the same for *nahdliyyin* because as long as they get

¹⁵ Otje Salman, *Kesadaran Hukum Masyarakat Terhadap Hukum Waris* (Bandung: Alumni, 1993), 40-42.

¹⁶ Ali Hasan, *Marketing Bank Syariah* (Bogor: Ghalia Indonesia, 2010), 304.

¹⁷ Philip Kotler dan Kevin Lane Keller, *Manajemen Pemasaran Transl. Bob Sabran*, 13th ed. (Jakarta: Erlangga, 2008), 21-23.

benefits and quality service commensurate with the trust they put on (money, risk, and time they invest), they will continue to maintain a good relationships with BMT NU. Sometimes these benefits are even stronger in keeping the customers stay or recruiting the new ones than any attributes attached to, either through the services or products they offer.

Potentially, a financial institution likely gets the following benefits from relationship-based marketing:

1) Increasing purchases. Reichheld and Sasser concluded that customers tend to buy goods or use services more each year after they have had a good relationship with a particular company. Once they are satisfied with the company's products or service, they will do more business;

2) Timeline management to get the benefit. Although some types of customers, such as students, do not bring any direct benefits, a company still needs to maintain a good relationship with them due to their future potential. When they work and earn money, they will likely become loyal customers because they have known the company's products from an early age;

3) Cost reduction. There are a lot of start-up costs for attracting new customers, such as advertisement, promotion, and operational costs of setting up new accounts. According to Clutterback, these costs are sometimes higher than the revenue and can be five times greater than the cost for maintaining old customers. Relationship marketing can make the step for maintaining the old customers and recruiting the newer ones far easier;

4) Opportunities to build across generation relationship. Harrison concluded that among children or students, one of the key factors in choosing a bank is parental influence. It means that maintaining a relationship with one of a family member will affect other family members to take the same choice in the future;

5) The positive impact of word of mouth. When a future customer finds that a product or service is complex and difficult to evaluate, he/she usually seek information from friends or relatives to determine which service provider to choose. Loyal and satisfied customers are likely to recommend a company's products or services they are satisfied with. Their recommendations are more effective

than paid advertising and certainly can reduce the cost of recruiting new customers.

6) Employee retention. Zeithaml and Bitner mention that the indirect impact of a relationship marketing strategy is the ability for a company to retain their employees as they can build and maintain their customer base. Employees will like to work for companies with loyal customers.¹⁸

Based on those benefits, companies are supposed to make various efforts to build and maintain the partnership, mainly by keeping the old customers stay while recruiting the new ones. Relating to this, Zeithaml and Bitner mentioned various reasons why people stay on their choice in a certain financial institution—even though they get offers from its competitors as follow:

First, people feel comfortable with the existing relationship they have built with the institution;

Second, people know what to expect;

Third, the institution has a good relationship with other elements of financial institutions;

Fourth, people are confident to get good service every time they have special requests.

Apart from those reasons, Grinner (et al.) emphasizes that people would get various benefits from long-term relationships they build with any service provider, including financial institutions. These following factors could be other influencing reasons why customers choose to stay at their initial choice;

1) *Confidence benefit*: This is indicated by customers' trust in a service provider, their reduced anxiety, and a sense of comfort because they know what to expect. Most of them will not turn into other service providers especially when they have invested a significant amount of both material and non-material things in maintaining the relationship. Among others benefits, this one is considered as the most important one;

2) *Social benefits*: It comes only when the relationship between customers and service providers lasts long enough so that they know each other quite well. In this level of the situation, customers are less

¹⁸ Philip Kotler dan Kevin Lane Keller, *Manajemen Pemasaran Transl. Bob Sabran*.

likely to switch to other service providers even though they promise better value;

3) *Special treatment*: This benefit is only available when the relationship has been going on for a long time. The special treatment takes form in a discounted price, a more attractive price offer, or more preferential treatment.¹⁹

Those all theories on concepts and implementation of the legal awareness as well as the benefits of the partnership make it clearer that BMT NU and MWC NU need to maintain relationship they have built. This results not only in increasing benefit for both but also, and more importantly, to build a society with high legal awareness while establishing the values of existing local wisdom.

Conclusion

The discussion and analysis lead to the following conclusions: *First*, several concepts of legal awareness in the partnership between MWC NU and BMT NU are ideological unity, cultural development, and relationship marketing. *Second*, the type of partnership between both is *syirkah* or cultural and professional based partnership while the legal awareness implementation is clear from consideration on Madurese local wisdom through spiritual marketing system in which two institutions support each other. *Third*, the partnership is mutualism symbiosis in which both can get and provide satisfaction to each other. BMT NU gets its good image enhanced, while MWC NU likely gets *nahdliyyin* both culturally and structurally empowered.

¹⁹ Lizar Alfansi, *Financial Service Marketing*, 130-32.

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