International Journal of Law
ISSN: 2455-2194, RJIF 5.12
www.lawjournals.org
Volume 3; Issue 3; May 2017; Page No. 52-58

Sociology of law: An agrarian dispute settlement

Bambang Slamet Riyadi

Doctor (Candidate) of Law. Departemen Agrarian Law, Faculty of Law, Universitas Gadjah Mada Yogyakarta, Indonesia. Lecturer of Agrarian and Crime Law, Faculty of Law, Universitas Nasional, Jakarta, Jalan Sawo Manila, Number 61, Pejaten, Pasar Minggu, Jakarta Selatan, Post Code : 12520, DKI. Jakarta, Indonesian.
Phone : +62815-1004-8888. Email address : unas.fh.bambangsr@gmail.com

Abstract
The *Verponding Eigendom* land dispute case have been taken over by the State was examined under Sociology of Law in the conflict theory perspective and some other related and relevant theories. Sociology of Law in charge of explaining a case law practices, predicting its legal phenomenon, how case entered the legal system and how its settlement. Sociology of Law in reviewing this case should be assisted with Legal Awareness, Social Contract, Public Policy and Social Exchange Theories.

Keywords: non-legal elements, sociology of law, conflict theory

1. Introduction

Sociology derived from the words Latin *Socius* means friend, while *Logos* means science. This term was first published in a book with title "*Cours De Philosophie Positive*" by August Comte (1798-1857). The term sociology of law was first introduced by Anzilotti in 1882. The sociology of law studies a mutual influence of law and other social phenomena (Soekanto, 2012) [18].

Prof. C.J.M. Schuyt, a professor of Dutch's Sociology of Law, in his article argued what he wished to notice was the role of law in society in organizing and maintaining distribution in the life opportunity, and of how the relative role of law relief to change an uneven distribution. Distribution of life opportunity, according to him always indicates the existence of class structure in society. Therefore, there are arised some basic questions about injustice and inequality. Then from here the Sociology of Law must depart to discuss the extent to which the power relationships that are obviously contained in social reality. According to him, one of the tasks on the Sociology of Law, did not reveal the causes of inequality between the aspired society order with the order of society in reality (Kusumah, 1981) [10]

Law does not work because of society changes. In social life there is always social interaction, and in social interaction there must be changes both in interaction itself and in social values, social norms, patterns of organizational behavior, composition of social institutions, stratas in society, power/authority and so on. According Lawang (1984) social change is a process where in a social system there are measurable differences that occur in a certain period of time (Adi, 2012) [1] Given the fact that there was a change of law from the Dutch East Indies law to Indonesia's positive law, the Sociology of Law also studied public and government relationship in responding to the change of law.

Law is a norm invited the society to achieve certain ideals and circumstances, that to be a means of its society to discipline, demand and direct the society members behavior in relation to one another. In order to carry out such a function, norms must have a force that is compelling to the society members to comply it. (Rahardjo, 2006) [15] The national agrarian law should be the norm that could compel the Government and society to achieve an agrarian order. Why the facts cannot force the Government and society to comply with the agrarian laws?

The sociological jurisprudence school (Eugen Ehrlich), says the law made must be in correspond with the living law in society. For the law norm can 'live' in society, then according to the utility school, with its figure Jeremy Bentham, believes that law should be beneficial for the society to achieve a happy life. Another figure of the utility school, Rudolph von Ihering, which related to social utilitarianism that is law is a tool for the society to achieve goals (Law Society). Is the national agrarian law is a living law in the society? Do the society still believe that national agrarian laws can be tools of the society to achieve the goals?

In the Sociology of Law concept is said that law serves as a social control and social engineering means. Law as Social Control, the law must taken its business in such a way that conflicts and inequality that may arise does not disturb the society order and productivity. It was done through social control to create a balanced state within society, which aims to create a harmonious state among stability and change in the society. Law as a means of maintaining order and achievement for justice should be a coercion means protecting the citizens from acts and threats endangera themselves and their property. Laws can be Social Engineering in nature, where legal functions are required in each society, including in the societies are experiencing an upheaval and development. Law can play a role in changing the tought model of society from traditional tought pattern into rational/modern tought patterns. It is interesting to note that the protracted problems of *Eigendom Verpondings* land as an indicator that the law has diminished of its function either as Social Control or Social Engineering.

The agrarian law ineffectiveness to settle various legal disputes in the case of Eigendom Verponding land can be suspected related to the weakness of law authority factor. According to O. Notohamidjoyo, the weakness of law authority is because the law does not get proper support from non-legal social norms;

no legal consciousness and a proper awareness of norms; the existence of power and authority, and the reciprocity paradigm of relationship between other social phenomena and law.

In the case context, in line with transition from the Dutch East Indies legislation to the laws and regulation of Republic of Indonesia, then all legal land under agrarian law of the Netherlands East Indies, such as *eigendom verponding*, must be converted into property rights. The government is obliged to carry out land registration for conversion, while the *eigendom verponding* land owners must register the land to the Land Office. Why does the controversy is prolonged on the *eigendom verponding* land since 1960-2015?. This is sociologically understandable. In Karl Marx's view the social life (Risma R, 2013) [16] is: 1) the society as arenas in which there are various forms of conflict; 2) the State is seen as a party actively involved in conflict with various parties to the dominant power; 3) the coercion in the law product is seen as major factor to maintain social institutions, such as property, slavery, the capital that produces inequality of rights and opportunities; 4) the State and law are seen as a tool of oppression used by the ruling class (capitalist) for personal gain.

Karl Marx argued that there are disputes in society involving the certain parties. State is an active party on the dominant power. Law is governed by the ruling or dominant class in the form of force used as a means to defend and increase personal power and as a tool of oppression. Each class has its own conflicting interests and causes the conflict occurs. The ownership and means control are in similar individual or dominant group (Risma R, 2013) [16]. Whether in case of the *eigendom verpondng* land dispute which taken over by the State, the Government participates actively in the existing conflict as alleged by Karl Marx's Conflict Theory? Of course this assumption still needs to be proven in research.

In contrast to Karl Marx on the controlling group of the means owners, in Dahrendorf view it is not always the means owners acted as controllers. He assumed that power relationships concerning subordinates and superiors do provide an element for the class birth. The groups clash will be the most easily analyzed as contradiction on the power relations legitimacy between ruling and lower-class groups (Risma R, 2013) [16]. Dahrendorf's analysis is very easily understood to be a review tool in case of the *Eigendom Verponding* land dispute between the society (or heirs) and the Government

The discussion on the rights transfer over the *eigendon verponding* land by the State from the Sociology of Law aspect, so this paper is studied in sociological juridical with the question; Why the *eigendom verponding* land transfer caused disputes or conflicts between the parties?, what the juridical problems caused the conflict, and what is the legal standing of parties?

2. Meaning and Scope: Sociology of Law, Agrarian Dispute and *Eigendom Verponding*

The meaning of Sociology of Law according to Satjipto Rahardjo is study of legal phenomena aims to give explanation on the legal practices. Sociology of Law explains the occurrence of legal practices, causes, influential factors, background of problems and so forth. Sociology of Law is scientific study of social life. One missions of Sociology of Law is to predict and explain various legal phenomena, namely how a case enters the legal system and how its settlement (Akhdhiat, 2011) [2].

The scope of sociology of Law concerning the law and behavioral patterns as creation or form of the social groups wishes. It is behavioral pattern in a society that is examining the ways of similar acting or behaving from people who live together in a society. Thus, Sociology of Law is a branch of science which examines why humans are obedient to the law? Or why did they fail to comply with the law? as well as other social factors that influence it. Sociology of Law discusses the mutual influence between law changes and society. The law change may affect the society leads to the law changes (Ali, 1996) [3].

Agrarian Dispute is a relationship of parties which characterized by conflict between two or more parties related to claim of one plot of land, territory, or other natural resources based on interpretation of the same rights (read, legitimacy source) and or different to each other. In such conflict one or more parties directly acts to eliminate and/or disagree and/or impede the other's acknowledgment of certain agrarian objects [26].

Eigendom is a term well known in Western Civil material law which means "property rights". Eigen means self or private, while *dom* refers to the word "*dominium*" which defined as "property right". Thus, "eigendom" means "private property." Now, "verponding" is a type of tax imposed on fixed objects (land and buildings) which have been proved by "*eigendom*" or the ownership evidence, where these taxation begins in Batavia in 1800 The ownership right (eigendom) is one of material rights set forth in Book II Burgerlijk Wetboek (Civil Code). However, with the issuance of Law Number 5 Year 1960 on Basic Regulation of Agrarian Principles, the ownership rights of *eigendom* land are revoked from the book II of Civil Code and included in Law Number 5 Year 1960 on Basic Regulation of Agrarian Principles. (Wibowo Turnadi, www.jurnalhukum.com/hak-milik-eifendom)

The legislation ineffectiveness was related to the weakness of law authorityfactor. According to Notohamidjoyo, the weakeness of law authority were caused of: 1) the law does not get proper support from non-legal social norms; Law norms are not in accordance with non-legal social norms. The laws established are too progressive so being perceived as the foreign norms for the people, and the value system in society is in general weakened as modernization result. 2) there is no proper legal consciousness and norm awareness, the legal officers who are not aware of their obligations to maintain the State law; and 3) the existence of power and authority, there is a mutual paradigm between other social phenomena with the law.

Sociology of Law has the concept that law serves as the social control means; and the law serves as social engineering means. Law as Social Control, the law must work its business in such way so that conflicts and inequalities that may arise do not disturb the order and society productivity. Social control is an attempt to create a balanced state within society, which aims to create a harmonious state of stability and change in society. It means the law as a tool of maintaining order and achieving the justice. Social control includes all the forces that create and maintain social bonds. Law is a coercion means that protects citizens from acts and threats endangers themselves and their property. Laws can be Social Engineering, where the function of law in conservative sense, the function is required in every

society, including in society that is experiencing upheaval and development. Including all the forces that create and maintain social bond that embraces the imperative theory on the function of law. Law as the renewal means in society. Law can play a role in transforming people's tought patterns from traditional thought patterns into rational/modern tought patterns (Pasya and Sirait, 2000) [13]

Sociology of law sees, accepts, and understands the law as a part of social human life, not beyond it. For the sociology of law the law's life cannot be separated from the daily life of society. The law cannot be seen as stereotypes of deeds or abstract concepts, but something substantial. It is in form of human (social) behavior. Sociology of Law, for clarity, is sociology of or about law, therefore, when speaks of social behavior, it is related to applicable law (Wibowo Turnadi, *www.jurnalhukum.com/hak-milik-eifendom*)

According to Marx's idea, Ralf Dahrendorf, the social class's classification is no longer based solely on the possession of production means, but also of power relations. There are a number of people who have and participate in the power structure, some are not in power. In this case, there are three important concepts: power, interests, and social groups. In turn, according to Garna (1992), the interests differentiation that can occur may lead to potential conflict group or actual conflict groups that collide because it has antagonistic interests. (Wibowo Turnadi, *www.jurnalhukum.com/hak-milik-eifendom*)

Sosiologi Hukum dapat dilihat dari cara pandang yang bertingkat. Terkait tingkatan teori, Neuman (2000) melihat ada tiga tingkatan teori, yaitu tingkat mikro (*micro-level*), tingkat meso (*meso-level*), dan tingkat makro (*macro-level*). Teori tingkat mikro memberikan penjelasan hanya terbatas pada peristiwa yang berskala kecil, baik dari sisi waktu, ruang, maupun jumlah orang. Teori tingkat meso menghubungkan tingkat mikro dan makro. Misalnya, teori organisasi, gerakan sosial, atau komunitas. Sedangkan teori tingkat makro menjelaskan objek yang lebih luas, seperti lembaga sosial, sistem budaya, dan masyarakat secara keseluruhan. (Creswell, 2010; Kerlinger, Fred, 1973; Holt & Winston, Merton, 1967) [4, 9, 8].

Sociology of Law can be seen from a multilevel perspective. In relation to theoretical level, Neuman (2000) sees three levels of theory: micro level, meso level, and macro level. Micro-level theory provides explanation that is limited to small-scale events, both in terms of time, space, and number of people. The meso level theory connects the micro and macro levels. For example, organizational theory, social movements, or society. While macro-level theory explains broader objects, such as social institutions, cultural systems, and society as a whole.

Jack Douglas (1973) distinguishes between macrosocial and microsocial perspective. He distinguishes between the sociology of everyday life and sociology of social structures. Sociology of everyday life uses what is calls a daily perspective, interactionist or microsocial. While sociology of social structure using macrosocial or structure perspective. Sociology of social structure studies society as a whole and relationship between parts of society; Society is seen as something beyond a set of individuals who make it up. Sociology of everyday life, on the other hand, specializes in what happens to individuals, when they stare one another, act and communicating. While Randall Collin (1981) describes the state between macro and micro sociology. Collins suggests that micro sociology involves a detailed analysis of what humans do, say, and think in terms of instantaneous experience, while macro sociology sees the analysis of large-scale, long-term social processes. (Wulan, 2010) [22].

3. Property Right Theory, Conflict and Public Policy in Sociological of Law Perspective

The property right theory observe the opposition over the land is social behavior of the parties in struggling for economic rights over the land. Such case typologies are studied with the Property Right Theory and Marxist Theory of Conflict. Property Theory itself explains that property is a "right to something". The right contains a sense of claim for something that can be enforced or respected by others. The claims over something without legal protection over it or without can be enforced will not meaningful and provide any benefit. Therefore, the most important element of property is enforcement. Property can be defined as possession at which one has the right to (at least) benefit from it. (http://esl.fem.ipb.ac.id/uploads/media /12.Property_right_SDA.pdf) Karl Marx mentioned the occurrence of coercion in the form of law. In this context the law to the abolishment of private lands (*Eigendom* land that has the right to appeal in the Dutch period) could be blamed as "the coercion in the form of law."

According to conflict theory, society is always in a process of change that market with continous diasagreement among its elements. Each element contributes to social disintegration. The regularity in that society is only because of pressure or imposition of power from above by the ruling class having authority and position. (Adi, 2012) [1]

Conflict theory is antithesis of functionalism concept because in functionalism, society is regularly in a system, so that the society regularity is more prominent than conflict in society. Conversely, conflict theory teaches that in each society there are always conflicts reflects the struggle and friction between groups or intragroups to fight for resources, power, distribution patterns of works, social structure, and fighting over other human traits such as differences in interests, dissent, sexuality satisfaction and instinct (Fuady, 2011) [7].

Looking at the conflict Dahrendorf admits that there are differences between those with little and many power. The difference in dominance may happen drastically. But there are basically two social classes, those who are powerful and dominated (Dahrendorf, 1968) [5]. Dahrendorf, in his analysis considers that group clashes empirically may be easiest to analyze when viewed as contradictory about ligitimization of power relationships. In each association, the ruling group interests are values that are ideology of its power legitimacy, while the grassroot group interests pose a threat to this ideology and the social relationships it contains (Poloma, 1994) [14].

Public policy as social action of Government turns into action that has legal implications when public policy as a Government obligation is protected and regulated by legislation. James E. Anderson (1970) classifies the types of public policy into: a. Substantive and Procedural Policies b. Distributive, Redistributive, and Regulatory Policies; and c. Public Goods and Private Goods Policies. Redistributive Policy that governs the transfer of wealth, ownership, or rights allocations. Example: a policy on land acquisition for the public good (http://bookerchon.blogspot.com /2013/05/pengertian-jenis-jenis-dan-tingkat.html)

Irfan Islamy as quoted by Suandi (2010) argued that policy must be distinguished by the wisdom. Understanding wisdom requires further consideration, while policy includes the rules that exist within it. James E Anderson as quoted Islamy (2009) reveals that policy of a person or group of actors to solve a particular problem. The scope of public policy study is very broad, covering areas like economics, politics, social, culture, law, Besides, observing from its hierarchy the public policy can be national, regional or local such as government, presidential, ministerial, Local/provincial government regulations, governor decision, regency/city regulation, and regent / major decision (http://bookerchon.blogspot.com /2013/05/pengertian-jenis-jenis-dan-tingkat.html)

Easton provides definition of public policy as an authoritative allocation of values for the whole society. Laswell and Kaplan also define it as a projected program of goals, values, and practices. Pressman and Widavsky as quoted Budi Winarno (2002) defines public policy as hypothetical contains preliminary conditions and predictable effects. Wolls as quoted Tangkilisan (2003) states that public policy is a number of government activities to solve problems in the society, either directly or through various institutions that affect people's lives (http://bookerchon.blogspot.com /2013/05/pengertian-jenis-jenis-dan-tingkat.html)

The scope of public policy studies is extensive as it covers various fields and sectors like economics, politics, social, culture, law, and so on. Besides, it can be seen from the hierarchy of public policy can be national, regional and local such as law, regulation, presidential decree, ministerial regulation, governor decision, district regulation, and regent/mayor decision. At the moment Government does not do activities in solving to the case problem, the Government behavior is not doing public policy well.

Public policy as a social action of Government turns into an action that has legal implications when public policy as Government obligation is protected and regulated by legislation. In the case of *eigendom verponding* land dispute, the type of public policy according to James E. Anderson (1970) is Redistributive Policy that is policy regulates on the transfer of wealth, ownership, or rights allocation. For example, the policy on land acquisition for public interest. What Laswell and Kaplan describe as a projected program of goals, values, and practices, is as positive as Wolls as quoted Tangkilisan (2003) that public policy is a number of government activities to solve problems in society.

Meanwhile, in the conflict theory perspective, it is believed that in solving the social problems is required a theory. Ralf Dahrendorf's conflict theory became the basis of *Eigendom Verponding* land study. For him, the classification of social class is no longer based solely on the production means possession, but also on the power relations. In this case, there are three important concepts: power, interests, and social groups. In turn, according to Garna (1992), the interests differentiation that can occur may lead to a potential conflict group or actual conflict groups that collide because of its antagonistic interests (http://soskumtoqueville2. blogspot.com/2011/06/ empat-teori-penting-dalam-sosiologi.html).

The State interests that need land for development often conflict with the society interests as landowners. And that's often to be the case when there is no decent compensation system according to reasonable standard. The legal issues, including agrarian law, are sometimes contributed by irregularities of executive, judicative, and even law enforcement agencies.

The agrarian cases complexity in Indonesia is assumed to have included individual factors, communities, Government, and even influenced by the legal institutional system. The assumptions are based on the social integration paradigm. With this paradigm the sociology of law theory attempts to understand the legal institutions behavior. The presence of legal institutions is the opersionalization of an abstract ideas, formulations, and law concepts through institutions and that operation of institutions these abstract things can be realized into reality.

4. The Emergence of Legal Awareness, Social Contract in Sociology of Law Perspective

Asking the legal consciousness of society in principle questioned also the law enforcement aspect. From the beginning there was no clear agreement on the conception of legal consciousness. J.J. Von Schmid (1965) provides a review of the law feelings, namely the law judgment arises immediately from the society. While the legal consciousness is more the formulation of the legal restrictions on the judgment, which has been done through scientific interpretation. Paul Scholten (1954) mentions the law consciousness as the awareness or values contained in human on the existing law or the law expected to exist. In fact what is emphasized is the functions values of law and not a legal judgment to the concrete events in the concerned society.

The emergence of legal awareness is driven by the extent to which compliance with the law is based on indoctrination, habituation, utility, and group identification (Bierstedt, 1970). The process takes place through internalization in human. This internalization level which further provides a strong motivation in human over the law enforcement issue. Soerjono Soekanto (1982, 1993) states that there are four legal awareness indicators, each of which is a stage for the next stage, namely legal knowledge, legal understanding, legal attitude, and legal behavioral patterns. The factors influences law enforcement are: legal factor itself; law enforcement; means/facilities; public legal awareness; and cultural factors.

Laws are made by society for society. If law made at a time is not desirable because of change, then the law must be immediately removed, or replaced by new law. If not, then the law seems to be ineffective. Conversely, if law is still valid changed, it can also happen that the law is still not running or ineffective, so if you want the desired changes in the society, it is necessary to review the changes earlier. There is a mutual relationship between social change and legal change (Adi, 2012) [1]

The agrarian field or national land law in understanding of Legal Awareness was made by society for society. If the agrarian or land law created at a time is not desired anymore due to a change, then the law should be immediately removed/revoked, or replaced by new law. If not, then the law seems to be ineffective.

The living law will be related to society agreement or Social Contract. The law is initially born from value want to be maintained (good value) or undesirable value (bad value). Value in this case is a description of what is desirable, worthy, valuable, which affects the social behavior of person who has the value (Lawang, 1985). To defend and protect something

that has value, the society members come together to talk about how something value can be protected and defended. Furthermore, the society members made a deal. The agreement is called "social contract", and the social contract is what is called law, which is a rule or guideline in the interaction of fellow members of the society. The agreement is taken by some members of society, because it almost impossible to be agreed by all the society members

John Locke states that human traits do not want to fulfill the desire with power regardless of other human beings. The man within him has an intelligence teaches the principle that being equal and independent the human does not necessarily violate and corrupt other human lives. According to Locke, in natural conditions there are regulatory patterns and natural laws are orderly since humans have an intelligence that can determine what is right and what is wrong in the association among people.

Because of the natural condition, due to the fact that some people who usually have power, do not guarantee full security, there is the desire of one or two parties to impose their will through power that they have. Like Hobbes, Locke also explained about efforts to escape from conditions that do not Full safe to full safe condition. Humans create artificial conditions (artificial) by means of a Social Contract. Between the government and the society is not only a contractual relationship, but also a fiduciary trust.

To resolve claim disputes of the *Eigendom Verponding* land is required Legal Awareness, Social Contracts, and conflict management in agrarian or land field through law enforcement and return to basic philosophy of the state (Pancasila) and constituions (UUD 1945).

The social exchange teaches that interaction between society members starts from the mutual exchange principle among people which in this case starts from "giving" something to others, and "receiving back" something from others in a balanced compensation, so the society behavior is done within cost benefit, in the form of "cost-reward" or "reward-punnishment". In law, a very powerful field of Social Exchange is: a contract law and criminal law fields. The exchange value in this case when criminal penalty is imposed. The burden of paying compensation, as well as penalties and physical punisgment (Adi, 2012) [1]. The subject of land disputes or conflicts is actually related to the deliberation process and determination of the compensation form and value. The form and value of fair and reasonable compensation should able to be translated in detail and clear, then calculated/formulated in a fair and balanced in the Presidential Regulation (Limbong, 2014) [12].

5. A "Chaos Theory" in the Sociology of Law Perspective

In this context we can look at the chaos theory of law initiated by Edward Norton Lorenz and Ilya Prigogine. The chaos theory of law deals with disorder (law), at the same time speaking also of regularity (law). Thus, disorder in a reductionistic view, is part of the order in the holistic view (Sudjito, 2006) [21]. The chaos theory of law, is theory that is always associated with complex systems, random, unpredictable, fuzzy, paradoxical (Seeres, 1995) [17].

The law is seen as the guarantor of order and certainty, and therefore must be obeyed, without any possibility and opportunity to be criticized. According to the analytical positivism schools on what exists and happens in the law is an orderly and definite atmosphere. This is like a general view of law as a "keeper of justice" and as a keeper of order. However, through introduction to chaos theory of law, it turn out that the order, regularity and certainty, is not the only reality of law, but there is still another reality that is chaos in law. The order and chaos in law are not two opposites things, not a black-and-white dichotomy, but as a connected, complementary, and interconnected reality in a continuous change process (Sudjito, 2006) [21].

In lya Prigogine analysis, the chaos theory of law thinkers, the self-organizational systems, obtained some interesting findings, among others: (1) the life evolution process is the process of becoming more and more orderly and complex; (2) "chance" or "randomness" is meaningless in the absence of pattern and life character, but to be the source of order, and this is what calls as the Order Out of Chaos; (3) disorder at one level leads to order at a higher level, with new laws controlling the structures behavior, suggesting more complex new types; (4) the randomness at one level raises dynamic patterns at another level.

6. Sociology of Law; Conflict Theory, Public Policy Theory and Choes Theory, As the Arising of Legal Awareness and Social Contract

In the conflict theory Dahrendorf considers that empirically, a group clashes may be easiest to analyze when viewed as contradictory about the power relations ligitimization. In Jacques Rousseau's social contract theory, although in principle human beings are equal, but nature, physical and moral create inequality. There are arised certain privileges possessed by certain people, since they are richer, more respected, more powerful, and so on. Social organizations are used to increase power and suppress others. In turn, the tendency leads to a single power. To avoid from the privileged conditions of suppressing others causing intolerability and unstability, the society entered into a Social Contract, formed by the free will of all, to establish the justice and fulfillment of the highest morality.

Furthermore, the relation to social contract, Hobbes declared that by nature man is equal to one another. Each of them has a passion or appetite and aversions, which move their actions. To fulfill an unlimited desire or passion, humans have power. According to Hobbes people often use their respective power so that there is an inter-fellow human, which increases the reluctance to die. To save yourself from the dangers of a human power clash make an agreement or a Social Contract, among which the agreement makes the law. While according to Locke, human traits do not want to fulfill desire with power without heeding other human beings. Under natural conditions there are regular patterns of regulation and natural law because humans have reason that can determine what is right what is wrong in the association between peers. While in Law Awareness it can be explained that legal awareness concerns the issue of whether certain legal provisions actually function or not in society. Every normal human being has legal consciousness, the problem is that legal awareness level, ie., high, medium and low (Salman, 1989).

James E Anderson as quoted by Islamy (2009) reveals that the policy is "a purposive course of action followed by an actor or set of actors in dealing with a problem or matter of concern". The scope of the study of public policy is very broad because it covers various fields and sectors such as economy, politics,

social, culture, law, and so on. Besides, it can be seen from the hierarchy of public policy can be national, regional and local such as law, government regulation, presidential regulation, ministerial regulation, local / provincial government regulation, governor decision, regency/city regulation, and regent/mayor decision (http://eprints.uny.ac.id/8530/3 /BAB%202%20-%2007401241045.pdf).

The government is demanded to commit the public policy in agrarian law, especially the settlement of *Eigendom Verponding* land dispute so that Government can serve public by giving the legal certainty. As Laswell and Kaplan point out that public policy is a projected program of goal, value, and practice.

Easton provides definition of public policy as the authoritative allocation of values for the whole society. Laswell and Kaplan also define it as a projected program of goals, values, and practices. Pressman and Widavsky as quoted by Budi Winarno (2002) defines public policy as a hypothetical Contains preliminary conditions and predictable effects. Wolls was quoted by Tangkilisan (2003) that public policy is a number of government activities to solve problems in the society, either directly or through various institutions that affect people's lives.

One causes of legislation ineffectiveness is related to the legal awareness level. The solution to legal awareness through Bierstedt's (1970) opinion is long-term, since it must fulfill legal awareness condition through indoctrination, habituation, utility, and group identification. Their indicators as stated by Soerjono Soekanto (1982, 1993) as sociological aspects that is the legal knowledge, legal understanding, legal attitudes, and legal behavioral patterns, still have to further studied. Meanwhile, on the other hand must also consider the legal factors themselves; Law enforcement factors; means or facilities factors; public awareness factor; and cultural factors.

Reflecting the transfer of *Eigendom Verponding* land rights by the State so that the occurrence of conflict through legal awareness is very complex and long-term. The weight of legal awareness work is impossible without the law enforcement efforts, because through this effort the society law awareness will increase, because the emergence of comfort in the hearts of society.

Locke declares that human traits do not want to fulfill their desire in power regardless the other human beings. Under natural conditions there are regulatory patterns and an orderly natural laws because humans have an intelligence that can determine what is right and what is wrong in association between fellow. Because of natural conditions, seince the act of some people who usually have power that does not guarantee full security, there is desire of one or two parties to impose their will through the power they have. Therefore Locke describes the effort to escape from a fully insecure condition to the fully safety conditions. Humans also create artificial conditions by mean of Social Contract.

In the implementation level, social contract of legal field is difficult because it requires commitment of some members of society to urge the Government and legislature to do the law political of a national agrarian field.

The conflict character in human must be attenuated through "mutual giving and acceptance" approach when there is a struggle for something that is considered valuable such as resources and so on, then the approach is explained in social exchange.

In the case of claim disputes context over the "eigendom verponding" land ownership there should be a deliberation at the compensation process in accordance with the laws and regulations. The subject of land disputes or conflicts is actually related to the deliberation process and form determination as well as the compensation value. A just and reasonable compensation form and value which ordered by law should able to translate in detail and clear, then calculated/formulated in a fair and balanced manner on the implementation of the rules (Limbong, 2014) [12].

According to Gilles Deleuze & Feliz Guattari, chaos can only be a future opportunity if there is a change of world view. The world must be seen as a chaotic rhizome, rather than a tree (has centralistic, hierarchical, bureaucratic character) (Deleuze & Guattari, 1983) [6]. As the growth model, rhizome has some basic principles.

First, the connecting principle. This principle will be able to grow, develop and become a strong principle, if the top-down national legal politics is transformed into the chaotic legal, namely the legal politics encouraging a conducive situation realization to dynamically relate the legal elements in society and the State, in order to learn, share experiences and give the best each other for life together, in the hereafter worldly-life scale, spiritual material. *Second*, the dialogue-deliberation principle. A good values and plural legal truths must be communicated to others parties through dialogue-deliberations. Based on the dialogue-deliberation principle, the arrogance of person who thinks his opinion is the best and most correct so that can overcome all problems, can be transformed into humility to integrate his opinion with the wisdom of leader, priest's devotion, scientist's intelligence, and even the innocence of traditional peasants as well as factory workers are actually rich in the legacy of life experience. In its complementary with others knowledge, then law can offer a number of alternatives in overcoming the difficulties. (Sudjito, 2006) [21]

Third, the adaptability principle. Everyone should be tolerant and open as well as willing to adapt to the virtues and truths values have been obtained through implementation of the dialogue-deliberations principles. Thus, when national law meets with local law, then among both there is mutual relationship and complement, not rejection each other. Any form of disavowal to the results achieved through dialogue-deliberation should be avoided. *Fourth*, the wholeness principle. There is needs to be an awareness that between man, nature and God, is a unity cannot be separated as a whole. Therefore all forms of understanding, cultivation and law administration should be done simultaneously and consistently as a whole in the whole as well. (Sudjito, 2006) [21]

With introduction to the chaos theory of law, it turns out that the order, regularity and certainty, is not the only reality of law, but there is still another reality that is chaos in law. The order and chaos in law are not two opposites' things, nor a dichotomy of black-and-white, but as a related, complementary, and interconnected reality in a continuous, perpetual change process. The chaos theory of law, is theory that can provide a good explanation of complex legal reality and provide an appropriate solution to the legal crisis that hit the country (Sudjito, 2006) [21]

7. Conclusion

In the Sociology of Law concept it is said that law serves as a

social control and social engineering means. Law as Social Control, the law must works its business in such a way that conflicts and inequalities that may arise do not disturb the society order and productivity. It is done through social control to create a balanced state within society, which aims to create a harmonious state between stability and change in the society. Laws can be Social Engineering, where the legal functions are required in each society, including in the societies that are experiencing upheaval and development. It is interesting to note that the protracted problems of eigendom verponding land as indicator that law has diminished its function either as Social Control or Social Engineering.

Ralf Dahrendorf's Conflict Theory becomes the basis for the study of *eigendom verponding* land. For him, the classification of social class is no longer based solely on possession of the production means, but also of power relations. In this case, there are three important concepts: power, interests, and social groups. According to Garna (1992), the interest's differentiation occurs, in turn, may lead to a potential conflict group or actual conflict groups that collide because it has antagonistic interests. Public policy as social action of the Government has changed into action that has legal implications when public policy as the Government obligation is protected and regulated by legislation.

Reflecting the case of agrarian disputes over the *eigendom verponding* land can be the subject of study in sociology of law and some relevant theories, namely conflict theory, public policy, and legal awareness as well as chaos theory through concrete steps by revising the norms and weak regulatory in its application, that it does not happen again at other cases in future.

8. References

1. Adi, Rianto. Sociology of Law – Legal studies Sociologically, Jakarta: Yayasan Pustaka Obor Indonesia. 2012.
2. Akhdhiat, Hendra, Psychology of Law. Bandung: Penerbit CV Pustaka Setia. 2011.
3. Ali, Achmad. Reveals the Veil of Law, Jakarta: Chandra Pratama. 1996.
4. Creswell, John W. Research Design: A Qualitative, Quantitatve, and Mixed Approach. Yogyakarta: Pustaka Pelajar. 2010.
5. Dahrendorf, Ralf. Essays in the Theory of Society, Stanford, Calif.: Stanford University Press. 1968.
6. Deleuze, Gilles, Guattari, Feliz. On the Line, Semiotext (e), New York. 1983.
7. Fuady, Munir. Teori-teori dalam Sosiologi *Hukum*, Prenada Media Group. 2011.
8. Holt, Rinehart, Winston, Merton, Robert K. On Theoretical Sociology Five Essay, Old and New. New York: The Free Press. 1967.
9. Kerlinger, Fred N. Foundation of Behavioral Research. New York. NY. 1973.
10. Kusumah, Mulyana W. Some Development & Problems in Sociology of Law, Bandung: Penerbit Alumni. 1981.
11. Law Society. Sociology of Law, Available at https://wonkdermayu.wordpress.com/kuliah-hukum/sosiologi-hukum. Accessed in March 15, 2017
12. Limbong, Bernard. Opinion of Agrarian Policy, Jakarta: Pustaka Margaretha. 2014.
13. Pasya, Gamal dan Sirait, Martua T. Style Analysis of Dispute: Panduan Ringkas untuk Membantu Memilih Bentuk Penyelesaian Sengketa Pengelolaan Sumber Daya Alam Bogor: Samadhana Institute. 2000.
14. Poloma, Margaret M. Contemporary Sociology. Jakarta: PT Raja Grafindo Persada. 1994.
15. Rahardjo, Satjipto. Legal Studies, Bandung: Citra Aditya Bakti. 2006.
16. Risma R. Social System The Social Conflict Theory, Trisakti University. 2013. Available at *http://www.academia.edu/8893218/Teori_Konflik_Sosial*, Accessed in March 10, 2017
17. Seeres, Michel. Genesis, The University of Michigan Press. 1995.
18. Soekanto, Soerjono. The Principles of Sociology of Law, Jakarta: Rajawali Pers. 2012.
19. Soekanto, Soerjono. Introduction to Sociology, Rajawali Pers, Jakarta. 2001.
20. Soekanto, Soerjono. Normative Law Research – A Concise Review, Rajawali Pers, Jakarta. 2013.
21. Sudjito. Chaos Theory Of Law: Explanation Upon The Regularity and Disorder in Law, Jurnal Mimbar Hukum. 2006; 18(2):173.
22. Wulan, Tyas Retno. Exploring the Jungle of Sociological Theory (Critical Notes on the atas Formation Process of Sociological Theory), Scientific Articel of Jenderal Soedirman University. 2010. Available at http://tyas-retno-wulan.blog.unsoed.ac.id/files/2010/09/Pembentukan-Teori-Sos-Tyas3.pdf, Accessed in March 10, 2017
23. http://esl.fem.ipb.ac.id/uploads/media/12.Property_right_SDA.pdf
24. http://bookerchon.blogspot.com/2013/05/pengertian-jenis-jenis-dan-tingkat.html.
25. http://soskumtoqueville2.blogspot.com/2011/06/ empat-teori-penting-dalam-sosiologi.html
26. Similar view is followed and confirmed in Law Number 5, 1960 on Basic Rule of Agrarian principles. (See Pasya and Sirait, 2000).