

Actualization of Land Social Function in Resolving Land Conflict in an Urban Area (Land Case Study of Buildings in Ujungberung, Bandung City)

Nur Adhim^a, Sukirno^b, Muh. Afif Mahfud^c, ^{a,b,c}Dipnegoro University, Semarang, Indonesia,

Land has a very vital position in a person's life and is used to support their lives. The user of the land needs to pay attention to the social functions of land rights. This study aims to describe the philosophy of the social function of land rights and the actualization of the social functions of land in resolving land conflicts for buildings. This research is a qualitative research using a case study research strategy. This study uses primary data and secondary data. The data collected was then analyzed based on an interactive model presented by Matthew B. Miles and Michael C. Hubberman. The results of the study indicate that the philosophy of the social function of land rights is a balance between individual interests and social or prismatic interests. Cases of road closure or access to houses that occur in Ujung Berung are a violation of the social functions of land rights. This also shows the existence of individualism which undermines the social function of the land.

Key words: *Actualization, Social Function, Land Conflict.*

Introduction

Land is an important resource for human life in terms of economic, social, cultural and even beliefs. In this case, land becomes an important resource to have to develop their lives. The importance of human ownership of this land has also been a long-standing discourse. One of the most prominent opinions regarding land ownership was put forward by John Locke who placed land as a human right or an inherent right for humans from birth. In his view, the right to own land and divert it is a fundamental law of property.

Land is very important and even though it may be owned privately, it can not separated from its social functions. One interesting thing in the conception of Indonesian land is the existence of a hierarchy of land ownership where at the highest level there is the right of the Indonesian people to own land. The Indonesian nation's right to land means that the land in Indonesia functions as joint ownership between the Indonesian people. And the Indonesian Nation. The management of land with the Indonesian nation is managed by the state. The rights of the Indonesian people to this land underlie individual rights to land. Therefore, land use in Indonesia which is owned by a person may not have to pay attention to the social functions of land rights. In its hierarchical arrangement, individual rights to land contain or are based on joint rights. This means that the use of these individual rights cannot be separated from the interests of others because individuals are part of Indonesian society.

Individual ownership based on this joint right is then regulated in Article 6 of Law No. 5 of 1960 concerning Basic Agrarian Principles Regulation (hereinafter referred to as UUPA). It states that every land right has a social function. This social function is also one of the principles underlying the LoGA. This means that every land right must pay attention to social functions. Therefore every person who owns land is also obliged to pay attention to the interests of others, the community, the nation and the state.

Ironically, there are currently various phenomena that show the absence of actualization of the social function of land rights. This is evident in the closure of in and out of house access in several places in Indonesia such as in Depok, Mataram, Bali and in Ujung Berung, Bandung. One interesting case (and the focus of the analysis in this paper) is the case in Ujung Berung, Bandung. In this case, Eko Purnomo who is a resident of RT / 05 / RW / 06 in Pasirjati Village, Ujungberung District, Bandung had already built a house on his land. In 2016, Eko's neighbours simultaneously built a house which resulted in closed road access to his house. Facing this reality, Eko offered to buy neighboring land for Rp. 10,000,000.00 (Ten Million Rupiah) but the neighbour did not agree with the offer and requested that his land be purchased for Rp. 167,000,000.00 (one hundred and sixty million rupiahs). Economic limitations caused Eko to not buy the land. As a result, this failure made Eko not have access to a house and was forced to rent another house as his residence.

This condition is ironic because it is incompatible with the principle of the social function of land rights based on a religious communalistic spirit that requires a mutual cooperation in the lives of fellow citizens. In the Ujung Berung case, it seems that the land is only interpreted as individual ownership and excludes social values. This condition is a setback because the Western Laws which are characterized by individualistic liberalism only give rights to landowners who are besieged by other people's land to get road access from other people as stipulated in Article 667 and Article 668 of the Civil Code. The existence of rights for the

people who are under siege to obtain access to the land indicates an obligation for other people whose land borders to provide such access.

This provision cannot be applied in Indonesia because it is based on the Agrarian Department Letter dated February 26, 1964 with the enactment of Law No. 5 of 1960 concerning Basic Agrarian Basic Regulations declared inapplicable especially relating to the earth, water and natural resources contained therein. The statement that Article 677 of the Civil Code and Article 678 of the Civil Code cannot be applied again after the enactment of Law No. 5 of 1960 concerning Basic Regulations on Agrarian Principles also found in the Decision of the Supreme Court Number 182 PK / Pdt / 2017. Although both of these articles are declared valid, the desire to provide space for people who are surrounded by their land to obtain real access can be done using the social function of land rights. The problem that arises is that the social function of land rights is a principle that is still in the abstract domain. Therefore, it needs to be explained in concrete regulations so that it can be used in resolving a case. At present, there is no regulation that requires landowners with property rights to provide road access to people surrounded by their land as an explanation of the social functions of land rights.

The absence of these rules can be a problem because there are no legal norms that can be used to decide on problems relating to the closed access of roads for the community. In addition, the irony is increasingly apparent when comparing the characteristics of western law. For example, individualistic liberal Civil Code that gives access rights for people who are besieged in their land while national agrarian law based on religious communalistic spirit has no concrete arrangements regarding matters that is. Based on the description above, in this paper the author formulates two problems, namely: (1) What is the philosophy of the social function of land rights and (2) what is the actualization of the social function of land rights in resolving land conflicts for buildings (case studies)?

Research Methods

This research is qualitative research, namely research that emphasizes understanding of socially constructed reality. In line with the qualitative research, a case study research strategy is used. Case studies as a research strategy aim to provide a comprehensive description and analysis of a particular case. The data used are primary data (data obtained directly from sources) and secondary data (data obtained based on literature studies). The secondary data is in the form of primary legal materials, secondary legal materials and tertiary legal materials. The data has been collected and analyzed based on the interactive model proposed by Matthew B. Miles and A. Michael Hubberman. The model consists of three stages: (1) data reduction, (2) data and (3) presentation, conclusions and verification.

Discussion

Philosophy of the Social Function of Land Rights

The concept of social function was accepted for the first time by Auguste Comte in 1850 who stated that all citizens have public obligations including land ownership. It is this statement by Comte which later underlies the development of the concept of social functions of land rights in the world including those developed by, a French academic, Leon Duguit, in the twentieth century. In 1919, Leon Duguit stated that:

State protection of private property protection by the state furthers the state must ensure that property provides a social function

The statement above shows an obligation for the state to ensure the social function of land ownership. This statement is in line with Roscoe Pound's opinion that the state has an obligation to protect public interests, individual interests and social interests. One form of protection of social interests is protecting social, political and economic relations between communities.

The Leon Duguit statement above shows that in each individual right there is a social function of land rights. In European countries, the social function of land rights only emphasizes land use that does not harm the community. In Latin America, the social function of land rights is interpreted more broadly because it also includes the obligation of landowners to actively use their land to be productive. In 1917, the Latin American country Mexico, included the social function of land rights in Article 27 of its Basic Law even though the Basic Law did not use the word “social function” but was referred to as a public utility.

In 1928, the Mexican Civil Code stated that land rights had social functions and were subjective. The social function of land rights is also included in the Brazilian Constitution of 1946 and amended in 1988. The above conditions indicate that the social function of land rights formulated in the Agrarian Basic Law passed on September 24, 1960 is relevant to future developments that emphasize the social function of land rights. This begins with the concept of Leon Duguit’s interpretation of social functions and the inclusion of social functions in the state constitution in Latin America.

Discussion of the social function of land rights in Latin America and the western countries seems to place the state considered not a neutral entity but as an important role in creating social justice. It aims to ensure that all people can use the land they own without being hindered by the rights of others. The discussion of the social function of land rights in Latin America seems to be very much related to Agrarian Reform.

As for the making of UUPA, discussions related to the social function of land rights are also still struggling with Agrarian Reform. More specifically, abandoning land, which refers to the obligation to work on the land. Mr. Sadjarwo in an introductory speech to the Agrarian Basic Law dated September 9, 1960 stated that:

The chairperson, it just doesn't need to be broad in explaining this, but just want to give a statement that illustrates that at present the social function of property rights is not yet a realization. At one time the Department of Agrarian Affairs simultaneously conducted investigations in the densely populated areas of Java and Madura, Lombok, Bali, in several areas in South Sumatra and in South Sulawesi, so that the season where the land should be planted there is still no less than 180,000 hectares which is not worked on, does not provide any benefit even if the land is agricultural land where the land does not provide social benefits at all because these lands are in the hands of owners who do not care about the social functions.

At this point, it can be understood that the discussion of the social functions of land rights at that time only focused on Agrarian Reform and did not touch on the micro-relations between individuals.

In relation to national agrarian law based on customary law, one of the characteristics is communalistic or prioritizes family nature. According to Boedi Harsono, there is a difference between national Agrarian Law and Agrarian Law based on Western Law. Western Law is characterized by individualistic liberalism which emphasizes an individual rights to land while national Agrarian Law is communalistically religious as it emphasizes family aspects that rely on religious law. The existence of these differences because of the differences in land ownership restrictions between national Agrarian Law and Western Law. That is, the individual pattern of Western Law causes the limitation to be narrow and legalistic. In particular, limited to the rights of other parties and the provisions of the law. In national law there is an element of togetherness which is coupled with individual rights. This causes individual rights that apply in Indonesia as well as shared interests. That is, individual rights have social functions (Aremu & Ediagbonya, 2018).

In this context, the laws and regulations in the agrarian sector, should include social functions with character and values of the Indonesian nation as one of its principles. This is an attempt at self-defining. This is based on the understanding that law (including Agrarian Law) is always embedded in the legal culture of its people. In this case, the Indonesian people. (peculiar form of a social) Therefore, the law is culture specific or in accordance with the legal culture of the community. Furthermore, the Agrarian Law built in Indonesia is a law that is in accordance with the awareness and legal culture of the Indonesian people. This shows that the inclusion of the social function of land rights as a principle is an attempt to

demonstrate and adapt national agrarian law to the culture of Indonesian society. It has a communalistic religious style and is different from western society which is individually liberalistic.

The meaning of religiosity in religious communalistic patterns related to land ownership has actually been stated by John Locke. He stated that land created by God for humans was given for his welfare together. According to John Douglas Bishop's use of the common word in the theory put forward by Locke has two meanings. Firstly, land was originally the joint ownership of all humans as a gift from God Almighty. This is in line with the placement of land rights as human rights, namely the rights possessed by humans from birth as the gift of God Almighty. Secondly, humans must use the ownership acquired through work while paying attention to communal interests. It also means that all people generally have the opportunity to own land based on their work. This is known as labour theory or formation theory.

In addition, John Locke placed land as a god for the welfare of mankind. This statement shows that there is an aspect of religiosity. However John Locke's theory does not discuss this matter in depth and only focuses on human ownership of land through the work he does. Although there is no detailed discussion on this matter, Locke's writings have contributed to aspects of religiosity as well as the communalistic aspects of land ownership.

According to Muhammad Rustan, social functions mean prioritizing public interests rather than individual interests. On the other hand, there is also the opinion of Yusriadi, who believes there are interests of others who are attached to individual interests. Yusriadi's opinion is more comprehensive because it does not only place social functions within the framework of individual relations with the community in the form of public interests or group interests but also relationships between individuals and individuals.

Article 6 of Law No. 5 of 1960 concerns Basic Agrarian Principles stating that land rights have a social function. In the Explanation section of the LoGA it states that the social function of land rights is one of the foundations of national Agrarian Law. It is also explained that the national Agrarian Law cannot be used solely for one's personal interests but must pay attention to the interests of others, the nation and the state. That is, there must be a balance between individual interests and the interests of the community. This was very different from the 1920 Staatblad No. 574 which places land rights as absolute so that it does not recognize the existence of social functions in them.

Based on the substance of the social function of land rights, there are two social values that are integrated into the politics of Agrarian Law in Indonesia. That is, the community social values that emphasize the value of togetherness must be integrated with the social values of

patembayaan (which emphasizes the interests and freedoms of individuals). The combination of the social values of the community and the social value of this patembayaan, according to Mahfud M.D., indicates that the politics of national Agrarian Law is prismatic. The politics of prismatic Agrarian Law (i.e. the social function of land rights) is also able to create responsive laws because it can respond to needs and fit the context of Indonesian people's lives. In addition, this is also in line with the political objectives of national Agrarian Law, focused on achieving the greatest prosperity of the people.

Prismatic character (social function of land rights) of Agrarian Law is a philosophical of UUPA and national Agrarian Law tends to emphasize social interests or social functions of land rights. This means that landowners can use their land for their own purposes but must pay attention to the interests of others. That is, the relationship between landowners and their land is a relative relationship because it is limited by the interests of others. Based on this, land use and utilization other than based on individual dimensions must also pay attention to the social dimension of the land.

The description above means that the social function of land rights has become a forum between two interests; the individual interests of landowners and interests outside of the landowners. This opinion places the social function of land rights within a broader framework. The social function of land rights is not only concerned with public interests but also concerned with the interests of other individuals whose use of rights relates to individual ownership.

Indonesia's choice to place the social function of land rights and not to choose individualistic concepts is appropriate because it fits the lives of Indonesian people. Additionally the development of the theory of land ownership shows the same thing. At present, classical liberal concepts that emphasize individual ownership are also criticized for blurring the relationship between landowners and society.

The principle of social function of land rights is also in line with Pancasila as a source of all sources of national law. In the context of the Pancasila, society is always placed as a monodualist who places individuals and society as a whole. In such a position, human beings in all their actions must understand their position as social beings and individual beings. This was what Kaelan interpreted as a civilized human in the Second Precept of Pancasila. In the context of land ownership this is meaningful in every land ownership covered by social ownership. Maria S.W. Soemardjono argues that land is not only a capital asset or an individual asset but also a social asset that functions as an adhesive for the social functions of the land.

In order to balance the interests of the individual and the interests of the community, the role of the state is based on the right to control the country it has. On the one hand, the state gives land rights to individuals but the rights to the land are not absolute and cannot be contested because, for them, the aspects of mutual interest need to be considered and even mutual interests must take precedence. This is in accordance with Article 2 paragraph (2) which states that there are three forms of state control rights, namely:

1. Regulate planning, designation and use of land;
2. Regulate legal relations relating to land;
3. Regulate legal relations and legal actions relating to land.

In the context of regulating legal relations with land, the principle of social function of land rights is the basis of regulating legal relations. In this case, all the substance of legislation needs to be interpreted and applied based on morality. Referring to the moral reading proposed by Ronald Dworkin, legislation should not only be read textually and must be read based on the value or principle or principle that lies behind it. Provision of land rights as an implementation of Article 2 of the LoGA should be read based on the value of the social function of land rights. Value is a rule that guides human actions in order to distinguish between good or bad. In this case, every owner of land rights must consider the interests of others. Under these conditions, the social functions of land rights are attached to each land right in it.

The social function of land rights can be divided into several forms, namely:

1. Use of land may not only provide benefits for his personal interests and harm the community;
2. Adjust the use of land with the type of rights so that it can benefit the welfare of landowners and the community, nation and state;
3. Adjust the use and use of land with spatial planning and regulations related to land stewardship
4. Willing to give their land for public use

Basically, the form of the social function of land rights above is in line with the classification proposed by Yusriyadi but with one thing added; the obligation to not use his land as a trading commodity. That is, the land should not be used as an object of accumulation of wealth and is only seen as an economic asset that excludes its position as a social asset.

Awareness of the importance of the social function of land rights that combines individual ownership and communal ownership is now also beginning to develop in America. It is now being developed as a hybrid form of land use which is a combination of aspects of individual ownership and public ownership expressed as third sector of property. The characteristics are:

1. Land ownership is not only public or private but must serve both interests;
2. The main function of land ownership is not to increase the wealth of an individual but also social needs
3. In order to maintain affordability, access and fair distribution, land prices are limited

These three characteristics of the hybrid form of land use show, that even in western countries, there are efforts to balance individual interests and social interests that are similar to the form of social functions of land rights as stated above.

In Indonesia, the interpretation of social functions in sectoral legislation seems to have some weaknesses. This can be seen in Law No. 20 of 1961 concerning Revocation of Land Rights. It states that social functions are public interests. Firstly, the interests of the nation and state; secondly, public interest; thirdly, the interests of many people or common interests; fourthly, development interests. In this legislation there still seems to be a shortage because it does not discuss how the relationship between individuals in the context of social functions. In fact, the social function also concerns individual interests that use their rights related to the ownership of others.

This condition is very ironic, showing the symptoms of individual land tenure without regard to the interests of others. As a result, losses arise to other parties whose interests are not considered in land use. In fact, Western Law that is very individualistic liberal as contained in Article 667 and Article 668 of the Civil Code also regulates the obligation to provide access to others.

The social function of land rights with a social dimension in Law No. 5 of 1960 concerning Basic Agrarian Principles showing their very communalistic nature or prioritizing the public interest and other individuals. The social function of land rights contained in UUPA as an umbrella act in the agrarian field does contain religious communalistic content but the social function of land rights which is a description of the characteristics of such a society is not in a vacuum or void and is static. According to Panesar, the analysis of ownership is a continuous analysis because the meaning, function and existence of ownership are not constant but dynamic. This is also influenced by the development and type of society.

The entire description above shows that the social function of land rights at this time is still emphasizing the relationship between individuals and communities, nations and countries. On the other hand, other individual interests whose use of the land also depends on the access given to other people are also important to be regulated. Arrangements in Article 6 of the LoGA which are still in the form of principles in their abstract domains need to be elaborated in legislation that is more operational in nature. In addition, the character contained in the

social function of land rights must be more familial compared to the previous arrangement in Article 667 and Article 668 of the Criminal Code.

If the arrangements in the two articles impose an obligation on landowners to provide access to others if requested, it is fitting that the arrangement of social functions of land rights in Indonesia has obliged landowners to provide access from the start. They do not need to be requested by landowners who do not have access. This is due to national Agrarian Law, where the social function of land has been inherited from the start. Consequently, implementation does not need to be requested by people who are blocked.

Actualization of Land Social Functions in Land Conflict Resolution for Buildings in Urban Land Cases in Ujungberung, Bandung City

The case reported earlier of the building of a neighbouring wall preventing Eko Purnomo access to his house was called an enclave. The word enclave first appeared in The Treaty of Madrid in 1526. The word enclave means shut in, locked up or locked. At first this word was used to indicate the territory of a country surrounded by other countries. The word enclave is used here to show the condition where one house cannot be accessed because it is surrounded by neighbouring walls. This condition of closing access to houses or enclaves seems to have happened a lot in Indonesia.

There are many court decisions at the level of the District Court, the High Court to the Supreme Court with regard to enclave cases or closure of roads leading to access to their homes. One of them happened in the Buleleng Regency of Bali with the case relating to closing the access to the house. The Supreme Court in its Decision Number 509 K / Pdt / 2017 stated that the walls that block access in and out of people's homes must be dismantled because it is not in accordance with the social functions of land rights and the access can be categorized as public interest. A similar case also occurred in Mataram as stated in Decision No. 117 / PDT / 2016 / PT. MTR. It related to the closure of road access to community settlements by P.T. Sriwijaya Propindo Utama (Lombok Epicentrum Mall). Enclaves have also occurred in Depok city as found in Decision Number 133 / Pdt. G / 2014 / PN Dpk.

The large number of cases relating to enclave or closure of road access shows that the social function of land rights which emphasizes the importance of social integration and the spirit of mutual cooperation between communities is eroded by the attitude of individualism in land ownership in Indonesia. This is contrary to the philosophy of the social function of land rights. There is an interesting affirmation in the decisions related to the above cases, in that the provision of road access for housing is a form of social function of land rights. It is this social function of land rights that actually distinguishes between land rights in western legal concepts that are individualistic liberal with communalistic national land law. In the section four of the Provisional Decree of the People's Consultative Assembly No. II / MPRS / 1960

concerning the Outlines of the Pattern of Development of the First Stage of the Universe in 1961-1969 it states that the communalistic nature or kinship and mutual cooperation was actually one of the personalities of the Indonesian nation. That is, the Indonesian people when they have a right to land also have rights owned by the community.

The decision of the Supreme Court which states that blocking access to access is a form of violation of the social function of land rights is very appropriate because this principle aims to ensure that all communities can own land and use the land. In this case, the obstruction of access for the community to use their land is a violation of the social function of land rights. The problem that arises is that, until now, there are no specific legal norms regulating this matter. In this case, the social function of land rights needs to be elaborated specifically in relation to property rights because the translation of social functions on land rights has not yet been regulated. This is in line with the absence of the Property Rights Act as stated in the LoGA.

This is different from Government Regulation No. 40 of 1996 concerning Cultivation Rights, Building Use Rights and Land Use Rights which have established obligations for holders of business rights to provide access routes or waterways or other facilities for the enclosed land or plots (Article 13). Similar obligations apply to holders of building use rights (Article 31) and use rights (Article 51). This obligation is different from property rights which do not regulate the social functions of land rights. In fact, the social function of land rights is always related to property rights including providing access or access to other people whose land borders their land.

The existence of enclaves or barriers to access to their homes that have occurred in several places in Indonesia, including in Ujung Berung, indicates symptoms of individualism in land ownership. It is this individualism that undermines the social function of land rights. This individualism mainly occurs in people living in cities. Durkheim divided the community into two; people with organic solidarity characterized by high complexity; and society with mechanical solidarity that has simple and not complex characteristics. At this point, large urban communities such as Bandung City have high levels of complexity and differentiation. Jury Allik stated that communities with high complexity in urban, industrial and environmental areas inhabited by rich people would be individualistic. This is different from rural, poor and traditional communities that are collective in nature. According to Harry C. Triandis, the more complex a society is, the more individual the community will be. Individualistic communities place individuals autonomous or are in a position that is independent of their group and prioritizes their personal goals from the group's goals.

Individualism is a political philosophy that upholds freedom and individual welfare. Individuals in society who uphold this value in their association will always take into account

their main economic benefits in their interactions with others. As a result, in a society that promotes individualism, the relationship between individuals is loose or not tight because people only pay attention to their own interests. This is certainly different from social functions which prioritize collectivism or integration. Collectivism places individuals in a close relationship between each other, gives priority to shared goals and acts based on communalistic values.

The existence of individualism which overrides the social function of land rights is also very evident in the case in Ujung Berung. In this case, the neighbour who borders his land with Eko Purnomo sold his land for road access to Eko Purnomo's house for Rp. 167,000,000.00 (One Hundred and Six Seven Million Rupiah). This high price indicates that the land is only seen as a capital asset rather than a social asset. That is, the calculation of its value is only based on economic calculations and is not based on consideration of the social function of the land. The high price of the land cannot be paid by Eko Purnomo. Consequently, access to his house remains closed. Similar conditions have also occurred in the case in Depok where people who own land can only obtain access to and from their house by selling their land for Rp. 5,000,000.00 (Five Million Rupiah) per m². However, the price of land in the neighbourhood is only around 800,000.00 (eight hundred thousand rupiahs) per m² as stated in Decision Number 133 / Pdt. G / 2014 / PN Dpk.

Individualism that prioritizes the interests of these individual goals causes everyone to want to master as much resources as possible. At this point, individualism is attached to trade liberalism and capitalism. In a society that promotes individualism, relationships or social interactions are valued based on economic benefits and exclude social values or integration. At that point, individualism in land ownership causes individuals to try to control the land as widely as possible with economic value assets. On the other hand, a society based on communalism or collectivism views land more as a social asset or a means of social integration.

Based on the functional structural concept proposed by Talcott Parsons, the social function of land rights as part of a social subsystem that emphasizes integration or unity of society has high but low energy information. This is inversely proportional to the economic subsystem with an emphasis on adaptation functions that have high and even highest energy levels but information is low. As a result, the economic subsystem that has high energy causes the social subsystem to be pushed.

Such conditions also occur in the social function of land rights, especially in urban areas where land has been placed as a capital asset or as an economic commodity. In such conditions, the community emphasizes the economic aspects and does not pay too much attention to social interests. The strengthening of the economic subsystem along with the



development of capitalism and individualism has caused the social function of land rights to be increasingly displaced. This led to the erosion of the communalistic dimension of the land rights.

Conclusion

Based on the above explanation it can be concluded that: Firstly, the philosophy of the social function of land rights is a balance between individual interests and social or prismatic interests. This is meaningful in every use and use of land rights owned. Someone must pay attention to the interests of other individuals, communities, nations and countries. The existence of this social function also shows that the rights to land owned by each person are relative, not absolute. The social function of land rights which is based on the communalistic principle of religion as the basis of national Agrarian Law is different from western law based on individualistic liberal principles. Secondly, cases of road closure or access to houses in Ujung Berung indicate that there has been a violation of the social functions of land rights. This is because obtaining access or roads to the house is one form of the social function of land rights. In addition, this also shows the existence of individualism which undermines the social function of land rights. In this regard, land has been viewed as a mere capital asset and no longer places land as a social asset.

Recommendations

Based on the analysis, the authors recommend two things: Firstly, the meaning of the social function of land rights needs to be expanded so that it does not only mean the public interest, nation and state but also includes the interests of individuals whose land use is related to the ownership of other people's land. Secondly, it is necessary to establish operational arrangements regarding the social functions of land rights in relation to relationships between individuals such as the obligation to provide access or a way out for others.



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