



THE DYNAMICS OF LAND TENURE AND UTILIZATION: A CASE STUDY OF AGRARIAN DISPUTES IN ACEH BESAR DISTRICT

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Abstract

Agrarian disputes in Indonesia are still a complex problem that has a direct impact on social inequality and legal uncertainty, including in Aceh Besar District. This study aims to analyze the dynamics of land tenure and utilization which are the roots of agrarian conflict in the region. The approach used is qualitative with a case study method, through field observations, in-depth interviews with communities, local government, legal officials, and the private sector, as well as analysis of legal documents and land policies. The results show that overlapping claims between customary and formal legal rights, weak legal protection of historically-based land tenure, and the dominance of economic interests in land use are the main causes of conflict. Available dispute resolution mechanisms have not been effective, both litigative and non-litigative, because they do not accommodate the root of the problem and tend to ignore participatory aspects. On the other hand, local institutions such as mukim and tuha peut have the potential to be key actors in conflict resolution, but have not received adequate regulatory support. This finding confirms the need for fairer and more inclusive agrarian policy reform, by encouraging harmonization between state law and customary law, community empowerment, and strengthening local institutions as a strategy for resolving agrarian conflicts in a sustainable manner.

Keywords: *Agrarian Disputes, Land Tenure, Customary Law, Aceh Besar, Community Participation, Conflict Resolution*

A. Introduction

Agrarian disputes, which are often rooted in unclear land ownership and utilization rights, represent a complex issue that requires comprehensive handling. This phenomenon not only reflects structural inequalities in the distribution of and access to agrarian resources, but also triggers various social, economic and political conflicts at local to national levels (Hipan, Nur, and Djanggih 2018). In Indonesia, the issue of agrarian

disputes often arises due to overlapping regulations, inconsistencies in land data, and weak law enforcement, which leads to the loss of legal certainty of land rights for their owners (Rizqi 2018). The dynamics of land tenure and utilization in Aceh Besar District is a crucial arena for understanding the complexity of agrarian disputes, given the socio-cultural and historical characteristics of the region that are closely related to land resources. This research seeks to deeply analyze the factors that trigger agrarian conflicts and their impact on the lives of local communities in Aceh Besar. The main focus of this research is to examine specifically the dynamics of land tenure and utilization patterns that contribute to the escalation of conflict in the region. This is because unbalanced land tenure and utilization as well as the lack of agrarian legal certainty often become the base of the problem, causing injustice and harming indigenous peoples or local farmers (Laturette and Uktolseja 2021). This study is expected to provide strategic recommendations for local governments and other stakeholders in formulating more equitable and sustainable agrarian policies, especially in the context of resolving land disputes that are often protracted (Permata Sari and Suteki 2019). This case study will also highlight how differences in interpretation between formal legal claims and customarily recognized communal rights contribute to the escalation of disputes (Middin, Salle, and Aswari 2021).

This research adopts a qualitative approach with a case study method to holistically analyze the perspectives of various parties involved in the dispute, including local communities, government actors, and private parties, to understand the root causes and socio-economic implications (Chandra and Yunimar n.d.; Martini, Ash-Shafikh, and Afif 2019)dewi. This approach allows researchers to explore stakeholders' narratives, experiences and perceptions in depth, thereby identifying conflict patterns and effective resolution mechanisms. The implications of this study are expected to provide a more comprehensive understanding of the complexity of agrarian disputes, while offering a framework for conflict mitigation and the promotion of agrarian justice in the future. In addition, conflicts over non-physical compensation often occur in the process of land acquisition for the public interest due to community disagreement over the form and amount of compensation provided by the government (Dewi 2017). Previous research shows that agrarian reorganization has a significant impact on people's lives, often creating mismatches between traditional rights and formal regulations that trigger disputes (Setiawan et al. 2023).

Local governments need to empower farming communities through training, extension, and socialization to support sustainable agricultural development and minimize the potential for agrarian conflict (Jumiyati 2024). This empowerment includes capacity building in land management, access to information, and active participation in

every stage of decision-making related to agrarian policy (Jumiyati 2024). The importance of community participation in any agrarian-related program is also a crucial element to ensure sustainability and policy acceptance, as has been proven in urban settlement structuring programs (Prakoso and Bawole 2022).

Such a participatory approach not only improves program efficiency, but also strengthens the legitimacy of policies in the eyes of the public, thereby reducing the potential for resistance and conflict in the future (Ariyanto 2022; Prakoso and Bawole 2022). On the other hand, agricultural modernization through programs such as the Green Revolution, although aimed at improving farmers' work effectiveness and food self-sufficiency, often leaves a complex socio-economic footprint, creates significant changes in the living patterns of farming communities and can even trigger new disputes due to misconceptions in its implementation (Prayoga, Subejo, and Bihrajihant Raya 2020). The Green Revolution, for example, which was supposed to improve farmers' welfare, sometimes created new problems such as dependence on chemical fertilizers and expensive hybrid seeds, as well as changes in the structure of land ownership. The consequences of agrarian modernization often involve a shift from communal to individual ownership systems, as well as land commodification that can erode the social and cultural values attached to land (Setiawan et al. 2023). Efforts to resolve these agrarian conflicts require effective land redistribution policies and mediation between disputing parties (Isnaeni 2017). The role of local institutions, including farmer institutions, is crucial in facilitating the adoption of sustainable agricultural technology innovations and ensuring farm success, which in turn can minimize the potential for agrarian disputes (Sihombing 2023). The strategic role of such institutions includes government support, active involvement of members, and good management, all of which are vital in realizing food security and sustainability of the agricultural sector (Sihombing 2023). Thus, strengthening agricultural institutions through government support and increasing the capacity of farmers' human resources are essential to prevent conflicts and ensure the implementation of fair and sustainable agrarian policies (Sihombing 2023).

B. Method

This research uses a qualitative approach with a case study method to deeply understand the dynamics of land tenure and utilization in the context of agrarian disputes in Aceh Besar District. This approach was chosen because it allows a thorough exploration of the complexity of agrarian issues involving various actors and interests. Data collection was conducted through three main techniques, namely field observation, in-depth interviews, and document analysis. Observations were conducted to capture the

empirical situation at the conflict site as well as the social interactions between the disputing parties. In-depth interviews were conducted purposively with key informants, including affected communities, traditional leaders, local government officials, law enforcement officials and representatives of the private sector, to reveal the various perspectives, claims and interests intertwined in the conflict. In addition, the research examined legal and administrative documents such as agrarian laws and regulations, court decisions, land use maps and relevant conflict reports. Document analysis was conducted to trace the legal basis of land tenure and evaluate policy interventions that have been implemented. The data obtained was analyzed thematically through a process of reduction, categorization, and in-depth interpretation to identify conflict patterns, root causes, and potential resolutions. The research also used secondary data, such as land use statistics and spatial maps, to strengthen the geographical and structural contextual analysis. This limitation calls for further research involving empirical data for greater external validation of the research findings (Arifin and Yarham 2023). However, the limitation of this qualitative approach lies in the generalizability of the research findings to a wider population, requiring further research involving empirical data (Arifin and Yarham 2023).

C. Finding and Discussion

1. Finding

This research found that the dynamics of land tenure and utilization in agrarian disputes in Aceh Besar District are complex, multidimensional, and involve various actors with conflicting interests. Based on the results of in-depth interviews, field observations, and document analysis, five main findings were obtained as follows:

Overlapping Land Tenure Claims

Many agrarian disputes in Aceh Besar are triggered by overlapping claims between local communities that rely on customary and historical tenure, and private parties or government institutions that refer to legal documents such as hak guna usaha (HGU) certificates or location permits. . This mismatch between de facto and de jure tenure creates legal uncertainty that fuels protracted conflicts. Community claims based on customary rights or ancestral heritage are often not recorded in the state land administration system, leaving them in a very weak bargaining position in formal legal processes.

This condition is exacerbated by the lack of understanding of customary law by law enforcement officials and the lack of socialization regarding land registration mechanisms that can accommodate communal rights (Permadi, Dungga, and Arshad 2025). As a result, protracted conflicts often occur due to differences in interpretation

and recognition of land ownership status between indigenous peoples and those who claim based on positive law (Juniari, Suwitra, and Sudibya 2023). This paradigm shift from communal to individual ownership is often not followed by fair compensation mechanisms for local communities, exacerbating agrarian inequality. The role of local governments in facilitating dialog and mediation between the parties has not been optimal, so that dispute resolution tends to be ad hoc and has not touched the root of structural problems. The statutory approach and conceptual approach can also be used to analyze agrarian disputes, with an emphasis on interpreting the synchronization of text and legal context vertically and horizontally to the relevant laws and regulations (Permadi et al. 2025). In addition, agrarian conflicts are exacerbated by uncontrolled land conversion, often without considering the social and ecological impacts, and weak supervision from relevant authorities (Kustiwan and Ramadhan 2019). Agrarian conflicts not only affect the economic aspects, but also the socio-cultural aspects of local communities, such as the loss of communal identity and traditions related to land management. It also reflects the challenges in upholding legal certainty and agrarian justice in Indonesia, where vital land use can be a major trigger for disputes (Juniari et al. 2023). Overlapping policies also trigger horizontal and vertical conflicts, especially since there has been no revision of Law No. 1/1973 on the Continental Shelf which regulates exploitation and exploration of the seabed only at a depth of 200 meters, whereas Indonesia is bound by UNCLOS 1982 which recognizes the continental shelf up to 350 nautical miles (Juniari et al. 2023). As a result, this issue requires comprehensive policy interventions, including harmonization of agrarian regulations, strengthening the capacity of dispute resolution institutions, and empowering indigenous peoples in decision-making processes related to agrarian resource management (Arlina 2020).

Exploitative Land Utilization and Lack of Participation

Land utilization by the private sector, especially for industrial and plantation activities, shows an exploitative tendency and does not pay attention to the principles of ecological justice or community participation. Local communities often lose access to cultivated land without fair compensation. The process of land acquisition for development purposes is often done in a top-down manner, without adequate public consultation, which in turn increases the potential for social resistance.

This reflects poor land governance in Indonesia, which often triggers social turmoil (Octaleny et al., 2020). Transparency in the licensing process and supervision of AMDAL implementation are also still very weak, opening loopholes for practices that harm the environment and surrounding communities. Land mafia practices also contribute to this situation, often involving individuals who take advantage of legal loopholes and public

ignorance to illegally control land (Sihombing 2023). Although the government has attempted to improve legal certainty through the Complete Systematic Land Registration program, its implementation is often constrained by communication factors and the availability of resources at the local level, thus not fully addressing the problem of overlapping claims and uncertainty over land rights (Prakoso and Bawole 2022). These conflicts are also exacerbated by the lack of community understanding of the importance of formal legality of land ownership, so that much land is informally controlled without valid certificates (Sihombing 2023). It also shows that while minimal land utilization of the total concession, such as only 2.4% for active operations, may be considered a phased approach to environmental impact management, the social impact of displacing or restricting indigenous peoples' access remains a crucial issue that requires more attention (Interpretation of PT CPM Operational Buffer Zone Map in Poboya Village Based on National Regulatory Standards, n.d.). The involvement of indigenous peoples in forest and land management is a more holistic and sustainable approach (Apricia 2022). Periodic evaluation of the prioritization of areas that will receive improvement or development assistance programs is needed to ensure efficient and targeted resource allocation (Kustiwan and Ramadhan 2019).

Weak Dispute Resolution Mechanism

The mechanism for resolving agrarian disputes at the local level has not been effective. Mediation facilitated by local governments tends to be administrative and less substantive in resolving root causes. Settlement through litigation requires a long time and high cost, which is unaffordable for most smallholders. This results in conflict stagnation and increased tensions between communities.

The mismatch between policy plans and the real needs of the community is also often a trigger for resistance, hampering the effectiveness of conflict resolution programs (Kurniawan 2020). As a result, many agrarian dispute cases are not resolved completely, creating a bad precedent for law enforcement and agrarian justice in the future. Weak community participation in policy formulation also exacerbates this condition, as the programs implemented are often not in line with their aspirations and real needs (Kurniawan 2020; Kustiwan and Ramadhan 2019). This condition is exacerbated by the overlapping authority between government agencies in handling disputes, which often hinders effective coordination and consensus in resolving agrarian issues (Undang-Undang Republik Indonesia Number 30 Tahun 2014 About Government Administration, 2014).

In addition, a lack of legal understanding among communities and law enforcement officials also contributes to the complexity of dispute resolution, resulting in inconsistent and less socially binding decisions.

Unequal Access to Information and Legal Support

Affected communities have limited access to legal information and adequate legal support. Ignorance of agrarian rights, land administration procedures, as well as weak capacity in preparing claim documents are hindering factors in fighting for their land rights. This situation is exacerbated by low levels of legal literacy and the suboptimal role of local legal aid institutions.

This situation is exacerbated by the low level of legal literacy and the suboptimal role of local legal aid organizations. This information gap is often exploited by irresponsible parties, such as the land mafia, to illegally control land, as reflected in the many dispute cases involving land tenure practices without a clear legal basis. This limited accessibility further deepens the power gap between local communities and more dominant stakeholders, such as large corporations or local governments, in the context of agrarian rights negotiations. As a result, communities often face great difficulties in navigating the complexities of the agrarian legal system, making them vulnerable to exploitative practices and unilateral evictions (Septanti and Saptana 2020). This also indicates that there are serious challenges in ensuring that the information needed to protect community rights is equally and effectively accessible (Andini, Marinda, and Hamdani 2022). Therefore, increasing community capacity through legal education and facilitating access to legal aid is crucial to creating agrarian justice.

Potential Role of Local Institutions and Alternative Settlement Strategies

However, there is potential for local institutions such as mukim, tuha peut, and farmer groups to manage agrarian conflicts in a participatory manner. The involvement of customary institutions in the community-based mediation process is an alternative solution that is more contextual and rooted in local values. However, the role of these institutions has not been optimally facilitated by formal local government policies.

Strengthening the capacity and legitimacy of these local institutions is needed so that they can function as effective and legally recognized mediators, and increase local community participation in land resource management (Septanti and Saptana 2020). This approach is in line with agrarian justice principles that prioritize local wisdom as the basis for conflict resolution and resource management (Cahyono, Santoso, and Noor 2017; Septanti and Saptana 2020). Increasing community participation in waste management is one example of how collaboration between the government and citizens can produce positive results in environmental management (Prakoso and Bawole 2022).

The integration of the active role of local communities, who have great potential and qualified backgrounds, is crucial in community-focused sustainable development, both at the local and national levels, with participation and empowerment as the main pillars (Novian and Machdum 2021; Prakoso and Bawole 2022).

2. Discussion

The findings of this research reinforce the argument that agrarian disputes in Indonesia, particularly in Aceh Besar District, are structural problems that cannot be separated from a long history of land tenure inequality and a weak land administration system. Overlapping claims between indigenous communities and private parties or government institutions indicate a sharp gap between state law (positive law) and customary law (living law). This lack of synchronization has become the main trigger for agrarian conflicts, which not only have legal dimensions, but also social, economic and cultural dimensions. This situation indicates the importance of integrating a legal approach that is more accommodating to local wisdom-based land tenure systems.

This legal dualism, which contrasts the formal legal framework of the state with the customary legal system or local wisdom, is often the root of the problem that complicates the resolution of agrarian disputes, as seen from the dominance of state law which tends to exclude customary law (Junaidi et al. 2021).

Agrarian conflicts in Aceh Besar also reflect poor land use governance that tends to be exploitative, with minimal community participation in the planning and decision-making process. The top-down tendency in land acquisition for development purposes often ignores the principles of participation, ecological justice and social sustainability. The lack of community involvement in the initial policy-making process not only causes resistance, but also erodes public trust in the government and legal institutions. Therefore, early community involvement is an important prerequisite for development that is oriented towards social and ecological justice. This research underscores that an in-depth understanding of the dynamics of land tenure and utilization is essential for formulating more inclusive and sustainable agrarian policies. Participatory approaches, which prioritize the active involvement of communities from the planning stage, have proven to improve environmental quality and the overall sustainability of development projects (Kustiwan and Ramadhan 2019; Prakoso and Bawole 2022). This has resulted in the marginalization of indigenous peoples' traditional rights and created harmful legal uncertainty, exacerbating existing conflicts (Kustiwan and Ramadhan 2019). This research also highlights the urgency of restructuring land policies in favor of agrarian justice, taking into account the collective rights of indigenous peoples and strengthening legal frameworks that accommodate traditional land tenure systems (Bakker 2018). This

is in line with efforts to maintain the balance of social and economic justice that characterizes modern society, where the evaluation of justice in a society is always closely related to the interactions and relationships between individuals in it (Junaidi et al. 2021).

One of the crucial problems revealed in this research is the weak agrarian conflict resolution mechanism. Litigation channels are often ineffective due to the lengthy legal process, high costs, and procedural complexities that are inaccessible to the poor or small farmers. Meanwhile, mediation mechanisms facilitated by local governments have not touched the root of the problem, tend to be formalistic and not solutive. These findings are in line with the results of previous studies that emphasize the importance of innovation in agrarian conflict resolution through participatory dialogue approaches and community-based resolution models. This approach has the potential to increase land use efficiency while maintaining communal land ownership, which is an important foundation for social and economic stability in rural areas (Kristiansen 2018). The approach can encourage community self-reliance and reduce dependence on external interventions, as seen in efforts to improve environmental quality in dense settlements (Kustiwan and Ramadhan 2019). Therefore, agrarian dispute resolution should be pursued through a more holistic approach and involve the active participation of local communities, which is in line with the idea of inclusive and sustainable development (Margareta and Salahudin 2021; Prakoso and Bawole 2022).

Inequality in access to information and legal support further worsens the community's bargaining position in dealing with agrarian disputes. The lack of legal literacy, lack of understanding of agrarian rights, and limited access to official documents put indigenous peoples and smallholders in a very vulnerable position. In this context, the existence of legal aid institutions and the active role of the government in bringing agrarian information services closer are urgent needs. Local governments need to develop agrarian legal literacy programs and strengthen local institutional capacity to create communities that are better equipped to deal with land issues.

The implication is that farmers' institutional dynamics may be influenced by differences in priorities between agribusiness goals and the development of egalitarian structures (Junaidi et al. 2021). In addition, the shortage of agricultural extension workers is also a significant constraint in disseminating vital information on sustainable agricultural practices and agrarian rights to farmers, hindering them from achieving self-reliance and prosperity. This is also exacerbated by partnership policies that are sometimes unfavorable to farmers, as is often the case with mango farmers, where unsustainable coaching and capitalization make them vulnerable to entering and exiting partnerships.

However, this research also reveals the potential of local institutions such as mukim, tuha peut and farmer groups as key actors in conflict resolution. These institutions have social legitimacy and cultural closeness to the community, so they can function as more effective mediators than formal state institutions. However, these local institutions have not been fully recognized in the national regulatory framework, and have not received adequate resource support. Therefore, synergistic efforts between local governments and communities are needed to strengthen the role of local institutions as part of an equitable and sustainable conflict resolution system.

D. Conclusion

This research reveals that agrarian disputes in Aceh Besar District are a reflection of the complexity of relations between land ownership, control and utilization involving various actors with different interests. Overlapping claims between indigenous communities and formal legal rights holders, along with weak legal protection of historically-based tenure, are the main sources of conflict. Land use by the private sector and government institutions tends to ignore the principles of community participation and ecological justice, leading to the marginalization of local communities.

The absence of effective dispute resolution mechanisms, both litigative and non-litigative, prolongs social tensions and deepens structural inequalities. Affected communities tend to lack access to agrarian information and legal assistance, making it difficult to fight for their rights. On the other hand, potential local institutions such as mukim and customary institutions have proven to have the capacity to manage conflicts in a participatory and equitable manner, but have not received adequate institutional support from the state.

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