

Implications of Geothermal Project Problem in Perspective of Social Engineering Theory and Development Law in Legal Sociology Discourse

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ABSTRACT

This journal discusses geothermal project issues that are reviewed from a legal perspective. In this journal, the theory of development law is used in the sociology of law and social engineering discourse. The case study used in this journal is the construction project of a Geothermal Power Plant in Padarincang, Serang, Banten. Law is considered to be very related to changing society and serves to create public order. However, the case of the Padarincang PLTPB construction contradicts this because it disturbs the ecosystem and allows natural damage to occur. The researcher also reviews the factors of order in development through law.

Keywords: Social Engineering, Development Law, Sociology of Law, Geothermal Power Plant in Padarincang.

Background

The State of Indonesia is a State of Law, law and justice are two sides that cannot be separated from each other, the purpose of the state is to achieve a justice for all people without exception, this is a guarantee that must be realized by a nation that declares itself based on a State of Law, the ideal of the state of law was first put forward by Plato and then the thought was reinforced by Aristotle (Costa, Zolo, & Santoro, 2007). Plato had the concept that "good state administration is based on a good arrangement called nomoi", hence the idea of a popular legal state back in the 17th century as a result of a political situation in Europe dominated by absolutism (Tutik, 1945).

As already agreed on constitutional juridically, Indonesia as a State of Law, based on article 1 paragraph (3) of the 1945 Constitution which states "The State of Indonesia is the State of Law". Similarly, long before it was contained in the 1945 Constitution (amendment), the state of law (rechtsstaat) was a state idealized by the founding fathers as outlined in the General Explanation of the 1945 Constitution before the change in the state system of government which states that; "The State of Indonesia is based on the law (rechtsstaat), not based on mere power (machtsstaat)" (Soemantri, 1992). But in reality the applicable law sometimes cannot control the power itself so there is a lot of abuse of power in the name of the applicable law so that it has an impact on the social situation in society.

The state of *rechtsstaat* law and the rule of law are terms that, although they seem simple, contain a relatively long historical content of thought (Gosalbo, 2010). The State of Indonesia based on the law is no longer just a mere power supported by the opinion of Satjipto Rahardjo, in his writings at the Conference of The State of law that states, that building a state of law is not just sticking a nameplate (Soemantri, 1992). Building a state of law is a giant project that drains energy, in the last decade Indonesia has made many changes to realize its legal state, constitutional amendments, the creation of a number of laws and regulations, the establishment of new state institutions, revamping institutions and law enforcement officials have been done, but the success of building a state of law is not solely measured by the ability to produce legislation and create or revitalize legal institutions (Manan, 2019).

Regarding the concept of a state of law, in all aspects and every event that occurs in the country of Indonesia means that it must be based on definite laws and the people who are components of the state must know the laws that apply in the country of Indonesia without exception, because the law is an integral part of human life, as adagium is known in the science of law, "There is a society, there is a law" (*ubi societas ibi ius*) (Rusli, 2017). The presence of law in society is very important because the law is one of the social institutions that must be understood not only as a mere system of regulation, but also how it carries out social functions in and for its society together with other community institutions in a balanced manner. The application of law integrated with the concept of the legal state itself must be interpreted by the application and good realization of the order of government and society itself. Law has a goal to be achieved, which is to create an orderly society, create order, balance and justice. Mochtar Kusumaatmadja said that with the achievement of order in society, it is expected that human interests will be protected. The presence of law according to Satjipto Rahardjo is to integrate and coordinate interests that can clash between interests with each other (Rusli, 2017).

The rules and values that govern human life in society, various varieties, according to Mochtar Kusumaatmaja argue that the law as a social rule, inseparable from the values (Values) that apply in a society, even said that the law is a reflection rather than the values that apply in society, and among all kinds of rules, which is one of the important rules are the rules of law besides religious rules, Decency and decency. Legal rules and patterns can be found in every society, both traditional and modern although sometimes the society it regulates is not or less aware of it, in other words there are still many ordinary people or even do not know the laws that apply in their own countries (Atmadja, 2012). Integration between the concept of the state of law and the realization of the concept in the form of the creation of laws that apply and applied in society such as laws, which are derived from many things such as habits in society, culture, and problems that arise in the social order in society make the law can not necessarily stand alone, one of the things that must be considered in the making and application of the law itself is derived from the social aspect, These are the events that take place in everyday life and the state of society itself (Rahardjo, 1996).

The discipline of law is a system of teachings on reality that includes the legal sciences, political law and legal philosophy as the scope of several sciences, then the legal sciences

consist of the science of methods and the science of understanding (both of which are dogmatic laws) and the science of reality. Reality science is a science that highlights law as ethical, orderly and unique behavior. This is because the law is essentially part of the association of human life, which may be in the form of ethical methods or behaviors as alluded to in advance. The real sciences include legal sociology, legal anthropology, legal psychology, comparative law and legal history. The sociology of law is essentially a reciprocity between law and other social symptoms, it is a theoretical-empirical science. It can be concluded that the sociology of law plays an important role in the formulation and application of applicable law in the midst of society because the sociology of law is a science that examines existing social symptoms and then the legal sociology itself analyzes how existing laws must be derived from the needs or problems that exist in society, and the law must be a tool to protect, Guarantee the rights of the community and become a tool to solve problems that occur in society, maintain order and order in the community environment (Salman, 1993).

The sociology of law focuses its attention on the law as a social symptom (i.e. behavior) with its reciprocal influence on other social symptoms (i.e. behavior as well). Thus the possibility is, that on the one hand, the law is considered an independent variable and on the other hand the law is considered a dependent variable. The sociology of law also observes the reality in the legal world of seeing that law enforcement is not a neutral activity, but has its own social structure, so that it differs over time, from system to system and from place to place.

In this case, it means that there is a close relationship between the sociology of law and law itself, which can be interpreted that law as a discipline that examines how to regulate society, and the sociology of law examines how the law is one of them stems from every change and social symptoms that occur in society, where if changes and social symptoms occur then the law will follow the social development and between the two disciplines each other. Related and cannot stand alone, the sociology of law examines how the law is present for society and becomes one of the sources for the implementation of behavior and becomes a solution to every problem that occurs in society by studying habits or norms that live and source from society to be adapted and formulated as a regulation that is sourced from society and to overcome problems that arise in society. The sociology of law is present in addition to analyzing the need for law needed in the community, legal sociology also tries to solve legal problems that arise in society to be solved by various theories in the sociology of law itself, the sociology of law wants to prove that law needs social views in solving an existing problem, therefore legal sociology tries to integrate legal problems with law. Existing social perspective. One of them is the case that occurred in the environment around the author which finally the author raised to be the main case that will be discussed in this paper, while the case that will be discussed is the case of geothermal projects in Serang Regency, Banten Province (Purbacaraka, 1980).

Starting from the idea of the government who wants to build a new energy system project in several regions in Indonesia to become power generation power that will later be used for electricity supply purposes in Indonesia. And one of the locations that became the

realization of this PLTPB project is in Batu Kuwung Village, Serang Regency, Banten Province. In addition to Serang Regency, pltpb projects also exist in the dieng and slamet mountains that are currently still in the development process, in some areas that are targeted for pltpb development is experiencing conflict due to the construction of geothermal pltpb which is considered to damage nature and the environment that they have lived in for decades, and this conflict also occurs in geothermal pltpb projects in Batu Kuwung village, Serang Regency, Banten Province.

The geothermal power plant (PLTPB) project located in Mount Prakasak, Batu Kuwung Village, Padarincang Subdistrict, Serang Regency, has received permission from the Minister of Energy and Mineral Resources (ESDM) Number 0026 K/30/MEM/2009 and Number 3224 K/30/MEM/2015 and the project has been auctioned by the Banten provincial government since 2010, Since the start of the construction of geothermal projects in batu buwung village area, Padarincang subdistrict, Serang regency, Banten province in 2015, since then many rejection turmoils that occurred due to the geothermal project, rejection turmoil sourced from the community around the geothermal project and from students who did not approve of the project. The cause of the many elements that do not approve the existence of the project is due to the PLTPB project that is being built in the area, Serang Regency is feared to damage the environment and will endanger water resources for nearby residents who live near the project area (Chambriss & Seidman, 1971).

Then because the majority of padarincang people work as farmers, then the residents are worried that if continued this geothermal project will damage nature in the padarincang village area. Protests and rejections continue to run at this time, but along with the many criticisms and protests from the surrounding community or from activists does not seem to prevent the government from continuing the mega geothermal project in batu kuwung village, Serang regency, Banten province. The government continues to renew project construction permits and does not heed the opinions of local residents who reject the construction of the project in their neighborhoods.

Literature Review

Social Engineering Theory

Roscoe Pound was the first jurist to analyze jurisprudence as well as the methodology of the social sciences. Until then, philosophy that had been embraced for centuries was accused of having failed in offering such a theory, the function of logic as a means of thinking increasingly neglected by the efforts made by Langdell and his German colleagues. Pound states that the law is the most important institution in implementing social control. Law has gradually replaced the functions of religion and morality as essential instruments for achieving social order. According to him, social control is necessary to preserve civilization because its main function is to control "internal aspects of human nature", which he considered indispensable to conquering external aspects or the physical environment (Lathif, 2017).

The law according to Roscoe Pound is used as a tool by agents of change. Agent of change or pioneer of change of a person or group of people who gain the trust of the community as the leader of one or community institutions. The pioneers of change lead society in changing the social system and in doing so are immediately caught up in the pressures to effect change, perhaps even causing changes in other civic institutions. A desired or planned social change is always under the control and supervision of the pioneer of such change. Ways to influence society with an orderly and planned system in advance, called social engineering or social planning (Soekanto, 2004).

Roscoe Pound argues that in order for the law to be used as an agent in social change or what she calls an agent of social change, her opinion is corroborated by Williams James who states that "in the midst of a very limited world with ever-evolving human needs, the world will not satisfy the needs of that human being." It is seen that James hints that the "rights" of individuals that are always required to be fulfilled for the realization of a decision, will never be fully realized, and there will always be shifts between individual rights one and the rights of the other. For this reason, the role of the rule of law (legal order) is required to "direct" humans to realize the nature of the world, so that they seek to limit themselves by considering their own demands for gratification and security of their interests. The same demands will also be filed by other individuals so that they can coexist peacefully or be in a state of balance (Soekanto, 2004).

Roscoe Pound has an opinion on the law that focuses the law on discipline with his theory: "Law as a tool of social engineering" (That law is a tool to renew or engineer society). To be able to fulfill his role Roscoe Pound then make a classification of the interests that must be protected by the law itself, namely as follows (Soekanto, 2004) :

1. Public Interest
 - a. The interests of the state as a legal entity
 - b. The interests of the state as guardians of the interests of the community.
2. Community Interest (Social Interest)
 - a. The interests of peace and order
 - b. Protection of social institutions
 - c. Prevention of moral deterioration
 - d. Prevention of rights violations
 - e. Social welfare.
3. Private Interest
 - a. Individual interests
 - b. Family interests
 - c. Property interests.

Thenature of Social Engineering theory can be concluded that Pound recognizes that another function of law is as a means to perform social engineering. Justice is not an ideal

social relationship or some form of virtue. It is a matter of adjustment of relations and arrangement of behavior so as to create good, order and order in social life in society, while the core of his theory assumes that social control is necessary to strengthen the civilization of human society because it controls antisocial behavior that is contrary to the rules of social order. Law as a mechanism of social control is a primary function of the state and works through the application of powers implemented systematically and regularly by agents appointed to perform that function. However, Pound added that law alone is not enough, it needs the support of family, educational, moral, and religious institutions that can be summarized as a continuous system in shaping good laws for society.

The Legal Theory of Development

Departing from the societal reality and cultural situation in Indonesia, as well as the real needs of Indonesian society, Mochtar Kusumaatmadja formulated a theoretical foundation or framework for the construction of national law by accommodating the views on the law of Eugen Ehrlich and Roscoe Pound's legal theory with Northrop's cultural philosophy and Laswell-Mc.Dougal's "policy oriented" approach, and processed it into a conception of law that views the law as a means of renewal, in addition to the means to ensure order and legal certainty. The view of law as a means of reforming society is what then becomes the theoretical basis of the formulation of aspects of development in the field of law. To provide a theoretical basis in acting out the law as a means of reforming society and building a national legal order that will be able to carry out that role, Mochtar Kusumaatmadja (1986) proposed a conception of law that is not only the whole of the principles and rules that govern human life in society, but also includes institutions and processes that realize the enactment of those rules in reality. From Mochtar's main work it is also known that, the thought of "development law" stems from his anxiety about the role of law in the life of society and state (Indonesia). In the midst of the busyness of development, Mochtar saw that there was an impression of the law actually showing a malaise or lack of trust. This situation is called inappropriate, because it looks down on the meaning and function of law in society (Kusumaatmadja, 1986) .

Mochtar then reflects on what the law really is and how it functions. According to the Man, the law is part of the social rule, but not the only one. In addition to the law, human life in society is also guided by human moral rules themselves, religion, decency, decency, and customs. Between the law and other social rules, he called there is a close interweaving relationship, one strengthening the other. However, there is a distinctive difference between the law and other social rules, namely the arrangement of legal provisions can be imposed in an orderly manner. Coercion intended to ensure the arrangement of the provisions of the law itself is subject to certain rules, whether regarding the form, manner, or means of its implementation (Kusumaatmadja, 1976).

As one of the social rules, the law called Mochtar aims to maintain and realize the order of society. It, order, is the ultimate and first purpose of all law. This need for order is a fundamental condition for an orderly society. In addition to order, another goal of the law is the achievement of justice that varies in content and size according to society and its times.

Thus, the order that wants to be realized through the law must also bring closer to justice. The purpose of the order of the law shows that the law serves as a tool to maintain order in society. This kind of function is called Mochtar as a conservative function, meaning that it maintains and maintains what has been achieved. Such a function is necessary in every society, including the people who are building, because there are also results that must be maintained, protected and secured. However, in a building society, characterized by change, the law does not quite have a conservative function. It must also be able to help the process of change in society, so that the change takes place regularly and orderly.

It can be concluded from the theory put forward by Mochtar Kusumaatmadja that, should existing laws and apply in Indonesia, not only become social rules for their citizens, but also as a means of development in addition to achieving order and order in public life, this theory also emphasizes the legal objectives that must achieve a justice that is different in each age, and law other than as a means of reform of society, but also must be able to build better social conditions in all aspects, in order to create harmonization between the law that applies as a social rule and also the law that has a hand in the formation or development that leads to a good and positive direction in life in the existing community order.

Method

This journal discusses the geothermal project in Padarincang, Banten, using a qualitative approach. In this journal, legal theory of development is used in the discourse of sociology of law and social engineering is used as a legal concept to analyze phenomena. Method The case study used in this journal discusses the construction project of a Geothermal Power Plant in Padarincang, Serang, Banten. Legal data collection that is related to changes in society and serves to create public order is carried out by means of a literature study.

Result and Discussion

A. Geothermal Project Case in Social Engineering Theory Analysis

The case of geothermal projects in this case is clearly contrary to the legal sociological theory of Roscoe Pound, namely the theory of social engineering or social engineering, a law that according to Roscoe Pound's social engineering is closely related in this regard to the function and existence of law as a regulator of the drivers of society's change, then the interpretation of pound analogy proposes the right that how it should be regulated by law, and the rights that can be claimed by individuals in community life (Fuadi, 2013).

Pound argues that that which is the right is the interests or demands that are recognized, required and legally permissible, so as to achieve a balance and the realization of what is meant by public order (Soekanto, 2014). In the theory introduced by Pound related to social engineering or commonly known as social engineering theory, Pound also underlined that

the law is not only used as a means to perpetuate power but the use of law is as a means or tool to engineer social (Fuadi, 2013), Pound also argues that the law should be an instrument to direct society towards the target to be achieved, But in fact in the case of geothermal plptb that occurred in Batu Kuwung village, Serang Regency, Banten Province, in the case of this geothermal project it can be seen clearly that the law itself is not even a tool to direct the community towards the targets to be achieved one of which is good, order and order, but the law itself damages the order that exists in the community and adds new problems in today's society.

As for the problems that occur in the community in Batu Kuwung village, Serang Regency after the holding of this geothermal project is the emergence of many upheavals in the community related to the construction of geothermal PLTPB in their environment, the community is worried about the possibility of natural and ecosystem damage arising from the construction of the geothermal project itself, because the majority of batu Kuwung villagers who are near the site of the project are eyed pencahar. As a farmer, his daily activities are to grow crops and utilize the results of environmental wealth near the geothermal project as their source of livelihood.

Projects run by PT. Sintesa Banten Geothermal (SBG) is a National project and one of the list of projects to accelerate the construction of power plants that use renewable energy, namely coal and gas. After obtaining an exploration permit to be extended again based on the Decree of the Minister of Energy and Mineral Resources No. 5974 / K / 30 / MEM / 2016 concerning the Extension of exploration period of PT Sintesa Banten Gheothermal in the Working Area of Banten Lake Caldera, Serang Regency and Pandeglang Regency, Banten Province. Based on Law (UU) Number 27 of 2003 on Geothermal, Geothermal Power Plants (PLTP) were previously categorized as mining activities. Because it is a mining activity, geothermal mining activities should not be carried out in protected forests. This is in accordance with the provisions of article 38 paragraph (4) of Law No. 41 of 1999 on Forestry that "in protected forest areas it is forbidden to do mining with open mining patterns". Geothermal mining activities are open mining, so it is bound by these provisions. Geothermal Project in Serang Regency, Padarincang was built near Mount Prakarsak which from the beginning as a protection of life support system to regulate water system, prevent flooding, control erosion, maintain soil fertility, in short as a source of livelihood of the surrounding community. Since the enactment of Law No. 21 of 2014 on Geothermal in force, replacing the provisions of the old Law, in this Law it is mentioned that geothermal business (PLTP) is no longer categorized as a mine, but "Indirect Utilization" or called environmental services. This is as referred to in article 24 paragraph (2) of Law No. 21 of 2014. In fact, in article 74 of Law No. 21 of 2014, the government will give a maximum prison sentence of 7 (seven years) or a maximum fine of 70,000,000,000 (seventy billion rupiah). This is proof that the government is more in favor of large corporations even by changing existing regulations, to facilitate the entry of geothermal investment.

Of course, the social engineering theory put forward by Pound raises about the classification of interests that must be protected by the law itself, in the classification mentioned that the state must protect the public interest which in this case is in the interests of the people, but in the case of this geothermal project, it can be clearly seen that the government acted authoritarily in establishing the location of the construction of geothermal projects without consideration and analysis of the The circumstances and impacts that will arise due to the geothermal project that will be directly felt by the community around the geothermal project, this is reflected in the treatment of the government which initially did not inform or discuss in advance with residents around the geothermal project area about the project development plan, residents only learned of this geothermal development project after many heavy equipment available in the Batu Kuwung area became The construction site of this project and the change of the area which was previously a sloping hill / mountain that suddenly with the existing construction process, the hill was cleaved and the trees on the hill were cut down and there was excavation of land that was not known the depth by the residents, after many changes in the location, then the residents knew by word of mouth about the existence of this project.

Considering that based on article 42 of Law No. 21 of 2014 explained that in terms of land use, you should pay attention to:

1. In the event of using state land areas, land rights, ulayat land, and/or Forest Areas within the Work Area, holders of Direct Utilization Permits or geothermal permit holders must first complete land use with land users on state land or rights holders or permits in the field of forestry in accordance with the provisions of the laws and regulations.
2. In the event that the Minister undertakes Exploration to establish the Working Area as referred to in Article 17 paragraph (1), before conducting Exploration, the Minister conducts land use settlement with land users on state land or holders of rights or permits in the field of forestry in accordance with the provisions of the laws and regulations.
3. Settlement as referred to in paragraph (1) and paragraph (2) is done by deliberation and consensus by means of buying and selling, exchanging, proper compensation, recognition or other forms of reimbursement to land users on state land or rights holders.
4. In the event that Geothermal business activities are carried out by state-owned enterprises that get special assignments from the Government, the provision of land is carried out in accordance with the provisions of the laws and regulations.

In this case what is done by the Government of Serang Regency is proof that in the current situation from the side of the government takes decisions unilaterally without regard to the social conditions of the community and without socializing first to the residents who have long inhabited the area to be built the project related to the geothermal PLTPB development plan.

In this case with the actions of the government which in ha linin the government can be interpreted as representative of the "state" which in this case should be the state through its government apparatus protecting the rights that are of mutual interest, which has also been expressed in this theory by Pound, but in this case even shows the opposite of the theory of social engineering itself, Which should be a tool of social engineering, which is able to change society to improve order and order that exists, and also this theory considers that social engineering can be realized one of them by protecting rights that are in the common interest, in this case is protecting the people as citizens (Kusumaatmadja, 1986) , but the fact that there is a state even sidelines and ignores the rights of citizens, Especially in this case is the rights of citizens in Batu Kuwung village, Serang Regency to be protected as citizens, with this case it appears that the government only acts in its interests and ignores other factors in making laws and decisions that apply to then be implemented, but in reality the law that is trying to be applied through government decisions through the construction of geothermal projects then does not heed the rights of geothermal projects. from the community around the project and impact on the residents around geothermal projects who are threatened with loss of livelihood and threatened their livelihoods that will be disturbed in balance if this geothermal project continues without a win-win solution or meaningful solution from both parties, in this case the government as a representative of the state must sit together and take the middle ground with the community so that there is an agreement that does not happen. Based on only one party but from both parties involved and later the agreement must pay attention to the rights of the community as citizens who must be protected legally instead of the law which ends up being a strong reason to establish all decisions that ultimately harm society.

B. Geothermal Project Case Analysis in Analysis of Development Law Theory

In the case of the Geothermal PLTPB development project, it can be seen carefully that the impact that will be caused by this project in the future will be very detrimental to residents in Batu Kuwung village, Serang Regency, so that the goal of development by law from the theory of development law put forward by Mochtar Kusumaatmadja, is impossible to achieve. Because the conception of development from this description is seen that the law of development of Mochtar Kusumaatmadja actually wants to explain the role or function of law in the society that is building, in a society that is building it the law should not only maintain order, but also direct that social change and development take place in an orderly and orderly manner.

However, in the development that is being carried out on the orders of the state in order to build new energy which in this case is geothermal, the development efforts that are being planned and trying to be realized by the government in this case can be said also the state, the development is not carried out as it should pay attention to order, but even inconsistencies of this development law theory. Evidenced by the many protests from the surrounding residents who regularly protest to the government starting from 2016 to 2019, in order to reject the geothermal project, the order as aspired in this theory will never be realized if in development

does not pay attention to other factors such as how social conditions, especially the community around geothermal development projects that feel injustice will be built a project without There is no notification even without any consensus on the part of the government and citizens related to this project, so it can be seen very clearly that order and order in the development process is not achieved at all. This opinion is also supported by a statement from Mochtar Kusumaatmadja who said the role of law in development is to ensure that the changes occur regularly. Change or order (or order) is the twin goal of the society that is building, and the law becomes a tool that cannot be ignored in the development process.

In terms of the environment, the process of building pltpb padarincang is not without problems, because there will be deforestation of forests, many animals are pushed to their homes to go down to the settlements, and if the exploration stage continues at the exploitation stage, then the potential will damage the agricultural land of the citizens. This will certainly result in farmers experiencing crop failure. Not only that, this project also resulted in an avalanche in the headwaters of the river, causing the flow of the river to become murky mixed with mud. Considering the community around Mount Prakarsak, Serang Regency uses a lot of clean water from this river for drinking water needs, agriculture, irrigation and others. As a result of the murky water, many people will lose money. Based on article 48 of Law No. 21 of 2014 on Geothermal, Every holder of direct utilization permit must: understand and comply with laws and regulations in the field of occupational safety and health and environmental protection and management and meet applicable standards; control of pollution and/or environmental damage which includes prevention, countermeasures, and restoration of environmental functions; submit work plans and budget plans to the Minister, governor, or regent / mayor in accordance with his authority; and submit regular written reports on the implementation of work plans and budget plans and geothermal business activities for Direct Utilization to the Minister, governor, or regent / mayor in accordance with his authority.

Therefore, in this theory it can be concluded that it is very important that the influence of order and order created in society in order to smooth the course of a development, the factors of order and order cannot be separated and ignored, these factors are continuous with each other in creating a good correlation and will be in line with the objectives of the law that citi-cita, Namely the law that not only serves as social rules and norms that apply in society, but also the law participates in development which in this case not only in the aspect of community renewal, the law must prove that the law can also build a good order in terms of national development without overriding order and order in existing social conditions. For that, in the case of geothermal projects in Batu Kuwung village, Serang Regency, the country which in this case is represented by the local government and the provincial government of Banten, must pay more attention. That geothermal is a renewable natural resource and is a natural wealth located in the territory of NKRI as a gift of God that has an important role to support sustainable national development to realize the welfare of the people. Therefore, the development project needs to be a discourse for the entire community, because actually the people who reject the geothermal project are not anti-development, but so that how the

development can pay attention to the principles of justice, ecology, and lead to improving welfare for all Indonesians.

Conclusion

1. The theory of Social Engineering put forward by Roscoe Pound which emphasizes law as a tool of social engineering that not only prioritizes social rules in a rigid sense, but Pound emphasizes that the law can be influenced by many factors, one of the important factors that can affect the law is society, on that basis the Pound divides some classifications on interests that must be protected by the law, one of which is the public interest or the interests of society. Arakat, in the case of geothermal projects located in Batu Kuwung village, Serang Regency, there is injustice and dismissal of the legal objectives referred to in this theory, the unprotected interests of citizens and the government who arbitrarily apply regulations in the form of a project development decision even have a bad impact on the social conditions of the community around the project located in the Serang district, the upheaval and protests from the citizens that have taken place have been. For many years did not produce significant results in this case, in this case it was proven that the state does not protect the interests of the people, which should be the interests of the people is the top priority in terms of the legal objectives that want to be made or applied, but the law applied is not based on protecting the interests of the people around geothermal projects in Serang district.
2. In the case of this geothermal project, it can be seen very clearly if the application of the law and decision-making carried out by the regional government of Serang Regency or the provincial government of Banten, ignores the order and order that exists in the village community of Batu Kuwung, Serang Regency which is a resident around geothermal projects. The government in this case establishes the process of building projects that must continue without any consensus deliberation or notification to the surrounding residents so that the citizens feel ignored and there are many upheavals of protests and protests so that the order and civility of the citizens in this case is lost in the process of implementing the applicable law. This is not in accordance with the theory of development law put forward by Mochtar Kusumaatmadja who explained that existing laws are not only norms that apply in society, but the law must also have a role in development in everyday life, the law can also affect development, and the law as one of the tools of development in terms of its development should not rule out goodness, order and order that exists in society. It can be concluded that this case clearly does not pay attention to the impact and social conditions that exist and override order and order in society that should be a priority.

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