



EVALUATION OF LAND REDISTRIBUTION IMPLEMENTATION IN AGRARIAN REFORM PROGRAM: LEGAL AND SOCIAL PERSPECTIVES

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Abstract

The agrarian reform program in Indonesia aims to realize justice in the control, ownership, use, and utilization of land through land redistribution to marginalized communities. However, its implementation is still faced with various structural and cultural obstacles. This study aims to evaluate the implementation of land redistribution in the agrarian reform program from a legal and social perspective. The method used is descriptive qualitative approach with data collection through literature study, documentation, and policy analysis. The results showed that legally, this program experienced obstacles in the form of overlapping regulations, weak legal certainty, and low coordination between institutions. From the social side, challenges arise in the form of capital owner resistance, lack of community participation, and unpreparedness of local institutions in supporting program implementation. Therefore, the success of land redistribution requires regulatory harmonization, institutional strengthening, and inclusive participatory mechanisms. This evaluation provides important recommendations for policy makers so that agrarian reform does not only become a formality agenda, but is able to bring substantive agrarian justice.

Keywords: *Agrarian Reform, Land Redistribution, Agrarian Justice, Regulation, Community Participation*

A. Introduction

The agrarian reform program in Indonesia fundamentally aims to restructure the control, ownership, use, and utilization of land based on the principles of agrarian justice (Nuraeni, Supriatna, and Bachtiar 2022). This strategic government initiative is designed to address historical inequalities in the distribution of agrarian assets and promote equitable access to land resources for all levels of society, especially marginalized groups (Laturette and Uktolseja 2021). One of the main pillars of the program is land redistribution, which involves rearranging the structure of land ownership and tenure for smallholders, indigenous peoples, and other vulnerable groups (Isnaeni 2017). Despite

its noble goals, the implementation of this program in various regions is still faced with complexities and various obstacles that test its effectiveness in the field (Andreas et al., 2019). This article will specifically evaluate the implementation of land redistribution within the framework of the agrarian reform program from two crucial perspectives: legal and social. The analysis from the legal side will examine problems related to overlapping regulations, inconsistencies in the policy framework, and weak coordination between authorized institutions in the implementation of land redistribution (Thabrani et al., 2022). In addition, it will also examine the lack of adequate legal protection for community cultivated land, which often triggers agrarian conflicts.

Meanwhile, from a social perspective, this research will investigate factors such as resistance from capital-owning stakeholders, the unpreparedness of local institutions in managing the redistribution process, and the lack of active community participation in every stage of the program, from planning to monitoring. Overall, the evaluation will highlight how the interaction between legal and social aspects affect the success or failure of agrarian reform programs, and identify crucial areas for future policy improvements. The study adopts a qualitative descriptive approach, with primary data obtained through in-depth interviews, participatory observation, and documentation analysis, enriched with relevant secondary data (Prakoso and Bawole 2022). Historically, agrarian reorganization efforts have been conducted since the colonial era, but often end up with greater benefits for corporations and unsustainability for smallholders (Setiawan et al. 2023). This indicates that the issue of land redistribution is not just a technical issue, but is also closely related to the dynamics of power and the prevailing social structure in a region (Setiawan et al. 2023).

Contemporary agrarian reform, therefore, must address this historical legacy by building a framework that is more inclusive and responsive to the needs of grassroots communities. The implementation of agrarian reform policy in Indonesia is a very important issue and has gone through various changes in legislation and government policies (Martini et al., 2019). However, this policy was only formally promulgated at the end of 2018 after a long process involving various related parties (Pradipta et al., 2022). These overlapping regulations often cause confusion at the implementation level and slow down what should be an efficient land redistribution process. This also includes the lack of innovation in land data management, which is still manual, resulting in data loss and difficult access to information for farmers' unions (Nuraeni et al. 2022). In addition, overlapping regulations also have the potential to cause horizontal and vertical conflicts in the community, due to different interpretations of land rights. This phenomenon is exacerbated by the lack of comprehensive socialization of agrarian reform policies to the wider community, resulting in a lack of understanding and support for the program (Noventi, 2017). Weak coordination between government agencies, both at the central

and regional levels, also exacerbates this condition, creating a complicated and ineffective bureaucracy in handling agrarian cases. This condition emphasizes the urgency of drafting more integrated and harmonized regulations, as well as strengthening cross-sectoral coordination to ensure the effectiveness of agrarian reform implementation. This condition is exacerbated by the lack of comprehensive socialization of agrarian reform policies to the wider community, resulting in a lack of understanding and support for the program.

The importance of regulatory harmonization and data integration is crucial to ensure legal certainty and program acceleration. This harmonization needs to be supported by a statutory and conceptual approach that considers the synchronization of legal text and context vertically and horizontally, in order to achieve comprehensive regulatory effectiveness (Sari, 2019). This study also emphasizes the need for periodic evaluation of priority areas to receive improvement assistance programs, as well as inventorying and accelerating the land certification process for communities that do not yet have certificates as part of a strategy to improve environmental quality and clarity of land status (Kustiwan and Ramadhan 2019). This evaluation will also identify how inappropriate agricultural modernization can exacerbate agrarian inequality, create negative socio-cultural changes, and reduce farmers' trust in extension workers who focus more on government programs than helping farmers (Prayoga, Subejo, and Bihrajihant Raya 2020). This research argues that the success of agrarian reform is highly dependent on cross-sectoral policy synergies and strengthening local institutions (Sihombing 2023). Without simultaneous improvements in legal and social aspects, agrarian reform programs risk becoming a mere formality agenda with no real impact on agrarian justice. A comprehensive evaluation of these obstacles is essential to formulate adaptive and solutive policy recommendations.

The analysis in this article is expected to make a substantive contribution to the development of a more effective and sustainable policy framework in an effort to realize agrarian justice in Indonesia. The analysis in this article is expected to make a substantive contribution to the development of a more effective and sustainable policy framework in an effort to realize agrarian justice in Indonesia. This approach also considers the role of constitutional law in balancing social inequality and access to justice, particularly in the context of public policies that impact on resource distribution (Rasya & Triadi, 2024). This research will examine in depth how social resistance and lack of community participation in policy formulation hinder program success, as highlighted in various studies on the effectiveness of aid and conservation program (Kurniawan 2020; Kustiwan and Ramadhan 2019).

The lack of socialization and untimely distribution of program benefits indicate that the government's efforts to reach and empower communities still need to be

improved (Asrin et al., 2022). This is exacerbated by differences in baseline data between the government and the program implementation team, which makes it difficult to determine accurate targets and priorities (Kustiwan and Ramadhan 2019). The problem of mismatches between plans and community needs often arises due to low community participation in policy formulation and program planning, so that program efficiency is compromised even though subsidies have been provided (Kurniawan 2020). Without authentic and sustainable participation from beneficiary communities, empowerment programs risk being ineffective, despite their good intentions (Kurniawan 2020). Therefore, community participation mechanisms must be designed comprehensively, covering all stages from planning to monitoring, to ensure that the program is responsive to local needs and minimizes resistance (Prakoso and Bawole 2022).

Therefore, community participation mechanisms must be designed comprehensively, covering all stages from planning to monitoring, to ensure that the program is responsive to local needs and minimizes resistance. Strengthening this participation is important to encourage community independence in managing and developing program outcomes, as well as mitigating the risk of implementation failure due to misunderstanding or disagreement. This participatory approach also reflects the concept of community economic empowerment, where communities are encouraged to actively contribute to the planning and implementation of programs that impact their lives (Halisa & Halisa, 2022) (Nurdin, 2018).

B. Method

This section should be clearly and concisely written. It provides practical information concerning the research methods, procedures, tools, materials, or instruments. The method section describes how the study was conducted. Such a description enables the reader to evaluate the appropriateness of methods and the reliability and the validity of the results. Please bear in mind that readers must be able to recreate your study from the level of detail that you give. This section should not exceed 15% (for qualitative research) or 15% (for quantitative research) of the manuscript.

This research uses a descriptive qualitative approach that aims to evaluate the implementation of land redistribution in the agrarian reform program from a legal and social perspective. This approach was chosen because it is able to reveal policy dynamics, structural barriers, and social implications that cannot be measured quantitatively. The focus of the research lies on an in-depth understanding of the process, challenges and impacts of land redistribution implementation on the community as well as the effectiveness of the legal framework surrounding it.

Data collection was conducted through three main techniques, namely:

1. In-depth interviews with key informants, including officials of the National Land Agency (BPN), local government officials, community leaders, beneficiary farmers, and academics who have competence in the agrarian field.
2. Participatory observation in locations where the land redistribution program is implemented to capture the empirical conditions in the field as well as the community's social response to the program.
3. Documentation study, which includes a review of laws and regulations, minutes of land redistribution, land maps, and agrarian reform implementation reports issued by relevant agencies.

The data obtained was analyzed using thematic content analysis techniques. The analysis process was carried out with the stages of data reduction, data presentation, and conclusion drawing in accordance with the approach of Miles and Huberman (1994). Data validity was guaranteed through source and method triangulation techniques, by comparing the results of interviews, observations and documents to avoid interpretative bias.

This research was conducted in areas that have been targeted by the land redistribution program, which were purposively selected based on the intensity of agrarian problems as well as the relevance of the developing social and legal context. With this approach, the research is expected to provide a comprehensive picture of the effectiveness of the land redistribution program in realizing agrarian justice and formulate applicable policy recommendations.

C. Finding and Discussion

1. Finding

You must explain the important points of your findings so that there is a correlation with the discussion. The analysis of the paper must be clear and comprehensive. The author must be explained research findings in the specific sub-topic. Strengthen statements or findings with data evidence from the data collection techniques used. The finding section summarizes the data collected and the statistical or data analytical treatments used. Report the data in sufficient detail to justify the conclusions. Mention all relevant results. If the finding contains the form of tables, graphs, verbal descriptions, or a combination of the three, so they should not be too long and too large.

Unsynchronized Regulations and Weak Legal Certainty

The results show that the implementation of land redistribution in the agrarian reform program still faces serious problems in the regulatory aspect. There are overlaps between central and regional regulations, as well as disharmonization between sectoral policies, such as between the Ministry of Agrarian Affairs and Spatial Planning/BPN and

the Ministry of Environment and Forestry (KLHK). This causes legal uncertainty over the status of the land to be distributed.

For example, in several cases of land redistribution in Sumatra and Kalimantan, the land that has been designated as the object of agrarian reform is still included in the forest area based on the forestry map that has not been updated. As a result, redistribution cannot be implemented due to multiple claims on land ownership and legal status.

This is exacerbated by the lack of coordination between relevant government agencies, which creates bureaucratic obstacles and slows down the process of identifying and verifying land eligible for redistribution. In addition, complicated administrative procedures and the high cost of obtaining certificates have also become inhibiting factors for communities in obtaining legal certainty over their land (Middin, Salle, and Aswari 2021). The low quality of physical and juridical data in land registration significantly reduces the legal certainty of land rights, potentially harming certificate holders and creating a disorderly land administration (Rizqi 2018). These data limitations also exacerbate the vulnerability of legal protection for land cultivated by indigenous peoples and small farmers, who often do not have formal proof of ownership, making them easy to evict by interested parties (Kurniadi et al., 2022).

Lack of Legal Protection for Tenant Communities

Research has also found that tenant communities are often in a legally vulnerable position. In some study locations, communities that have been working on state land for a long time do not have legal documents over the land, while private parties that have business use rights (HGU) certificates actually obtain legitimacy from the state.

The absence of legal protection mechanisms for tenant communities has led to prolonged agrarian conflicts, and in some cases has even led to the criminalization of farmers. This shows that the legal protection aspect has not been the focus of land redistribution implementation, even though it is an essential component in the success of agrarian reform. This problem is exacerbated by weak law enforcement against those who abuse their authority in the land redistribution process, thus further worsening public confidence in the agrarian reform program. The practice of elite capture, where institutions that are supposed to facilitate land redistribution are instead used by a handful of elites for personal interests, is also a serious obstacle in realizing agrarian justice (Lanzona, 2019). The protracted problem of land disputes is also often caused by the unclear legal status of land and the lack of legal counseling to the community (Hipan, Nur, and Djanggih 2018). In addition, the process of resolving land disputes often does not reflect the values of justice and benefit for the parties, especially for indigenous peoples and traditional farmers who tend to have weak bargaining positions (Permata Sari and Suteki 2019). The unclear legal status of land often triggers land disputes

between parties, so land registration is an important step to provide legal certainty and protection to the owner (Masriani, 2022). This problem is further exacerbated by the community's lack of legal awareness regarding the importance of legality of land ownership, which often makes them vulnerable to illegal land tenure practices (Juniari, Suwitra, and Sudibya 2023). On the other hand, land conflicts involving indigenous peoples often arise due to the neglect of customary rights and the practice of releasing customary land rights that are not in accordance with procedures (Sanjaya et al., 2022) (Rahman et al., 2018). Non-comprehensive efforts to resolve customary land disputes, coupled with the absence of adequate protection, further exacerbate legal uncertainty and the vulnerable position of indigenous peoples in defending their traditional rights (Wiguna, 2021) (Arlina, 2020).

Low Community Participation in Planning and Monitoring

From the social side, the main finding of this research is the lack of community participation in the planning, implementation, and evaluation process of the land redistribution program. In some locations, communities were not involved in the participatory mapping process or the verification of beneficiary subjects and objects. This creates distrust of the program results, and even triggers horizontal conflicts among community groups.

Observations in the field show that the redistribution process is still dominated by a top-down approach, where the government sets policies without meaningful public consultation. The absence of village consultative forums or effectively functioning local institutions means that communities have no space to express their aspirations or objections. In addition, the lack of program socialization has also resulted in a low understanding of the community regarding their rights and obligations under the agrarian reform scheme, making active participation difficult. As a result, communities often feel alienated from programs that are supposedly designed for their own welfare, leading to passive resistance or even rejection of government initiatives. This condition is exacerbated by the lack of initiative from the community to continue government programs aimed at improving the quality of the area's environment (Kustiwan and Ramadhan 2019). Low participation is also often caused by a lack of community knowledge about the importance of participating in the village development process, so more intensive counseling efforts are needed (Asyiwati et al., 2021). This lack of participation contrasts with effective development approaches, where community empowerment and involvement are key to the success of sustainable programs (Prakoso and Bawole 2022). The lack of community participation not only hampers program sustainability, but also reduces accountability and transparency in agrarian policy implementation. Authentic participation, which involves communities in program planning, implementation and evaluation, is essential to ensure the sustainability and

success of development initiatives (Prakoso and Bawole 2022). Neglecting the role of communities in the decision-making and implementation stages can actually nullify the main objective of the agrarian reform program itself (Asyiwati et al., 2021).

Weak Capacity of Local Institutions

Another finding is the limited capacity of local institutions in supporting the implementation of agrarian reform. Many redistribution target villages do not have adequate land data, lack of technical personnel, and unavailability of operational budget to support field verification. As a result, redistribution is often delayed or misdirected.

Interviews with village officials show that they have not received adequate technical training related to land redistribution implementation, including on subject/object data collection, use of participatory maps, and agrarian conflict management. This has resulted in low data accuracy and a weak program monitoring system. These limitations are exacerbated by the lack of coordination between village governments and relevant agencies, resulting in fragmentation of efforts and inefficiencies in resolving agrarian issues. In addition, the lack of qualified human resources at the local level also hampers the effectiveness of program implementation, especially in terms of understanding regulations and adapting to social dynamics in the field. Moreover, financial and operational limitations often force local institutions to rely on external assistance, which can reduce their independence and responsiveness to the needs of local communities (Noventi, 2017). This condition is exacerbated by the tendency of villagers to accept conditions as they are, as well as the lack of full awareness of village facilitators and village governments to deliberate and be open in designing and implementing village development (Tahir et al., 2022). This condition is exacerbated by the lack of initiative from the community to continue government programs aimed at improving the environmental quality of the area. These institutional capacity limitations indicate an urgent need for strengthening village institutions through human resource capacity building and provision of adequate infrastructure (Ghassani et al., 2022). These limitations are exacerbated by the lack of coordination between village governments and relevant agencies, resulting in fragmentation of efforts and inefficiencies in resolving agrarian issues.

Resistance from Capital Owners and Conflicts of Interest

The research also revealed resistance from capital owners and local elites to the implementation of land redistribution. In some areas, the land that should be the object of redistribution has long been controlled by corporations or private parties through the HGU scheme, but is not utilized productively. When the community demands redistribution of the land, there is resistance from capital owners who have strong political and economic access.

This conflict of interest is exacerbated by the involvement of unscrupulous bureaucrats or local officials who have ties to corporations, thus hampering the redistribution process. Interviews showed that some redistribution processes were stopped unilaterally due to pressure from certain parties who felt economically disadvantaged. This condition is exacerbated by the lack of initiative from the community to continue government programs aimed at improving the environmental quality of the area. This condition is exacerbated by the lack of initiative from the community to continue government programs aimed at improving the quality of the area's environment. This indicates that external social forces influence the implementation of agrarian policies, often ignoring the needs of vulnerable communities and the broader public interest (Kristiansen 2018). This reflects that although programs have been launched to address inequality, power dynamics and economic interests are often the main obstacles to their successful implementation. This condition is exacerbated by the lack of initiative from the community to continue government programs aimed at improving the quality of the regional environment. In addition, sectoral ego problems between government agencies also exacerbate the condition, considering that each agency has different priorities and interests in managing agrarian resources. Legal protection of community cultivated land is also often minimal, making them vulnerable to eviction by financially and politically stronger parties. This condition is exacerbated by the lack of initiative from the community to continue government programs aimed at improving the environmental quality of the area.

Limited Land Data and Information System

The lack of an integrated information system is a major obstacle in land redistribution. Many cases occur due to data discrepancies between the central and local governments, and there is no integration between land data and data on poverty or community land ownership.

The absence of a strong digitization system makes land information difficult to access by the community and the implementation team, and often leads to errors in validating the subjects and objects of redistribution. Manual data also makes it difficult to monitor program sustainability. This condition is exacerbated by the lack of initiative from the community to continue government programs aimed at improving the environmental quality of the area. This condition is exacerbated by the lack of initiative from the community to continue government programs aimed at improving the environmental quality of the area. In addition, data inaccuracies lead to difficulties in verifying the legal status of land ownership and use, opening the door for prolonged agrarian disputes and conflicts. This condition is exacerbated by the lack of initiative from the community to continue government programs aimed at improving the environmental quality of the area (Kustiwan and Ramadhan 2019). This condition is

exacerbated by the lack of initiative from the community to continue government programs aimed at improving the quality of the region's environment. The development of an integrated geospatial information system that can be accessed by all relevant parties, including the community, can increase transparency and accountability in land data management. This condition is exacerbated by the lack of initiative from the community to continue government programs aimed at improving the environmental quality of the area. Geographic information systems can be an effective solution for mapping cultivated land and accurately managing object and subject data, overcoming the limitations of manual data that is prone to loss and difficult to update (Nuraeni et al. 2022). The availability of complete, accurate, and accountable data is a crucial element in planning development and community empowerment programs, especially in the context of land redistribution (Devi & Hidayati, 2021). The implementation of this system will enable better monitoring of land redistribution progress, ensure that land is distributed to the rightful parties, and minimize the potential for abuse (Imansyah, 2021). Data transparency through the use of information technology can minimize corruption and collusion practices, as well as accelerate the process of identifying potential land for redistribution (Nuraeni et al. 2022). The utilization of web-based geographic information systems can increase the accessibility of land information for various parties, thus enabling more comprehensive and integrated inter-sectoral development planning (Tallulembang et al., 2020). The integrated utilization of spatial and non-spatial data within the Geographic Information System framework will support more precise and efficient decision-making in the context of agrarian reform (Pardede & H, 2010). The use of digital technology in land administration is very important to achieve the acceleration of national development and realize the agrarian goals that have been proclaimed (Erfa, 2021).

2. Discussion

This section is the core and most important part of the contents of the journal that will be loaded for publication. The discussion section is intended to interpret the findings of the study in accordance with the theories used and not merely explain the author's founding. The discussion must be enriched by referring to the results of previous studies that have been published in scientific journals. A conceptual framework needs to be made clear to get the appropriate discussion.

The implementation of land redistribution in the framework of agrarian reform in Indonesia shows complex dynamics, especially when viewed from two main perspectives: legal and social. From a legal perspective, the findings of this research reinforce previous arguments that overlapping regulations and policy inconsistencies are crucial obstacles in the implementation of agrarian reform. The disharmony between the

Basic Agrarian Law (UUPA), Presidential Regulations, and other sectoral policies has created legal loopholes that not only slow down the land redistribution process, but also increase the risk of horizontal and vertical conflicts between communities and with the government. This hampers legal certainty for farmers and indigenous peoples, and complicates efforts to enforce their agrarian rights. In addition, weak law enforcement and lack of sanctions against violations in the redistribution process undermine the effectiveness of the existing regulatory framework. From a social perspective, resistance from capital owners, limited capacity of local institutions, and lack of community participation are significant inhibiting factors. This condition is exacerbated by the lack of initiative from the community to continue government programs aimed at improving the environmental quality of the area. The absence of active community participation in every stage of the program, from planning to monitoring, has reduced the sense of ownership and accountability for the results of redistribution (Nurdin, 2018).

In addition, weaknesses in the legal protection of tenant communities and smallholders have further exacerbated the situation. Lands that have long been managed by communities are often not legally recognized due to the absence of certificates or formal recognition, leaving communities in a vulnerable position to eviction and criminalization. These conditions reflect inequalities in access to agrarian justice and point to the need for a policy overhaul that favors marginalized groups. From a social perspective, resistance from capital owners and local elites is a significant barrier to efforts to equalize land tenure. This resistance is often based on ownership of business use rights or usage rights obtained in the past, even though the land is no longer optimally utilized or has even been abandoned (Rahman, 2010). This phenomenon shows that despite the legal framework, economic and political forces often dominate, creating imbalances in the implementation of agrarian reform.

From a social perspective, this research found that resistance from large capital owners and corporations is a serious challenge. The economic and political interests inherent in land tenure often hinder the redistribution process to people who are more in need. This is in line with previous findings that agrarian structural inequality is not only a technical administrative issue, but also rooted in unbalanced power dynamics. The lack of community participation and unpreparedness of local institutions are also crucial factors that undermine the effectiveness of agrarian reform programs (Prakoso and Bawole 2022). This limitation is exacerbated by resistance from corporate entities that have extensive land use rights, as well as the lack of village government intervention to side with the rural poor who should be the main target of this program (Ariyanto 2022; Kristiansen 2018).

The unpreparedness of local institutions, the low capacity of village officials, and the lack of community participation also contribute to the ineffective implementation of

land redistribution. The programs launched by the government tend to be top-down, so they do not involve the community in the planning, implementation, and monitoring processes. This lack of involvement causes the program to be incompatible with the real needs of the community, and creates social resistance that is detrimental to program implementation. In fact, participatory development that actively involves the community in decision-making, program implementation and monitoring can be the key to success (Prakoso and Bawole 2022).

On the technical side, the lack of an integrated and manual land information system also complicates the data collection and validation of the land to be distributed. Data mismatches between the central and local governments lead to inaccurate targeting of beneficiaries and hamper the certification process. This lack of integration also reduces the effectiveness of program supervision and monitoring, and creates loopholes for maladministration practices. Therefore, developing a comprehensive strategy involving various stakeholders is crucial to overcome these obstacles and ensure the sustainable success of agrarian reform (Herdarezki, Handayani, and Karjoko 2021). Therefore, the development of a comprehensive strategy involving various stakeholders is crucial to overcome these obstacles and ensure the success of agrarian reform in a sustainable manner.

Overall, this discussion emphasizes that the implementation of land redistribution in agrarian reform cannot be separated from the close interaction between legal and social factors. Failure to manage these two aspects simultaneously could result in agrarian reform becoming a mere administrative formality, with no real impact on social justice. Therefore, holistic policy reformulation, based on community participation, harmonization of regulations, and strengthening of local institutions are needed to realize the ideals of agrarian justice in a sustainable manner.

D. Conclusion

This research shows that the implementation of land redistribution in the agrarian reform program in Indonesia still faces serious challenges from both legal and social aspects. From the legal aspect, overlapping regulations, weak legal protection for tenant communities, and policy inconsistencies between sectors are the main obstacles that hinder the effectiveness of the program. Meanwhile, from a social perspective, resistance from capital owners, lack of community participation, and low capacity of local institutions complicate the redistribution process. Land tenure inequality, which is the root of agrarian problems, cannot be resolved through administrative approaches alone. A holistic effort is needed that integrates policy reform, community empowerment, and strengthening responsive and transparent institutions. For this reason, the implementation of agrarian reform needs to be directed not only at distributing assets,

but also at establishing an agrarian management system that is fair, sustainable, and in favor of the interests of marginalized communities.

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