

ABSTRACT

*This Study is conducted to explain the clash of act No. 23 of 2002 on Child Protection, with the existing values or norms among the people of Bondowoso. The Legal Conflict between law in book and law in social reality or we call it *volksrecht*, became mind theme. In The regulation of act on child protection, the practicing of physical punishment for children ,was justified no more. Whereas, the practicing of physical punishment for children in education or was well known as corporal punishment, found the legitimacy within the local values as a living law which existed around the people.*

The research of the study used Sociological perspective of law as a lens to observe the conflictual relation between the both laws. The people saw that the practicing of physical punishment in certain definitions, as a normal action. Therefore, the spirit for eliminating violances against children, finally confront society's belief, especially in educating children. The consist of clash of law had determined the appearance of civil resistance around the people in Bondowoso.

The study presented a more populist and grounded approach in the conflict of law resolution which appeared in the practicing of Children Protection Regulation, where the practice of settlement via local mechanism is more prioritized than localizing the settlement on the court arena, which ends on the objective punishments as textually were written on the texts of regulation.

Sociological approach of law in approaching legal problem in society must be meaned as a tool to neutralized the conflict of laws that often occur in the state where there were many forms of values and norms beside the state's law. By this way, the social significance of law will occur and and the resistance of people won't happen.

Keywords : Volksrecht, Living Law, Corporal Punishment, Legal Conflict, Civil Resistance