Problematics of Land Dispute Resolution in Indonesia

Meliana Dyah Pertiwi, Adriana Grahani Firdausy, and Dona Budi Kharisma

Sebelas Maret University, Surakarta, Indonesia
Meliana Dyah@student.uns.ac.id

Abstract. Law No. 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA) is designed to regulate the control and use of land in Indonesia in a fair and orderly manner, with the aim of providing legal certainty and protection of land rights for all levels of society. However, in practice, many cases show a gap between these legal provisions and their implementation, which often gives rise to land disputes. The purpose of this study is to analyze the problems of the land dispute settlement process in Indonesia and provide recommendations for resolving land disputes in Indonesia. The type of research used is normative legal research and uses a statute approach, by examining regulations related to the implementation of customary land dispute settlement in Indonesia. In its implementation, in the process of resolving land disputes in Indonesia, there are still many challenges faced, the existence of overlapping land certificates, both due to administrative errors and due to falsification of documents. This happens because the land registration system is not fully integrated and sometimes inaccurate. In addition, there is a lack of neutral facilitators so that mediation often does not run effectively. In terms of recognition of customary land, there are also frequent disputes in Indonesia. Indigenous peoples often experience difficulties in resolving land disputes because their customary land is not legally recognized by the government. This study highlights that the resolution of land disputes in Indonesia requires a more adaptive approach.

Keywords: Problematics, Dispute Resolution, Agrarian

1 Introduction

The issue of land disputes in Indonesia is a very complex issue and is often rooted in the incompatibility between various legal and social interests. These conflicts arise due to a variety of factors, including inadequate recognition of land rights, flawed administrative procedures, and inconsistencies between national and customary laws[1]. With the size of the area and high population density, land disputes not only have an impact on the land rights themselves, but also on the social and economic welfare of the community, as well as the sustainability of development[2].

A report from the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) from 2023 shows that 241 agrarian conflicts occurred in Indonesia. As a result, 135,608 family cards lost 638,188 ha of farmland, customary territories and settlements. In addition, it was recorded that 110 conflicts resulted in the deaths of 608 land rights fighters as a result of repressive methods applied in agrarian

D. B. Kharisma et al. (eds.), *Proceedings of the International Conference for Democracy and National Resilience (ICDNR 2024)*, Atlantis Highlights in Social Sciences, Education and Humanities 30,
https://doi.org/10.2991/978-94-6463-634-5_12

conflict areas. Among six other Asian countries, India, Cambodia, the Philippines, Bangladesh, and Nepal, agrarian conflicts in Indonesia account for 74% of all incidents, 94% of all victims, and 84% of all affected households.

This is in line with the high number of agrarian dispute cases that occur in Indonesia. In 2019 there was a conflict between the Anak Dalam tribe and PT. Asiatic Persada in Jambi [3]. Indigenous Peoples claim that the land controlled by the company is customary land that has been inherited from generation to generation while PT. Asiatic Persada obtained permission from the government to develop land. Law No. 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA) Articles 3 and 5 states that if the rights of indigenous peoples are not recognized in the process of land registration or licensing, this violates the provisions of the law regarding the recognition of customary rights. [4]. In addition, Law No. 39 of 2014 concerning Plantations Article 14 stipulates that companies have the responsibility to communicate with indigenous peoples and provide compensation if the company's activities have an impact on customary rights. [5].

In addition, agrarian dispute cases involving the Government (Ministry of PUPR), mining companies (PT. Bina Marga), and the people of Wadas Village who were involved in the Bener Dam construction project in 2021 in Purworejo, Central Java [6]. The community rejects the plan for andesite mining in the Wadas village area, which is used as a material for the construction of the dam, because the people of Wadas village are worried about environmental impacts, damage to agricultural land, and destruction of customary land. Meanwhile, PT. Bina Marga is a company that has obtained a permit to carry out andesite mining in Wadas village [7]. In Law No. 5 of 1960 concerning the Basic Regulation of Agrarian Principles (UUPA) Article 3 which regulates the rights of indigenous peoples to customary land and the need for recognition of these rights. If customary rights are not recognized or taken into account in the licensing process, then this violates the provisions of the law.

The problem of land disputes in Indonesia is often related to the inconsistency between the applicable legal principles and their implementation in the field. One of the important aspects in this case is Law No. 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA) [8]. UUPA is designed to regulate the ownership and use of land in Indonesia in a fair and orderly manner, with the aim of providing legal certainty and protection of land rights for all levels of society. However, in practice, many cases show a gap between these legal provisions and their implementation, which often gives rise to land disputes. [9].

The UUPA regulates several fundamental matters regarding land ownership and control. Article 2 paragraph 3 of the UUPA emphasizes that "authority derived from the right to control from the State" mandated to the government should pay attention to what the Law intends to achieve, namely "to achieve the greatest prosperity of the people, in the sense of happiness, welfare and independence in society and the Indonesian legal state that is independent, sovereign, fair and prosperous" [10]. This includes the affirmation that the rights of communities must be recognized and respected in the national land law system. However, the implementation of land rights recognition is often inconsistent with these principles, resulting in conflicts between community rights and development or investment interests.

The urgency of this study is that unresolved land disputes not only have the potential to result in material and non-material losses for the affected communities but can also

damage public trust in the legal system and government. Prolonged conflicts can slow down the development and investment process, which in turn can affect economic growth and the well-being of the community at large. Therefore, it is important to conduct an in-depth study of the settlement of land disputes, both from a legal, administrative, and social perspective. The purpose of this study is to analyze the problems of the land dispute resolution process in Indonesia and provide recommendations for resolving land disputes in Indonesia.

2 Research Methods

The type of research used is normative legal research, in order to produce arguments in solving the legal problems faced. This study uses a statute approach, by examining regulations related to the implementation of customary land dispute settlement in Indonesia. The nature of legal research in this study is perspective, examining the relationship between legal facts and legal norms and legal doctrines. The sources and legal materials in this study are based on secondary data obtained from literature research in the form of primary and secondary legal materials. such as the 1945 Constitution of the Republic of Indonesia, Law No. 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA), Government Regulation No. 24 of 1997 concerning Land Registration and Previous Legal Research related to the settlement of land disputes in Indonesia. The data analysis used in this legal research is by syllogism method and deductive thinking patterns. This analysis is used to look at existing theories and regulations, and then applied to specific cases to see the consistency between theory and practice.

3 Introduction

3.1 Problematics of the Land Dispute Settlement Process in Indonesia

According to the Great Dictionary of the Indonesian Language, a dispute is anything that causes a difference of opinion, dispute, or dispute. Legal disputes originate from complaints from a party (person or entity) that contains objections and demands for land rights related to the status, priority, and ownership of land [11]. The purpose of legal disputes is to be resolved administratively in accordance with applicable regulations. The existence of differences in perception, which is a consciously created picture of the environment based on one's knowledge, leads to disputes as well. The environment in question is the physical and social environment [12]. A land dispute is a dispute or conflict between two or more people, including individuals, community groups, governments, or companies, about the ownership, use, or boundaries of land. The unclear and overlapping legal status of land claims, differentiation in the way of interpreting land boundaries, evictions, or the purchase of land for the public interest without adequate compensation[13].

In its implementation, in the process of resolving land disputes in Indonesia, there are still many challenges faced that hinder the resolution of disputes effectively and

quickly. The problems faced in the process of resolving land disputes in Indonesia are as follows

Overlapping land certificates

Overlapping land certificates both due to administrative errors and due to falsification of documents [14]. This happens because the land registration system is not fully integrated and sometimes inaccurate. The land administration system in Indonesia is often not integrated between the regional and central levels[15]. This causes unclear land ownership status and complicates the dispute resolution process so that legal certainty for rights holders is weak [16]. This is in line with the statement of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency (ATR/BPN) in 2024, that there are 6.4 million hectares of land in Indonesia that have the potential to overlap, this is because 6.4 million hectares of land are not listed on the land map even though the land is certified.

Law No. 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA) Article 19 paragraph 1 states that "To ensure legal certainty by the Government, land registration is held throughout the territory of the Republic of Indonesia in accordance with the provisions regulated by Government Regulations". This article provides the legal basis for the regulation of land rights, but it often does not solve the problem of overlapping or unregistered land administration[17]. In addition, Government Regulation No. 24 of 1997 concerning Land Registration Article 1 Paragraph (1): Stating that "land registration is an effort made to ensure legal certainty of land rights." In its implementation, an administration system that is not well integrated causes difficulties in the registration and management of land data. [18].

Land Mafia Involvement

The problem of resolving land disputes is indeed more complex, where there is the involvement of the land mafia who forge land certificates or manipulate land data is often a major obstacle in dispute resolution. The land mafia often collaborates with individuals in government agencies or land agencies, which prolongs the settlement process [19]. This is in line with the statement of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency (ATR/BPN) in 2024, that in 2023 there will be 86 cases of land mafia that have been revealed and this has the potential to cause losses of 13.2 trillion rupiah. One of the cases related to the land mafia is the Village Treasury Land (TKD) in Caturtunggal, Depok, Sleman, Yogyakarta involving Robinson Saalino. Article 2 paragraph 1 jo Article 18 of Law number 31 of 1999 concerning the Eradication of Corruption Crimes as Law number 20 of 2001 concerning amendments to the Crime of Corruption states: "No act shall be punished except on the strength of the criminal rule in the previous law of the act". mentions that every person who unlawfully commits an act of enriching himself or another person or a corporation that can harm the state's finances or the country's economy is sentenced to a minimum of 4 years in prison and a maximum of 20 years and a fine of at least 200 million rupiah and a maximum of 1 billion rupiah.

Non-neutral mediation facilitators

In addition to the existence of the land mafia, there is a lack of neutral facilitators so that mediation often does not run effectively, due to the lack of competent facilitators to mediate conflicts. This non-neutrality can be caused by the influence of certain parties, especially in cases involving large companies or government interests. Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution Article 1: States that "arbitration is a means of resolving disputes outside the court, in which the parties to a dispute agree to submit the resolution of their dispute to one or more arbitrators." This article does not fully address practical challenges in mediation and arbitration in the field[20]. This has an impact on the lack of trust in mediation where the community often does not have trust in the mediation process, because they think that mediation will not provide a fair solution. As a result, disputes tend to be brought to court, even though court proceedings are longer and more expensive.

Recognition of customary lands

In addition, the problem of resolving agrarian disputes in terms of recognition of customary land also often occurs in Indonesia. Indigenous peoples often experience difficulties in resolving land disputes because customary land is not legally recognized by the government. This causes land to be easily allocated to companies or projects without approval. This is due to the lack of legal protection for customary lands, although there are rules that protect customary lands, their implementation is often not optimal. Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia states that the state recognizes and respects the rights of indigenous peoples of Indonesia as long as they are alive and in accordance with the development of society and the principles of the Republic of Indonesia as stipulated in the law. In addition, Article 28I paragraph (3) of the 1945 Constitution of the Republic of Indonesia states that the culture and rights of indigenous peoples in Indonesia.

Real problems on the ground often include uncertainty over land rights and inadequate legal recognition. Rempang Case: A real example occurred on Rempang Island, Batam, Riau Islands. [21]. There, indigenous peoples, the government, and private companies, such as PT. Makmur Elok Graha, was involved in a land conflict due to the planned development of an industrial estate, which unfortunately caused legal uncertainty about land ownership[22]. This condition of disagreement can develop into a complicated and difficult dispute because it involves various elements, such as the rights of indigenous peoples and the company's claim to land [23]. The legal uncertainty surrounding the status of this land is one of the problems that makes this situation more difficult. Land that is considered by indigenous peoples as ancestral heritage often has an unclear legal status. This raises concerns about the ownership and use of the land. Because each party seeks to defend its claims by referring to different interpretations of the law, this legal uncertainty often leads to conflicts.[24].

Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21 of 2020 concerning the Handling and Settlement of Land Cases in its implementation is still not effective[25]. In coordination between agencies is not optimal because this Regulation involves many parties in resolving land disputes, such as Ministries, Regional Offices, and legal

institutions. Poor coordination between agencies often slows down the resolution of cases. In addition, there is a lack of verification in the implementation of court decisions, where there are problems in checking whether court decisions can really be implemented, especially in terms of overlapping land rights or unclear land boundaries [26]. In the case of exceptions to the execution of court decisions, some exceptions, such as conflicting judgments or land changing status, often hinder execution. Agrarian conflicts on a wide scale occur when an area is included in the concession area, either for the reason of rights or concession permits. The non-selective granting of rights and permits also provides wide opportunities for land abandonment which also gives rise to further disputes and conflicts. Conflicts involve various actors and interests, both individuals, communities, companies, and government agencies. Therefore, dispute resolution and agrarian conflicts are often inadequate if they are only resolved through the judicial process and with a sectoral approach[27].

In analyzing the problem of resolving agrarian disputes in Indonesia, the researcher uses the theory of responsive law and progressive law theory. Responsive legal theories developed by legal experts such as Philippe Nonet and Philip Selznick. Responsive law theory emphasizes that the law must be responsive to the needs of society, accommodate social change, and involve public participation in the legal process. The law in this theory is not just a rigid set of rules, but as a tool to solve social problems and uphold justice for society.

The overlap of land certificates and the weak administrative system reflect laws that have not been responsive to the community's need to have legal certainty related to land. In this context, responsive law demands that the land system be designed to adapt to the social realities on the ground, where many lands are not registered or overlap occurs due to poor administration [17]. The solution is a more adaptive land law system, such as digitizing land data and simplifying administrative processes to make them more inclusive and transparent. Weak law enforcement and slow bureaucracy indicate that the law is not responsive to the public's need for fast and effective justice. The protracted process of land disputes and often used by the land mafia shows a law that is not responsive to social reality. In the framework of responsive law, firmer, faster, and more transparent law enforcement is essential so that people can feel protected by the law.[28].

The recognition of indigenous peoples' rights to customary lands is often ignored in a rigid formal legal system. Responsive legal theory encourages the law to be more open to social diversity and local values, so that customary lands and indigenous peoples' rights are formally recognized. The dispute resolution process involving indigenous peoples should provide space for them to be actively involved in the legal process.

The progressive legal theory put forward by Satjipto Rahardjo argues that the law must be on the side of humans, not only on the rule and certainty of the law. The law should not be seen as a static and rigid institution, but rather must evolve and change to achieve social justice. Progressive law emphasizes flexibility in applying the rule of law in order to adapt to changing social conditions and prioritize the humanitarian aspect. A rigid formalistic approach to land dispute resolution often ignores humanitarian aspects and substantive justice [29]. In many cases, residents who do not have formal certificates are marginalized even though they have managed the land for generations. Progressive law encourages the settlement of land disputes not only to

refer to formal documents but also to consider substantive justice, such as the historical and social rights of communities to land. [27].

Slow law enforcement and complicated bureaucracy show that there are legal formalities that ignore the humanitarian aspect. Progressive legal theory emphasizes the importance of law to focus more on solving problems, rather than just carrying out formal procedures. Long and expensive legal proceedings in land disputes are often burdensome for small communities[30]. Therefore, a progressive approach will encourage simpler, faster, and more substantive justice-oriented dispute resolution, rather than just procedural. Static legal certainty is often the reason behind the difficulty of resolving land disputes. For example, customary land or customary land that is not recognized by formal law because it is not in accordance with land administration rules. Progressive legal theory argues that legal certainty should not be an obstacle to the achievement of justice. In customary land disputes, the law must be flexible and adapt to the social context and the needs of indigenous peoples.[31].

Responsive legal theory reminds that land law in Indonesia must adapt to social changes and the needs of a growing society. Rigid land administration systems, slow law enforcement, and injustice in the recognition of indigenous peoples' rights show that current laws are not responsive enough. Land administration reform involving digitalization and increased community participation, as well as stricter law enforcement against the land mafia, is a form of responsive legal implementation.

On the other hand, progressive legal theory criticizes legal systems that focus too much on formal certainty and often ignore substantive justice. Land dispute resolution that prioritizes too much on the formality of certificate documents without considering the history of land use or the rights of local communities is contrary to the principle of progressive law. Dispute resolution that prioritizes dialogue, mediation, and social justice will be more in line with progressive law, which prioritizes humanity over rules. These two theories underline that land law in Indonesia requires changes that are not only technical but also fundamental, by placing the needs and rights of the community as the top priority in the land dispute resolution process.

3.2 Recommendations for Resolving Land Disputes in Indonesia

Solutions in the land dispute resolution process in Indonesia must include a comprehensive legal, administrative, and social approach to ensure justice and efficiency. In the legal system theory proposed by Lawrence M. Friedman, law is viewed as a system consisting of three main components: structure, substance, and legal culture. These three components interact with each other to shape and influence the way the law functions in society. Linking the problems in the land dispute settlement process in Indonesia with Friedman's theory of the legal system can provide a deeper insight into how to improve the land law system as a whole.

The legal structure includes existing legal institutions, administrative systems, and legal instruments. Ineffective land administration structures and overlapping land certificates reflect weaknesses in the legal structure. Many institutions are involved in land management with unintegrated procedures, resulting in uncertainty and conflict. To improve the legal structure, the land registration system needs to be reformed and digitized [32]. This involves integrating data from various related institutions, increasing the capacity of land institutions, and implementing technology to effectively

manage and verify land certificates. With a more organized and modern structure, the land administration process can become more transparent and efficient.

Legal substance is related to the content of applicable regulations and laws, including the Basic Agrarian Law (UUPA), government regulations related to land registration and certification and customary laws that apply in the community [33]. Land laws are often rigid and unresponsive to social changes and community needs. In addition, the recognition of indigenous peoples' rights to customary land is often not accommodated in the existing legal substance. To increase legal substance, it is necessary to harmonize regulations related to land with customary law and national interests. In addition, the preparation of consistent Standard Operating Procedures (SOP) across ATR/BPN can avoid misinterpretations related to the land administration process, especially for complex case disputes. In terms of substance, it provides the preparation of a legal framework that supports the process of alternative settlement of land disputes through arbitration so that this gives legal force to the results of mediation or land arbitration. With a more adaptive and inclusive legal substance, land disputes can be resolved more fairly and responsively to the needs of the community.

Legal culture includes public attitudes, values, and perspectives on the law and legal institutions. The current legal culture may indicate a lack of trust in the formal legal process and the inactivity of the community in dispute resolution. Many residents feel that the legal process is too slow, complex, and unfair [10]. To change the legal culture, it is necessary to carry out intensive education and socialization efforts regarding legal rights and procedures to the public. Increased awareness of their rights and dispute resolution processes can increase public participation and trust in the legal system. Additionally, promoting alternative approaches to mediation and dispute resolution can help change the legal culture to prioritize peaceful and dialogical settlement over lengthy and costly formal litigation.[13].

Integrating legal structures, substances, and cultures in the context of land dispute resolution involves efforts to harmonize these three aspects to create a more effective and responsive legal system. Improving the structure by improving the administrative structure and legal institutions to be more efficient and integrated. Substance reform by changing and updating the substance of the law to better suit the needs of the community and the recognition of local rights. Transforming legal culture by increasing public trust in the law through education, mediation, and more inclusive dispute resolution. With this holistic approach, the land law system can be optimized to resolve land disputes more fairly, quickly, and effectively, and reflect the values of justice and responsiveness to social change.

4 Conclusions and Suggestion

The conclusion of this study highlights that the settlement of land disputes in Indonesia requires a more adaptive approach, based on responsive, progressive, and legal system legal theories. Responsive legal theory emphasizes the importance of law to adapt to the needs of society, with a focus on substantive justice. Progressive legal theory promotes law as a tool for social change, which must side with weak societies and ensure agrarian justice. Meanwhile, the theory of the legal system emphasizes that the

effectiveness of land dispute resolution depends on the alignment between rules, institutions, and practices in the field.

Suggestions in legal research related to the problems of land dispute resolution in Indonesia should be focused on improving regulations and institutions that handle land disputes. Researchers can recommend the importance of internal reform of ATR/BPN both in terms of improving the competence and integrity of the ATR/BPN apparatus, updating the land administration system, including digitization of land certificates and transparency in the process of measuring and determining land boundaries. In addition, strengthening the role of courts or mediation institutions can be an alternative in resolving disputes more quickly and efficiently. This is a long-term step to prevent disputes through fairer land redistribution and more consistent law enforcement against cases of land rights violations

References

[1] E. Sari, M. Yamin, H. Purba, and R. Sembiring, "Politik Hukum Pengadaan Tanah Terhadap Tanah Abrasi Pasca Diberlakukan Undang-Undang Cipta Kerja," *Jurnal Ius Constituendum*, vol. 7, no. 1, p. 50, Apr. 2022, doi: 10.26623/jic.v7i1.4390.

[2] E. Mardalena, "Penyelesaian Sengketa Pertanahan Melalui Proses Mediasi Pada Kantor Pertanahan Kabupaten Kepahiang Perspektif Hukum Islam" *Qiyas*, vol. 7, no. 2, pp. 127–130, 2022.

[3] E. Rahmi, R. O. Ulma, C. S. Pratiwi, and F. Fitria, "Land Resource Conflict Resolution Model (Agrarian) Based on Local Wisdom of Indigenous Peoples of Jambi Province," *Proceedings of the 1st International Conference on Law, Social, and Political Science (ICSP 2023)*, vol. 2, no. 1, pp. 102–112, 2023, doi: 10.2991/978-2-38476-194-4_11.

[4] L. Amir, D. Noviades, and N. Netty, "Tindakan Pemerintah Daerah Memberikan Perlindungan Hukum Terhadap Suku Anak Dalam Yang Mengemis Di Kota Jambi," *Jurnal Sains Sosio Humaniora*, vol. 4, no. 2, pp. 703–714, Dec. 2020, doi: 10.22437/jssh.v4i2.11532.

[5] T. S. Pratiwi, "Understanding the Movement of Suku Anak Dalam Bathin Sembilan Against Land Conflict with PT. Asiatic Persada in Jambi Through Social Movement Theory," *Jurnal Transborders*, vol. 2, no. 1, pp. 2–8, 2018.

[6] A. Sefani, A. Syifa Salsabila, L. Yuni Arsita, and T. Nabila Kirsanto, "Konflik Agraria dan Keterlibatan Rezim Lokal pada Konflik Desa Wadas," *Jurnal Administrasi Pemerintahan Desa (Village)*, vol. 05, 2024, doi: 10.47134/villages.v5i1.

[7] M. W. Humaidi, "Wadon Wadas: Women's Resistance in Agrarian Conflict of Andesite Mining Construction Policy in Purworejo Regency," *Palastren: Jurnal Studi Gender*, vol. 16, no. 1, p. 1, Jun. 2023, doi: 10.21043/palastren.v16i1.14695.

[8] S. C. Pamungkas, "Transformasi UU Agraria Tahun 1870 Ke UUPA 1960 Pada Masa Dekolonisasi Kepemilikan Tanah Pasca Kemerdekaan di Indonesia," *Al-Isnad: Journal of Islamic Civilization History and Humanities*, vol. 2, no. 2, pp. 1–66, 2021.

[9] B. S. Panjaitan, "Pembentukan Pengadilan Pertanahan Sebagai Solusi Penyelesaian Sengketa Pertanahan," *Bina Hukum Lingkungan*, vol. 4, no. 2, p. 264, Apr. 2020, doi: 10.24970/bhl.v4i2.130.

[10] ahmad Bilaldzy and S. Relys, "Tinjauan Kritis Urgensi Pembentukan Pengadilan Agraria : Upaya Menangani Inefektivitas Penyelesaian Konflik Agraria pada Peradilan Tata Usaha Negara dan Peradilan Umum," *Jurnal Hukum Lex Generalis*, vol. 3, no. 9, pp. 688–693, 2022, Accessed: Sep. 15, 2024. [Online]. Available: https://jhlg.rewangrencang.com/

[11] M. Tan, A. R. Haris, L. Sudirman, J. Girsang, U. P. Peradilan, and K. Pertanahan, "Urgensi Pembentukan Peradilan Khusus Pertanahan Terhadap Sengketa Pertanahan Di Indonesia Morality: jurnal ilmu hukum," *Jurnal Ilmu Hukum*, vol. 10, no. 1, pp. 91–106, 2024, doi: 10.52947/morality.v10i1.465.

[12] H. Aldila, Y. Runggu, T. C. Sianturi, and A. Madika, "Dinamika Hukum Agraria Di Indonesia Tantangan Dan Solusi Dalam Penyelesaian Konflik Pertanahan Yang Bersertifikat," *Jurnal Dunia Ilmu Hukum*, vol. 2, no. 2, 2024, doi: 10.59435/jurdikum.v2i2.376.

[13] Rr. L. Sekar N.S *et al.*, "Analisis Yuridis Peranan Kantor ATR/BPN terhadap Penyelesaian Permasalahan Sengketa Batas Tanah," *Indonesian Journal of Law and Justice*, vol. 1, no. 4, p. 11, Mar. 2024, doi: 10.47134/ijlj.v1i4.2333.

[14] M. A. Abdullah *et al.*, "Analysis of Customary Land Conflict Resolution Strategies Based on Customary Law, Cultural Concepts, and Local Wisdom in Indonesia," *Journal of Law and Sustainable Development*, vol. 11, no. 11, p. e1559, Nov. 2023, doi: 10.55908/sdgs.v11i11.1559.

[15] A. P. Parsaulian and . S., "Masalah Tumpang Tindih Sertipikat Hak Milik atas Tanah di Kota Banjarbaru (Putusan nomor: 24/G/2014/PTUN.BJM)," *BHUMI: Jurnal Agraria dan Pertanahan*, vol. 5, no. 1, p. 129, May 2019, doi: 10.31292/jb.v5i1.324.

[16] C. N. Saraswati and A. Winanti, "Pembentukan Pengadilan Agraria dalam Penyelesaian Sengketa Pertanahan Di Indonesia," *SALAM: Jurnal Sosial dan Budaya Syar-i*, vol. 8, no. 1, pp. 237–250, Jan. 2021, doi: 10.15408/sjsbs.v8i1.19475.

[17] G. Mahendra Ardiansyah, D. Gede Sudika Mangku, and N. Putu Rai Yuliartini, "Penyelesaian Sengketa Kepemilikan Sertifikat Ganda Berdasarkan Peraturan Pemerintah Nomor 24 Tahun 1997 Di Kabupaten Banyuwangi (Studi Kasus Sengketa Tanah Di Kelurahan Klatak Kabupaten Banyuwangi)," 2022.

[18] P. Aryo Dewandaru, N. Tri Hastuti, and F. Wisnaeni Program Studi Magister Kenotariatan, "Penyelesaian Sengketa Tanah Terhadap Sertifikat Ganda Di Badan Pertanahan Nasional," *NOTARIUS*, vol. 13, no. 1, 2020.

[19] A. Halim, "Penyelesaian Sengketa Tanah Dan Konflik Mafia Tanah" *Jurnal Fenomena*, vol. 17, no. 01, pp. 12–15, 2023, [Online]. Available: https://unars.ac.id/ojs/index.php/fenomena/index

[20] Salundik and E. Sumitro, "Tinjauan Yuridis Terhadap Penyelesaian Sengketa Tanah Di Luar Pengadilan," *Jurnal Ilmu Hukum Tambun Bungai* , vol. 5, no. 2, pp. 739–742, 2020.

[21] M. Wendra and A. Sutrisno, "Human Rights Violations In The Agrarian Sector In The Perspective Of National Law And International Law (Case Study Of Rempang Island)," *Human Rights, and Social Sciences Journal*, vol. 1, pp. 17–24, 2024, doi: 10.37676.

[22] A. N. Habiba, ; Annisa, A. Melati, ; Nur, H. Sa'idah, and W. Vimayanti, "Actualization Of Human Rights In The Case Of Rempang Island In Indonesia In The Perspective Of Environmental Law Aktualisasi Hak Asasi Manusia Pada Kasus Pulau Rempang Di Indonesia Dalam Perspektif Hukum Lingkungan," 2023.

[23] A. Halim, "Host State Controls Vs. Foreign Investment Protection: Indigenous People Rights On Rempang Island, Indonesia," *Kanun Jurnal Ilmu Hukum*, vol. 26, no. 1, pp. 62–80, Apr. 2024, doi: 10.24815/kanun.v26i1.32742.

[24] C. Bhakti, A. A. Samudra, and A. Suradika, "Impact and resolution of land conflict cases on Rempang Island, Indonesia," *Journal of Law and Sustainable Development*, vol. 11, no. 12, p. e2146, Dec. 2023, doi: 10.55908/sdgs.v11i12.2146.

[25] D. Hernawan, "Assessing the Impact of Land Development Regulations on Customary Land Values: A Case Study of Rempang and IKN in Indonesia," *Society*, vol. 11, no. 2, pp. 644–664, Dec. 2023, doi: 10.33019/society.v11i2.584.

[26] L. Muhammad, A. Rahman, and Y. Fathoni, "Penerapan Peraturan Menteri Agraria/ Kepala Badan Pertanahan Nomor 21 Tahun 2020 Dalam Penyelesaian Sengketa Tanah Melalui Mediasi (Study Di BPN Lombok Tengah)," *Jurnal Private Law Fakultas Hukum Universitas Mataram*, vol. 3, no. 2, pp. 490–500, 2023, Accessed: Sep. 15, 2024. [Online]. Available: http://journal.unram.ac.id/index.php/privatelaw/index

[27] D. Aru, D. Pratiwi Markus, S. Yati, and K. Warista Simanjuntak, "Agrarian Law Study on the Settlement of Customary Land Disputes in Sorong Regency Article History," *Jurnal Hukum dan Tantangan Sosial*, vol. 3, no. 1, pp. 59–66, 2024.

[28] sausan Putri, "Tinjauan Teori Hukum Progresif Dalam Melakukan Penemuan Hukum Terhadap Penggusuran Dan Perusakan Hutan Adat," *Ensiklopedia of jurnal*, vol. 6, no. 4, pp. 182–190, 2024, [Online]. Available: http://jurnal.ensiklopediaku.org

[29] O. Supriyono and P. M. Dewi, "Eksplorasi Filosofis Mengenai Dasar Pembuktian Hak Tanah Dalam Hukum Agraria Indonesia," *Journal of Innovation Research and Knowledge*, vol. 4, no. 4, 2024.

[30] Rosiana and J. Tarigan, "Analisis Yuridis Penyelesaiaan Sengketa Tanah Melalui Mediasi," *Jurnal Rechten: Riset Hukum Dan Hak Asasi Manusia*, vol. 4, no. 2, pp. 32–40, 2022.

[31] O. Ainita, Nanang, F. Bandarsyah, Muhammad, and G. Riki, *Keberagaman Sengketa Tanah Dalam Pandangan Teori Dan Praktik Sistem Hukum Pertanahan Di Indonesia*, Pertama. Kabupaten Purbalingga: CV. Eureka Media Aksara, 2023.

[32] P. Diva Sukmawati, "Hukum Agraria Dalam Penyelesaian Sengketa Tanah Di Indonesia," *Jurnal Ilmu Hukum Sui Generis*, vol. 2, no. 2, pp. 89–91, 2022.

[33] K. O. Rosy, D. Gede, S. Mangku, N. Putu, and R. Yuliartini, "Peran Mediasi Dalam Penyelesaian Sengketa Tanah Adat Setra Karang Rupit Di Pengadilan Negeri Singaraja Kelas 1B," *Ganesha Law Review*, vol. 2, no. 2, 2020, [Online]. Available: https://ejournal2.undiksha.ac.id/index.php/GLR