

THE DYNAMICS OF REPRESSIVE HABITUS LAWS: ETHNOGRAPHIC CASE STUDY IN UNWIMA *

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Abstract

This research describes repressive legal habitus Unwima community by focusing on the issue of why they create a legal cognition such manner and how to empower them in the public domain when facing a lawsuit in court and examination process in higher education office. The results of the research with ethnographic methods and interpretative analysis, First, that repressive legal habitus is a part of the neo-feudalistic thinking in education management. Second, the empowerment of repressive legal habitus in the public domain potentially generate a legal behavior of impulsive that tends to a manipulative, coercive, veiled, and other immorality practices.

Keywords: ethnography, legal habitus, repressive law, neo-feudalistic

Abstrak

Penelitian ini menjelaskan habitus hukum represif komunitas Unwima dengan berfokus kepada masalah mengapa mereka menciptakan kognisi hukum tersebut dan bagaimana memberdayakannya di ranah publik ketika menghadapi gugatan di pengadilan dan proses pemeriksaan di instansi pendidikan tinggi. Hasil penelitian dengan metode etnografi dan analisis interpretatif, Pertama, Habitus hukum represif merupakan bagian cara berpikir neofeodalistik dalam penyelenggaraan pendidikan; Kedua, Pemberdayaan habitus hukum represif pada ranah publik berpotensi menggerakkan perilaku hukum impulsif yang cenderung manipulatif, koersif, terselubung, dan praktik lainnya yang imoral.

Kata kunci: etnografi, habitus hukum, hukum represif, neo-feodalistik

Preface

This research will prove the habitus law by academic community of University of Wijayamala (the next will be mentioned as Unwima) which consist of institution, head of university, and lecturers when facing any kind of a lawsuit from university student in administrative court regarding with legitimation of positioning's extension period and its consequences toward their diploma. The submission of the lawsuit causing some responses from Directorate of Highest Education and Coordination of Private University related with their responsibility as mandated in Law No. 12 of 2012 on Higher Education, where the provisions of Article 7 paragraph (2) that regulate the responsibility of ministry toward the implementation of higher edu-

cation include the setting, planning, supervision, monitoring and evaluation as well as guidance and coordination, so that the rector and the foundations that are in the defendant's position in court and "investigated" in higher education institutions. These reasons are the phenomenon which makes this case study will be more meaningful regarding with the way of law thinking that Unwima community law tends to be more repressive.

According to Bordieu, the meaning of law that in praxis will depend on the dimensions of legal habitus perpetrators¹. Therefore, by utili-

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¹ Menachem Mautner, "Three Approaches to Law and Culture," *Cornell Law Review*, Vol. 96, 2011, Ithaca NY: Cornell University Law School, page 865.

zing the concept of habitus of law² in this context, although what is called as repressive law is not formed as artifacts, but its function run as a practical logic that controls the attitude and actions of education administration. The law culture is considered that patterned by interlocking relationship structure between authoritarian leadership and loyalty of participants,³ which is as indicated by the psycho-legal Rector Isman when a professor reprimanded for not fulfilling the command: "The dignity of the great teacher is under the soles of my feet."⁴ Linear with the attitude that considers the attitude of the head of the foundation Rector Isman as "Someone who proudly believe that he is the only one who has ability as qualified management or other skill that are not owned by anyone else."⁵

The praxis of law above, when it is viewed from the perspective of Bourdieuan⁶ habitus and social construction perspective Bergerian,⁷ is one of a product of subjective awareness of community activities which have implications for the rector legitimacy as a source of power logic and truth, which is likely to assume the rector can do no wrong, then, the concept of legal culture as a mentality⁸ or consciousness,⁹ sometimes it does not judge how the repressive law as a mental construct to be something wrong or mistaken, but as a significant topics such as the purpose of research in advance, which is about the existence and/or techniques to apply

out of the community. In epistemology, this topic must be started by mapping of reality of habitus repressive law in the activities of daily routine.¹⁰ Therefore, this ethnographic case study is very relevant to explore the historical back-ground and reveal the symbolic entities.¹¹

It needs to be emphasized here, pay more attention to the activity of rector towards their power relations not as a constellation of deductive subjectivity, but simply because that is the target of the legal approach to law cultural analysis¹² and indeed that is the reality of cognition of Unwima community who always assumes that position of rector as the centrality of power manifest in praxis education management and reflect on the strategies which undertaken in the resolution of the case.¹³ This research in other words aimed at understanding the process of social construction of repressive laws in Unwima Community and understand the possibility of empowerment in the public domain.

Problems

The main topic discussion about repressive legal habitus focus on research problem as follows: *first*, Why do Unwima community construct habitus repressive law in higher education; and *second*, How the way Unwima community applies habitus repressive laws that involving public.

Research Methods

² See on Robert van Krieken, 2006, "Legal Reasoning as a Field of Knowledge Production: Luhmann, Bourdieu and Law's Autonomy", *Grand Research Paper*, Sidney: University of Sydney, page 16.

³ Sanne Takema, 2003, *The Concept of Ideals in Legal Theory*, CN The Hague, The Nether-land: Kluwer Law International, page 116.

⁴ Although spoken in front of the audience, but the professor is not responding. However he was concerned given the temperament and power of the rector who can do anything. (Interview)

⁵ *Harian Pikiran Rakyat*. 18th January 2014.

⁶ Takema, *op.cit.*, page 15; Edward Gieskes, 2010, *Representing the Professions: Administration, Law, and Theater in Early Modern England*. NJ:Associated University Press, page 125.

⁷ Teddy Asmara, "The Legitimation process of 'HMT' at Court of Tipikor Amarta". *The Journal of Dynamics Law*. Vol. 12 No. 3, 2012, Purwokerto: Fakultas Hukum Universitas Jenderal Soedirman, page 379.

⁸ Jan M. Smits, "Legal Culture as Mental Software or How to Overcome National Legal Culture?" *Maastricht Work-*

ing Paper, Vol. 2, 2007, Maastricht: Faculty of Law Universiteit Maastricht, page 5-6.

⁹ Amy J. Cohen, 2009, "Thinking with Culture," *Buffalo Law Review*. Vol. 57, NY:University at Buffalo Law School, page 513.

¹⁰ Susan S. Silbey, 2010, "Legal Culture and Cultures of Legality", John r. Hall, et.al (eds), *Handbook of Cultural Sociology*, London: Routledge, page 474; Sarah Hinde and Jane Dixon, "Reinstating Pierre Bourdieu's contribution to cultural economy theorizing," *Journal of Sociology*. Vol. 43 No. 4, 2007, London: Sage Publication, page 413; Anna-Maria Marshall, "Communities and Culture: Enriching Legal Consciousness and Legal Culture," *Law and Social Inquiry*. Vol. 31, 2006, Malden: ABF, page 233

¹¹ Gieskes, *op.cit.*, page 124.

¹² Roberta Rosenthal Kwall, "Cultural Analysis Paradigm: Women and Synagogue Ritual," *Cardozo Law Review*. Vol. 34, 2012, NY: BNC Law School Yeshiva University, page 619; See also Mautner, *Op.Cit.*, page 840 dan 849.

¹³ See on Mautner, *op.cit.*, page 863.

This research used a paradigm of constructive interpretation through realistic-contextual approach¹⁴ to understanding the construction of individual and community legal thinking in ethnographic setting which is Unwima. Ethnographic case studies conducted over six months with observation techniques involved and in-depth interviews to process the primary data on cognition as the language law offenders and informants¹⁵ and secondary data from the document as a form of cognitive artifacts that law. Data version of respondents, later on will be interpreted through the technical interactive analysis between reduction, exposure, and conclusions¹⁶ in its relation thematic habitus law, that is: selecting the data to create a pattern as legal cognition; narrating the patterning process in the form of conceptual relationships between domains; and drawing conclusions about the meaning of habitus repressive laws through comparative theories. Technically, the theory is enabled to set the focus of research and as a comparative reference to the repressive legal habitus theme built with inductive process.

Discussion

Domain Of Habitus Repressive Laws

Unwima has established based on the initiative of the military and officials local government, because of that, the existence of people on both are dominant, so they occupied a strategic position, which became founding fathers, rectors, deans, and faculty. With such a history, it is natural that militaristic discipline and/or bureaucratic culture is firmly entrenched in management education and it turns to help shaping the ideology of lecturers tend to be submissive or select the option to be as 'employees' rather than maintaining the academic profession.

Experiences over three decades was able to organize the practical management of orders

and behave mentality servant, among others reflected in the attitude of acceptance (acquiescence) Unwima community on election of Mr. Isman became rector in 2005 and reappointed in 2009 by the Decree of the Chairman of the Education Foundation Wijayamala No. SKEP/23/YPW/VIII/2009. These psycho-social conditions, practically can be said that it is conducive for praxis inside of rector infinite power, ranging from policy-making foundations, to the technical implementation of academic, for example, manipulating the concept of assistance to be final and binding authority in determining the appropriate course to or should not be taught by a lecturer. Single authority and the total is actually a social reality on the recognition of audiences (legitimization) coupled by means of resolving conflicts through violence symbolic imposition of administrative routines that are often practiced with rotation techniques, promotion, and termination of structural positions¹⁷.

Praxis of authoritarian leadership have endangered the critical instinct academics, for example a small part of lecturers being apathetic as movement to survive and most of the lecturers became pragmatic to obtain part of success. These tendencies are not merely the creation of individual leaders with all modality, but also as a collective creation subordinates so that it's also form of social acceptance. That subordinate people in the end created model of patron-client relationships, for example, creating symbols *omnipresent* figure of the patron by presenting Mr. Isman on each sheet calendar, diary, books graduation ceremony, and attaching the doctrine of the five pillars instinct work who claimed to be a original product of Isman's idea in every workspace. Protection which they received include free from complaints about the

¹⁴ Victoria Nourse dan Gregory Shaffer, "Varieties of New Legal Realism: Can a New World Order," *Cornell Law Review*. Vol. 95 No. 1, 2009, Ithaca NY: Cornell University Law School, page 79-85.

¹⁵ See on Laura Nader, "Ethnography as Theory", *HAU: Journal of Ethnography Theory*, Vol 1 No. 1 2011, Eidenburgh: University of Eidenburgh, page 211-12; Lisa Wenden, Reflection on Etnography Work in Political Science," *The Annual Review of Political Science*. Vol. 13,

2010, Page 257, available on <http://www.annualreviews.org>, accessed 6th March 2010.

¹⁶ A. Michael Huberman and Matthew B. Miles, 2000, "Data Management and Analysis Method", Norman K. Denzin and Yvonna S. Lincoln (eds), *Handbook of Qualitative Research*. California: Sage Publication, page 428-9.

¹⁷ Garcia Mauricio Villegas, "On Pierre Bourdieu's Legal Thought", *Droit et Société*. No. 56 : 1. 2004, Cachan France: Ed. juridiques associées, page 59 dan 60.

commercialization of academic,¹⁸ and other inappropriate behavior.¹⁹

In line with Silbey's idea which refers to Bourdieu²⁰, management education which built with neo-feudalistic praxis relation is relatively close to the perfection when it is viewed from the three essential components in the process of social construction. *First*, concerning the construction of perceptions, attitudes, or opinions on educational management and usefulness to the community that does not take place in a social vacuum, but it is loyal to the structural pressure. *Second*, the manufacturing structure and cognitive structure of the rector's leadership as the center of power will regulate social structure by itself because will adjust to the authenticity of its social base. *Third*, the construction of social reality Unwima is not individual effort only, but has been become a collective effort of the academic community.

The educated Figure as an ideal image leaders of homo academicus certainly not enough with a barrage of academic degree which is not linear. Instead of seeking to know the intelligence and quality of scientific work of students, the rector often invited to give advice and academic advice to candidates master. Obviously, intellectual debate occurred under the session of ceremony with a complete suit of clothes, pulpit testers, hammer law, and precision to listening to a speech and/or user rector. On that occasion, the rector himself appears as a prominent scientist who institute-the original ideas and cutting-edge, but just repeating outdated jargon, such as "a scientific work must analyze the multivariable relationship or a minimum of three variables"; as a role model scientists that advises students to avoid plagiarism. Meanwhile,

he published by himself a scientific work that created by other people, and to act like that he never dealt with the police as a suspected plagiarism.²¹

Because of his experience and his talent in business, Isman exploited the issue of Unwima's plan to become Public University (PTN) to increase the popularity Unwima in the education market. He swiftly do the marketing techniques in every activity, mainly involving public participation, and the result is the number of new admissions increased from year to year, and in 2012 exceeded 3000. However, the implementation of private campus, especially for the conditions of Unwima is highly dependent on the number of students as the main economic modalities to maintain the existence and performance.

Increasing new students are equivalent toward the increased income, but the balance sheet is not optimized for the provision of area for the purposes of public services, but the rector was busier and concentrate more in preparing a new foundation to ensure the survival of Unwima employees who would not be able to integrate into the State University bureaucracy. This condition made the Directorate of Higher Education finally assume that: "Unwima manager is very slow to meet the requirements. It has been four years we've been waiting".²²

Meanwhile, the campus community has already understand that the good progress of Unwima that helped to encourage business escalation which owned by Isman for instance a hotel which is routinely used for graduation, seminars, training, office meetings, inauguration, lodging outstanding for rectors and other campus activi-

¹⁸ Some lecturers are often provide thesis services manufacture and manipulate the test scores has been reported to the rector, but the solution is never clear and complete.

¹⁹ Although the local newspaper ever once proclaim about the lecturer's attitude is despicable behavior in society, but the rector did not react and/or take action as a warning.

²⁰ Susan S. Silbey, "After Legal Consciousness". *Annual Review of Law and Social Science*. Vol. 1, 2005, Page 357, available on <http://www.annualreviews.org/>, accessed 8th December 2005.

²¹ Outstanding lecturer in Faculty of Law in Unwima who works as an advocate assigned to solve the case in West Java Police. He describes his case, that legally rightly be suspect, but after making peace with the holders of intellectual property rights, the status of the suspect removed the termination of investigation techniques. In addition, he tells how this case happened to personal, but financing is charged to finance universities, among others, he said "As I always go to the Police Headquarters, I always signed receipt travel costs. Also the cost of peace, to my knowledge this is all paid for by the campus.

²² *Harian Pikiran Rakyat*, 17th January 2014.

ties which requires facilities room and beverages.²³

The way of thinking of student activists in the end also polarized by pragmatic praxis, every student organizational units have busy with their own agendas and affiliated, either collaborating any ideology in which they joined the organization, for example the structural campus officials to be protective. The last group that is actively collaborating with the interests of the elite campuses, and are used to doing acts that tend to anarchy and sometimes being repressive to counter the action of the organization or group of students who are considered as competitors.²⁴

It is formed by cultural constitutive approach²⁵, the action and relation of dominance in the praxis of educational implementation above, in the term of conceptual case is one of 'Law' which established by the meaning of individual interest, community, and institutions in running any daily activities. This topic is relevant to the Cohen's idea as behavioral domain so that it becomes analogous to the law in the sense of culture *as lawlike rule*.²⁶ The analogy of principle of academics administration which oriented toward the endurance of the institution and the needs of prosperity approaches the repressive law as what already drafted by Nonet and Selznick.²⁷ The orientation discourse toward these demands and needs that legitimate the rector to become the central of authority for running academics organization with pragmatism idea and discretionary intensification. Meanwhile, the participants are demanded to obey toward the law mechanism which strictly regulate and giving clear sanction. This Habitus Law as what already attached in Table 1, is not the strange praxis in the social life of Unwima com-

munity. Whether they are by group or individual, actively contribute to manage the social relation by neo-feudalistic, which is making some patterns the slot of hierarchy's leadership with the model of relation between the boss and servant, between authoritarian leadership and support subordinate loyalty.

The culture of neo-feudalistic in the term of establishing and implementing the educational administration in Unwima, in several conditions also one of repressive law which based on sociocultural, or according to Krieken as the norms of historical background,²⁸ but in the other hand, it is also as creations of reason to adapt to the context of social dynamics. According to Kwall,²⁹ the existence of habitus repressive laws of education in Unwima is the mechanism that chosen to maintain social patron-client relationship that create by their own, refers to Cohen³⁰ language, mentality and mind neo-feudalistic, which in turn serve as guidelines to regulate the activities of individuals and in community social relations. In other words, as Geertz's ideas,³¹ repressive legal praxis is not just a reflection, but essentially as the construction of social reality in Unwima Community.

The Application of Repressive Laws in the Public Domains

Four months before the expiration of the rector, the chairman of the foundation sent a notification letter to the chancellor to remind him. The rector did not respond/reply formally, but he called and reprimanded the chairman of the foundation for being dare to do without proper permission and do not want his leadership. Since the incident, in every chance of meeting, especially when delivering a speech at a Monday ceremony, he always socialize any discourse

²³ "We've proposed a budget of Rp 8 million for seminars students on campus but this proposal was rejected by the rector. Then we got advice from the university to resubmit by taking his place at the hotel. Although submissions funds into Rp.20 million but granted." (Interview).

²⁴ One of the typical action is with burning tires in the campus area and perform actions that are vulnerable to destruction. They also often hire demonstrators 'rental', either from another campus because the bonds of friendship and thugs from the market and bus terminal,

so there is a part of them were in action while drunk liquor.

²⁵ Mautner, *op.cit.*, page 849-50.

²⁶ Cohen, *op.cit.*, page 540.

²⁷ Takema, *loc.cit.*

²⁸ Krieken, *op.cit.*, page 17.

²⁹ Kwall, *op.cit.*, page 610

³⁰ Cohen, *op.cit.*, page 513

³¹ Mautner, *op.cit.*, page 849; dan L. Jane McMillan, "Colonial Tradition, Cooptation, and Mik'maq Legal Consciousness," *Law and Social Inquiry*. Vol. 36 No. 1, 2011, Malden: ABF, page 173.

that there is no rule that prohibits a person who served as rector for three period continuity. Behind that, he begged toward a law professor immediately to seek a legal legitimacy extension of tenure and pressing the chairman of the foundation in order to issue the extension of tenure

of the rector. In the end, the Chairman of Wijayamala Foundation issuing the extension of tenure of the rector through Decree No. SKEP/23/P.YPW/VII/2013 (hereinafter referred to SKKP), because the demand is not addressed.

Table 1. Domain of Habitus repressive law in Unwima Community

No	Domain's details		Semantic Relationship	Stakeholders	
1	Institution, rectorate, decanate, senate, lecturers, administration's staff, and university students		Type	The Doers which actively involved to construct the way of thinking of neo-feudalistic and habitus law repressive.	
2	Working room, lecture room, Ceremonial activities in campus.		Location	Socialization of ideas/rector interest.	
	Isman's Hotel			Graduation, governmental meeting, graduation exercise, seminar, training, and exclusive lodging for lecturers.	
3	Open registration for new students as much as possible		Reason	Endurance of institution/enhancing the prosperity	
	Promotion and mutation positioning in structural organization as often as possible			- Compliance controls subordinate - The power of the leader/patron	
4	Centralization of education policy		Impact from	authoritarian leadership	
5	Governmental Issues		function	Isman's Business expansion	
	Moments	Thesis examination		Self-brand image	Intellegence
		Mondays' celebration			authority
		Graduation			leadership
		Social care/Charity			Social awareness
Attitude staff to the rector	Making the thesis supervisor and examiner	How the way	Loyalty and approach the staff to maintain and look for chances of success		
	Use his hotels for campus's business				
	Buying a house in the company of his property				
	Gave him 'honorarium' outside academic activities				
	Accompanying sport/his hobby				
	Celebrating his son birthday				
7	Official governmental uniform		attributes	Staff's diciplin	
	Official transportation			Rector's performance	
	(Luxurious) private car for rector			Rector did not seek the welfare of campus	
	Exposing the rector's image on calendar sheet, agenda books, and any other activity			Existence of rector as guarantor/patron	

Source: Based on observations

As always, what is called as senate meeting in Unwima is just a name, which there are meeting that just hearing and approving what is presented by the chairman of the senate, which of course the rector himself. More than that, the Chairman of the foundation in front of senate meeting only stated that there is SKKP so after finished to knock the hammer as the sign of acclamation, so that the senate meeting is valid to accept the SKKP. With procedural responses that formally fulfilled, and Isman is really need-

ed for finishing the process of nationalizing business in Unwima, the Chairman of the Foundation made the Decision letter No SKEP/51/YPW/VIII/2013, dated August 26, 2013 (hereinafter referred to SKPJ), which essentially extend the tenure of the rector until Unwima be Public University or no later than the period of the term of office is up to the date of August 31, 2017.

A professor of law faculty obtain a certified copy of SKPJ from the legal counsel team of Unwima when attached the document as the

evidence as purposes of employment dispute resolution in the Industrial Relations Court. The SKPJ itself is used for the study material of discussion toward students in Law Faculty that also explains that the SKPJ is not valid because it is backlash with the university statute and in the end also essentially violates the regulation form Direktorat of Higher Education No. 2705/D/T/1998 dated September 2, 1998 on Requirements and Procedures Governing Private University Appointment. Six activists law students asked the audience to the rector office and the foundation regarding with the extension of tenure of rector and the consequences for the validity of the certificate, but they even reviled and challenged to fight by the vice-rector.³² Eventually they got the advice from the faculty to filed a lawsuit to the administrative court and submit the matter to the Director General of Higher Education and Private Higher Educational Coordination.

Head of Information Services and the Director General of Higher Education basically assumes that the extension of the tenure of rector is invalid and leadership that presence by Isman is not give any significant impact the success of the process of nationalizing Unwima³³ in case only strengthen the confidence to choose toward path of justice. For the purpose of construction of a lawsuit, they ask for a referral from a state administrative law lecturer, and subsequently filed a petition with the submissions so that the court may concern: *first*, Stated that the graduation certificate and SKPJ which signed by the Rector Isman are invalid and/or null based on Law enforcement; *second*, To order the defendant to conduct the election of the new president and withdrawal graduation certificate to be replaced by new ones.

Isman aware that he is facing the parties with all the modalities energy, while his character tend to justify any means, the claimants pursued a strategy to manage the truth as it has been customary practice of cause lawyering³⁴, which is having coordination with the mass media, Law Institution of Kotabunga, Law Institution of several campuses in Kotabunga, public consultant agency (ombusman), the judicial commission, chief of the city and regency. Not far from the prediction, instead of carrying out legal information services, the court officer only become suggestive, they give an explanation of student activists filed a intentions to cancel the petition. Similarly, during the preparation of the preliminary examination which just as the provisions of Article 63 of Law No. 5 of 1986 on Administrative Court judge advised claimants to talk at length assess the substance of the lawsuit is not an administrative matter that the complaint would be futile. Court attitude changed dramatically after receiving a letter from the judicial commission that the case is under supervision, so that substitute clerks were forced to cancel his meeting with the defendant's legal team which was originally going to talk in a hotel.

Character habitus repressive laws in relation to changes in the context and situation descry on how to think or act impulsively or improvise³⁵, both at individual and collective levels. *First*, after reading the student lawsuit news in the media and received a letter from Private Higher Educational Coordination regarding the request for clarification regarding the plan announcement of private colleges/courses legally problematic and not to the public,³⁶ Isman ordered vice chancellor reply letter to Private Higher Educational Coordination to declare no

³² The student activists have turned out to be more mature, because in a occupation with the rector, they do not respond an emotional attitude from the vice rector as well as the attitude of the head of the foundation that threatened to expel them.

³³ He stated: "Changing this campus into a Public University shouldn't depend on the figure Isman as rector. Throughout the requirements are completed, within one week alone can be processed for the preparation and submission of a letter of the president's decision." (Interview).

³⁴ See on Tim Lindsey and Melissa Crouch, "Cause Lawyers in Indonesia: a House Divided," *Wisconsin International Law Journal*. Vol. 31, special edition, 2013, Page 622-3, available on <http://www.papers.ssrn.com/> accessed 12th August 2014; Anne Bloom, "Practice Style and Successful Legal Mobilization," *Law and Contemporary Problems*. Vol. 71 No. 2, 2008, Durham: Duke University School of Law, Page 5-6, available on <http://www.scholarship.law.duke.edu/> accessed 12th january 2009.

³⁵ Mautner, *op.cit.*, page 864

³⁶ Letter No. 0263/K4/Cl/2014 on February 18, 2014 and No. 0052/K4/KL/2014 on January 17, 2014

conflict in Unwima.³⁷ He, then the provocative style, assign the issue of uncertainty over the status of Unwima be Public University because land area required by the Directorate General of Higher far-fetched, to the detriment Unwima already handed over USD 172 billion worth of assets to the government, and harm citizens who send their children because they are attracted by the prospect of nationalization Unwima.³⁸

Second, as the disposition of behavior, habitus is more reflective of the law in the sense of not requiring careful thought and consideration,³⁹ which is as action Isman and his group are preparing draft changes Unwima SKPJ and Statutes of 2009 to the date of manufacture of the retreat at least before it is published SKPJ.⁴⁰ Legal logic shallow and manipulative it clearly ignores the fact that the actual law, that the claimants has been holding a copy of the document and the Statute Unwima SKPJ 2009 that have been validated by the Industrial Relations Court. The legal technique certainly has the potential to violate Article 263 of the Criminal Procedure Code, so that one team member resigns statute changes, and consequently the ratification draft amendment of the statute be delayed.

The difficulty in maintaining the validity of SKPJ encourages the psycho-technical which is Isman's supporters to seek the social legitimacy by giving socialization about counter-discourse that Private Higher Educational Coordination (Kopertis) action is dangerous threat toward the existence of Unwima and giving impact toward the survival of foundation's employee.⁴¹ The way of that legitimacy, based on the Berger's opinion, it contains the weakness of cognitive and normative⁴², and as usual, they socialize by rely in imperative techniques rather than per-

suasive.⁴³ They seeing the symptoms of rejection and ultimately taking contradictory decisions, which is trying to compromise on Private Higher Educational Coordination's advice and act defensively against the plaintiffs. In the context of dealing with the plaintiffs, some lecturers taking action outside the intellectual culture, which is intimidate the parents's student with the intention that their children must revoke the lawsuit.⁴⁴

Compromising attitude toward the Director General of Higher Education and Private Higher Educational Coordination (Kopertis), and do negation of the command rector, its essence is still within the scope of the concept of habitus of law, because the generic concept of habitus itself is an elastic disposition, the adaptation in the face of objective conditions,⁴⁵ thus capable of creating a diversity of praxis and perception different legal repressive.⁴⁶ However, it is not an such habitus product, but rather as a product relation with specific social context,⁴⁷ which in this case is, the attitude of higher education institutions that consistent of the legislation, and partial rejection of the authority of rector Unwima community. This phenomenon can pull to a more general concept, that the legal culture is dynamic, which by Kwall associated with the context, relationships, and social forces of competition.⁴⁸

The symptoms weaker logical patron-client in the community is not an indication of the legal habitus deviation or symptomatic symptoms, but rather a manifestation of the character of repressive laws in performance following the modalities of the patron fluctuations, which in this context is the crisis of legitimacy of power rector. Changes or dynamics occurs as a form of

³⁷ One criteria of legal college or not problematic, it must be free from any conflict in any form (the foundation of internal conflict, a conflict between the foundation with management colleges, universities internal conflict and other conflicts)

³⁸ *Republika*, 16th January 2013.

³⁹ See on Mautner, *op.cit.*, page 864

⁴⁰ See on, *op.cit.*, page 2 dan 7.

⁴¹ Coordinator of Kopertis receive short messages (SMS), which essentially says that Unwima has its own rules and not subject to government regulation, therefore Kopertis do not intervene against internal problems in Unwima.

⁴² Asmara, *op.cit.*, page 387.

⁴³ *Ibid* page, 393.

⁴⁴ *Pikiran Rakyat*, 11th dan 13th February 2014, *Radar Cirebon*, 12th February 2014.

⁴⁵ Omar Lizardo, The Cognitive Origins of Bourdieu's Habitus, *Journal for the Theory of Social Behavior*. Vol. 34. No. 1, 2004, London: John Willey and Sons, page 376-78.

⁴⁶ See on Cohen, *op.cit.*, page 544.

⁴⁷ *Ibid*.

⁴⁸ Kwall, *op.cit.*, page 610 dan 619.

adaptation strategies to face constraints external power or modalities in the public domain, whether in the event of 'inspection' or lawsuit, which understood consequence hamper their survival. Selznick⁴⁹ thesis is still untenable, if the changes are caused by the way they arbitrate its relation to external conditions and not temporary. Therefore, they are still legal habitus repressive character, being a form of dynamics that descry in internal and external realm is nothing more than a product of interaction with other habitus, specific social context, and the social sphere which is different from the social reality of the community Unwima.

Closing

Conclusion

Based on the results of the analysis, it can be summarized as the following conclusions: *First*, habitus repressive law in implementing education administration in Unwima is a manifestation of a way of thinking community that build a working relationships with neo-feudalistic models. This way of thinking is a product of history and experience in the education management of Unwima which is still concern toward institutional endurance which financial oriented.

Second, the way a repressive law empowering communities in the public domain depends also on the meanings of the existence and/or response to public legal order. They are impulsive taking action that tend to be manipulative and coercive, if the existence of the perceived constraints. Meanwhile, if the meaning of the response as a rejection, then they adapt to the way negate the legitimacy of the internal structure.

Suggestion

The results of this research need to be reviewed with further research to gain correction, reinforcement, or denial transferability. Even if this research is ideographic, but a review of this research should not only be done in the domain of Private University, meaning that it could be

done in the State universities with the hypothetical assumption that the constellation think neo-feudalistic with repressive legal type is often spoken on the existence in a range of community life in our country.

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⁴⁹ Taekema. *op.cit.*, page 116-7.

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