

Legal Reconstruction of Indigenous Land Registration Regulations Based on Dignified Justice

Sri Wahyuni^{1*}, Teguh Prasetyo², Umar Ma'ruf²

¹Doctorate Student of Faculty of Law, Sultan Agung Islamic University, Semarang, Indonesia

²Faculty of Law, Sultan Agung Islamic University, Semarang, Indonesia

DOI: [10.36348/sijlci.2023.v06i02.007](https://doi.org/10.36348/sijlci.2023.v06i02.007)

| Received: 02.01.2023 | Accepted: 10.02.2023 | Published: 14.02.2023

*Corresponding author: Sri Wahyuni

Doctorate Student of Faculty of Law, Sultan Agung Islamic University, Semarang, Indonesia

Abstract

Land registration is a series of activities, carried out by the State/Government continuously and regularly, in the form of collecting certain information or data regarding certain lands in certain areas, processing, storing, and presenting them for the benefit of the people, to provide guarantees legal certainty in the field of land including the evidence and its maintenance. This research focuses on 2 (two) problems, namely the weaknesses of customary land registration regulations based on the value of dignified justice and efforts to reconstruct customary land registration regulations based on dignified justice. This research approach method uses a juridical-empirical approach with research specifications that use analytical descriptive. The results of the research and discussion state that (1) Weaknesses in the regulation of customary land registration are based on the value of dignified justice. Land registration of parcels has weaknesses from the regulatory aspect, weaknesses from the legal structural aspect, weaknesses from the legal cultural aspect, then in reality there is growing dissatisfaction with the negative publicity system (positive elements in the bureaucratic system and public services of the National Land Agency). (2) Reconstruction regulations on customary land registration based on dignified justice Article 97 Government Regulation of the Republic of Indonesia Number 18 of 2021 Concerning Management Rights, Land Rights, Flats Units, and Land Registration states that land certificates, compensation certificates, village certificates, and others of the same type intended as information on land tenure and ownership issued by the village head/sub-district head may be used as a guide in the context of land registration.

Keywords: Reconstruction, Customary Land Registration, Dignified Justice.

Copyright © 2023 The Author(s): This is an open-access article distributed under the terms of the Creative Commons Attribution **4.0 International License (CC BY-NC 4.0)** which permits unrestricted use, distribution, and reproduction in any medium for non-commercial use provided the original author and source are credited.

INTRODUCTION

The land has a vital role in the life of the Indonesian nation or in the implementation of national development which is organized to realize a just and prosperous society based on Pancasila and the 1945 Constitution of the Republic of Indonesia. The land is one of the main sources for the survival of the Indonesian nation which is a gift and a gift from God the Creator. The land has a very important position and function in various lives as a place to live or housing, with development in various fields causing land to become a commodity that is very high in value and difficult to control. This condition is caused by the increasing need for land while the land is limited so it often causes land problems, both ownership and land use issues.

The land is an element that is so important in sustaining life and human livelihood. Unfortunately, the existence of land is not only a supporting factor for the

prosperity of the Indonesian nation, but also has a significant contribution as a source of dispute or conflict. With increasing population growth, the human need for land is also increasing. On the other hand, the amount of land available is increasingly limited, so the existence of these two antinomies will likely give birth to land conflicts/disputes (Windari, 2014).

The arrangement of land in Indonesia in the constitution proves that land is a very important issue for the state and society in all aspects of life. To achieve certainty and order in land law in Indonesia, it is regulated in Article 33 paragraph (3) of the 1945 Constitution, "*Earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people*". Then Article 33 paragraph (3) of the 1945 Constitution is spelled out in Law Number 5 of 1960 concerning Basic Agrarian Regulations, better known as the Basic Agrarian Law or UUPA which is the legal basis for the

Republic of Indonesia to regulate and administer land in this archipelago (Windarto, Idris, and Taufik, 2021).

By seeing the importance of the existence of land for human life, it has been mandated in Article 19 of the UUPA that to guarantee legal certainty by the Government, an activity is carried out, namely land registration throughout the territory of the Republic of Indonesia according to the provisions regulated by Government Regulations. Land registration is a series of activities, carried out by the State/Government continuously and regularly, in the form of collecting certain information or data regarding certain lands in certain areas, processing, storing, and presenting them for the benefit of the people, to provide guarantees legal certainty in the field of land including the evidence and its maintenance. The land registration activity which will produce evidence of customary land called a certificate is the realization of one of the objectives of the Basic Agrarian Law described in its general explanation, namely to lay the foundations for providing legal certainty regarding customary land rights for the people as a whole. The obligation to carry out the registration is in principle borne by the government and its implementation is carried out in stages, region by region based on considerations of the availability of basic registration maps.

Land registration is done in every land right, this means that it has provided the foundations for realizing legal certainty regarding land rights for all Indonesian people, especially people in rural areas as an agricultural society can have their rights protected in accordance with the general goal of land reform in a narrow art. Land registration specified in Article 19 of the Basic Agrarian Law is the goal of creating legal awareness that is directed at the Government and will at least change the old land law as a legacy of the Dutch East Indies Government and will enact the National Land Law (Sugianto, 2017).

One of the objectives of land registration as stipulated in Article 3 of Government Regulation No. 24 of 1997, is to provide legal certainty and protection to the holder of rights over a parcel of land, apartment units, and other registered rights so that they can easily prove themselves. as the right holder concerned. To provide legal certainty and legal protection, the right holder concerned is given a certificate of customary land rights (Handoko, 2014).

With the existence of Government Regulation Number 24 In 1997, Article 19 was enriched namely (Parlindungan, 1999):

1. With the issuance of a certificate of land rights, the owner is given legal certainty and legal protection.
2. With the current information, the Land Agency office as an office at the forefront must maintain and convey all the information

needed by the public about a plot of land, and for the Government itself to plan the development of the State, this information is public and open, which means that the information can be given any information needed on a plot of land or building.

3. To realize all of this, an orderly administration of land is required to be explained reasonably.

Since the promulgation of Law Number 5 of 1960 concerning Basic Agrarian Regulations on September 24, 1960, there have been fundamental changes to agrarian law in Indonesia, especially law in the field of land because there has been a reform in the field of agrarian law or land law in Indonesia. Unwritten customary land law still applies as the main source. The unification of individual rights to land that has been controlled by people and legal entities, both originating from western land law and customary land law, is also converted or changed into individual rights to land according to national land law (Harsono, 2007).

Unification in the field of law means that the Basic Agrarian Law and its implementing regulations apply to all groups, whether European, Eastern Foreign, or Indigenous. Unification in the field of land rights means that western lands and customary lands after the Basic Agrarian Law must be legally converted or changed to become one of the rights regulated in the Basic Agrarian Law. Meanwhile, the legal unification of collateral for land implies that only mortgages serve as collateral for land. Law number 5 of 1960 which regulates the Basic Agrarian Regulations, which was later called the UUPA which was promulgated in the State Gazette number 104 of 1960, came into effect on September 24, 1960.

The existence of Indigenous Peoples' Ulayat Rights has been recognized and regulated in Article 3 of the UUPA, namely "By bearing in mind the similar provisions of customary law communities, as long as in reality they still exist, they must be in such a way as to suit the national and state interests, based on for national unity and may not conflict with laws and other higher regulations." Furthermore, Article 5 of the UUPA, it is stated that "Agrarian law that applies to the earth, water and space is customary law as long as it does not conflict with national and state interests." The contents of these two articles constitute an acknowledgment of the existence of customary rights of the Indigenous Peoples in Indonesia. Thus, "the legal basis which is used as the cornerstone of the National Agrarian Law is Adar Law according to the version of the Basic Agrarian Law." Thus it is clear that the existence of Indigenous Peoples' Customary Land Rights which are recognized under the Basic Agrarian Law can still be found today (Harsono, 2002).

Customary land – which constitutes well over 70% of all land in developing countries – is said to have

a huge agricultural potential. Engagement in agricultural activities is in turn said to have the potential of raising the living standards of communities by, for example, selling agricultural products. However, more than 70% of customary landholders themselves are nonetheless reported to be still living on less than a dollar a day (Ng'ombe & Mushingi, 2014).

The conditions required in the registration of customary ownership land to apply to become Ownership Land, among others:

1. Quote C Village, excerpt from the local C Village book list excerpt.
2. Photocopy of KTP of the land owner.
3. Photocopy of the landowner's family card.
4. Photocopy of PBB or Tax Receipt.
5. Letter of a statement from the owner that the land is not in dispute (Certificate of no dispute).
6. Land History Letter

Land registration activities are in line with the initial spirit of the Basic Agrarian Law to eliminate all differences between customary land law and western land law by converting these land rights into new rights according to the Basic Agrarian Law since the enactment of the BAL. The Basic Agrarian Law as the basic regulation on agrarian principles has stipulated provisions for the conversion of western rights as well as Indonesian rights to land as stipulated in the second part of the Basic Agrarian Law. With the stipulation of the conversion provisions, the rights referred to legally become the appropriate rights since the enactment of the Basic Agrarian Law and administratively, the subject of rights is required to register their rights with government agencies through an activity called land registration.

Various problems also occur in land registration such as the existence of incorrect information provided by the applicant, the error information provided by the applicant is due to the lack of proactivity of the community as the applicant to come directly to the land office, asking what are the administrative requirements that must be prepared in the initial process of land registration, so that most of the people who come to do land registration the administrative requirements that must be met are incomplete so that the files are returned and are not processed further by the file inspection committee.

Incorrect initial information provided also sometimes occurs from the land office, this occurs due to a lack of community socialization with counseling conducted in the community so that the information obtained by the applicant is lacking which results in when the applicant registers his land, the administrative files submitted by the applicant are not complete.

Lack of good coordination between *Kelurahan* officials and the Adjudication Committee, in resolving a problem that exists in the field (*kelurahan*), such as disputes over heirs without trying to contact *Kelurahan* officials who have more accurate data. This is possible because the adjudication committee itself is being pursued by several targets and is limited.

Based on the background above, the writer is interested in conducting research with the title "*Legal Reconstruction of Indigenous Land Registration Regulations Based on Dignified Justice*". Where the author discussed the following issues:

1. What are the weaknesses of Indigenous Land Registration Regulations that are not yet based on the value of dignified justice?
2. How is the legal reconstruction of Indigenous Land Registration Regulations based on the value of dignified justice?

METHOD OF RESEARCH

The paradigm that is used in the research this is the paradigm of constructivism which is the antithesis of the understanding that lay observation and objectivity in finding a reality or science knowledge (Faisal, 2010). Paradigm also looked at the science of social as an analysis of systematic against *Socially Meaningful Action* through observation directly and in detail to the problem analyzed.

The research type used in writing this paper is a qualitative research. Writing aims to provide a description of a society or a certain group of people or a description of a symptom or between two or more symptoms.

The method used by researchers is a sociological juridical approach, namely research conducted on the real condition of society or the community environment including legal culture/legal effectiveness, law and development to find facts (fact-finding) and then identify (problem identification) which in the end leads to on problem solving (Soekanto, 1982).

As for the source of research used in this study are:

1. Primary Data, is data obtained from information and information from respondents directly obtained through interviews and literature studies.
2. Secondary Data, is an indirect source that is able to provide additional and reinforcement of research data. Sources of secondary data in the form of: Primary Legal Material and Secondary Legal Materials and Tertiary Legal Material.

Research related to the socio-legal approach, namely research that analyzes problems is carried out by combining legal materials (which are secondary

data) with primary data obtained in the field. Supported by secondary legal materials, in the form of writings by experts and legal policies.

In this study, the author use data collection techniques, namely literature study, interviews and documentation where the researcher is a key instrument that is the researcher himself who plans, collects, and interprets the data. Qualitative data analysis is the process of searching for, and systematically compiling data obtained from interviews, field notes and documentation by organizing data into categories, describing it into units, synthesizing, compiling into patterns, selecting important names and what will be studied and make conclusions (Moleong, 2002).

RESEARCH RESULT AND DISCUSSION

1. Weaknesses of Indigenous Land Registration Regulations that are not Yet Based on the Value of Dignified Justice

Under the provisions of Article 19 of the Basic Agrarian Law, for the certainty of rights and guaranteeing legal certainty of land rights, land registration services in the field cannot be separated or combined with other activities of cadastral measurement, namely the activities of measuring, mapping and bookkeeping of land rights with the activities of registering rights and granting letters of proof of rights constitute a package of activities determined by law, namely article 19 of the Basic Agrarian Law.

Provisions in the Perpres regarding the organization of BPN constitute progress with the establishment of a new Deputy for Surveys, Measurements, and Mapping. The activities of this deputy are specifically to support BPN activities, especially activities for providing base maps and thematic maps as well as a network of technical base points in land services at BPN or other agencies that require them.

In principle, the Deputy for Surveys, Measurement, and Mapping does not carry out cadastral measurements because this authority belongs to the Deputy in charge of Land Registration. Cadastral measurement activities are measurements related to land rights, especially for measuring land parcels which are then mapped on a registration map and recorded in the land register. This activity is intended to accelerate the preparation of land tenure data. The implementation of land rights mapping activities, the making of a land register as stipulated in Article 21 PP 24/1997 namely (1) Plots or parcels of land that have been mapped or whose registration number has been affixed to the registration map are recorded in the land register (2) Form, content, how to complete, store and maintain the land register is regulated by the Minister.

The findings are that the implementation of the land registration system in Indonesia has not been able to create certainty of rights and orderly administration of land, This is because BPN has not yet used and utilized adequate, up-to- date technology, the application of this technology is only limited to theory and regulatory texts, not yet at the level of implementation in the field.

In theory, to support the acceleration of land titling, the government should prioritize the activities of the Deputy for Surveys, Measurements, and Mapping to digitally produce large-scale base maps and maps of land parcels as well as other thematic maps with an adequate database by the latest technological developments and legal developments in this modern era. So that the base maps and maps of land parcels made by the National Land Agency have adequate, effective, and efficient capabilities at the cost of making them, thus the costs incurred are cheaper because these maps can also be utilized by other agencies such as the UN Office. , City Planning Office, Gas Company, Drinking Water, PLN, Population, and Post Office to support the accuracy of performance in providing and processing the required data. Currently, large-scale base maps and digital land plot maps with the latest technology are urgently needed. As an example of an appropriate analogy, in the framework of the driver's activities to find the destination address using the GPS (Global Positioning System) can already be achieved.

BPN activities, especially land registration, need to be prioritized in making basic maps or thematic maps, especially land plot maps digitally. by having a single identity number or field identity number. One of the most important things to do is the physical cadastral activity, namely the activity of making a registration map supplemented by land tenure and ownership data in the form of a land register whose activities start from urban to rural areas to obtain spatial data supplemented by P4T data.

Land mapping and bookkeeping activities which are follow-up activities of measuring land parcels are urgently needed in the framework of creating certainty of rights and orderly land administration. For this reason, it is necessary to keep bookkeeping to ensure orderly administration as stipulated in Article 23, PP. 24/1997, namely that for registration of rights, new land rights are evidenced by:

- a. Determination of the granting of rights from officials authorized to grant the rights in question according to the applicable provisions if the granting of these rights originates from state land or land with management rights,
- b. Original proof of the PPAT deed which contains the granting of said right by the holder of the right of ownership to the recipient of the right in question if it concerns building

- use rights and usufructuary rights over private land,
- c. Management rights are proven by the determination of the granting of management rights by authorized officials;
- d. Waqf land is evidenced by a deed of waqf pledge,
- e. The ownership right to the apartment unit is evidenced by a deed of separation,
- f. The granting of mortgage rights is evidenced by the deed of granting mortgage rights.

Land parcels that have been measured regarding their location and boundaries are mapped or entered (recorded) on a registration map or mapping activity and these land parcels are recorded in a register called the land register. The land parcels in the land register are arranged based on the serial number, namely the parcel identity number (NIB), which is the single identification number for a land parcel (single identity number).

Include in the land register who controls or owns the land and the origin or status of the land, such as customary land, state land, or land that already has a right to land, including data regarding tenure, ownership, use, and utilization of land, abbreviated as P4T. If map data If the land registration and register are complete, it is hoped that land services can be carried out more quickly and guarantee certainty of rights and there is no need for a letter from the sub-district head, or village head regarding girik, petuk and others, which are proof of tax payments, which are currently administrative activities of girik and tips are in principle no longer carried out. Land mapping and bookkeeping measurement activities, also known as cadastral physical activities, are activities to obtain initial data that are very necessary for services in the land sector.

In practice, the form of registration of land rights is as stipulated in Article 22, that: (1) For the land parcels as referred to in Article 9 paragraph (1) letters a, b, and c, they have been regulated and mapped on a registration map, a letter is made measure for registration of rights. (2) For sporadic land registration areas for which no registration map is available, a measurement letter is made from the measurement results as meant in Article 20 paragraph (3). The form, content, and method of filling out, storing, and maintaining the measurement certificate is determined by the Minister. Then from the measurement results for each plot of land being measured, a Measurement Drawing must be made -the general number. In addition, information regarding the location of the land and the signature of the approval of the land owner which is directly adjacent to it is also included.

Approval of land boundaries by directly adjacent landowners is necessary to comply with the delimitation contradiction principle and to avoid

disputes in the future. This measuring drawing must be used for reconstruction or restoration of boundaries if needed at a later date. For plots of land that have been measured and mapped on the Registration Map, a Measurement Letter is made to register their rights, either through conversion or confirmation of the conversion of former Customary ownership rights or through an application for State land rights.

2. Legal Reconstruction of Indigenous Land Registration Regulations Based on the Value of Dignified Justice

The concept of reconstruction of land law policies will achieve substantive justice through a progressive legal approach. Progressive law is a correction to the weakness of land law policies in the concept of a modern legal system which is full of bureaucracy and procedures so it has the potential to sideline truth and justice. This concept was initiated by Prof. Satjipto Rahardjo.

This departs from the fact that in legal practices, including law (land law policy) in the bureaucratic system and public services of the BPN, there is an obvious intervention by actors' behavior towards the normativity of law. Based on this fact, a theory was built that law (including the bureaucratic system and public services of BPN, pen.) is not only a business of rules but also a matter of behavior.

Legal texts according to William Twining are always a finite-closed scheme of permissible justification which will always deal with social life which is constantly changing and moving dynamically. The crucial issue related to law is how something that is constantly changing and moving dynamically can be captured and then perfectly accommodated in legal formulations or sentences.

About the concept of progressive law, the law (policy on land law, pen.) must always be sensitive to changes that occur in society, both locally, nationally, and globally. Progressive law rejects the status quo (including the land law policy on the choice of negative publicity systems with positive elements, pen.), does not create peace, and is full of uncertainty because there is no legal guarantee for the HAT certificate product it produces). Progressive law is called upon to liberate restraint by negative publicity systems with positive elements in the land law system and appear to protect the people towards legal ideals (Rahardjo, 2010).

In line with progressive legal thinking, in carrying out the reconstruction of land law policies, a religious approach is needed. The religious approach is a mandate and at the same time a demand for the National Building and the National Law Building, therefore the renewal (Legal Reconstruction) of the National Legal System must be by the Pancasila

National Legal System (Arief, 2011), which contains three main pillars:

- a. First, the pillar of God (religious), in which the signs of national law demand a religious approach, as well as land as the natural right of every human being from God so that land and humans have a very close relationship, namely an inseparable relationship, therefore legal policy Land affairs are required to have a religious approach in making and implementing its policies. Land law policies must be able to explore, follow and understand the legal values and sense of justice that live in society, not the values of capitalism or secularism.
- b. The second is the pillar of humanity (humanistic), in which the Indonesian people see humans as one people, a unit, which implies the absence of high and low-class humans. Land law policies must be based on a concept of justice that does not favor any group or does not favor class so that land law policies are non-discriminatory, the pillars of humanity HAT nations holistically reject the existence of Herrenvolk and Sklaven Volk, oppose colonial peoples and colonized nation. Recognizing and protecting nations means implicitly recognizing communal rights (in the concept of national land law, the land is required as a social function). The rights of nations as well as communal rights consist of individuals so the concept of HAT also recognizes the existence of individual rights known as property rights over land.
- c. The third is the pillars of society (democratic, populist, and social justice) in which the goal of Indonesian human life is to achieve a happy life. All our actions concerning living together, in the Javanese term "bebrayan" always want to stand based on kinship, based on deliberation, based on democracy, and based on what we call people's sovereignty. Not just as a slogan but must be realized as an effort to achieve the desired form of society, namely a just, prosperous, and prosperous society. In this concept land law policies must pay attention to land rights as a social function. As the source of our land law is customary land law, the existence of communal land rights is protected and recognized as part of the function of land as a social function.

Based on the discussion on the construction of progressive publicity systems on land law policies in the land registration system, it can be stated that the construction of publicity systems for land law policies is as follows:

- a. Construction of registration base: Land registration is a series of activities carried out by the Government continuously, continuously

and regularly, including collection, processing, bookkeeping, and presentation and maintenance of physical data and juridical data, in the form of maps and registers, concerning land parcels and apartment units, including the issuance of certificates of proof of title for land parcels for which there are rights and ownership rights to the apartment units as well as certain rights that burden them (art. 1 PP 18/2021).

- b. Basis: The legal principles of the Land Rights Registration System, namely the principles of Simple, Safe, Affordable, Up-to-date, and Open (article 2 PP 18 of 2021) and the principles of Natural Land Rights, Accuracy principle (recommendation of research results).

Based on the researcher's analysis, several articles need to be reconstructed are:

- a. Article 97 Government Regulation of the Republic of Indonesia Number 18 of 2021 Concerning Management Rights, Land Rights, Flats Units, and Land Registration states that land certificates, compensation certificates, village certificates, and other similar means are intended as a statement of ownership and land ownership issued by the village head/sub-district head can only be used as a guide in the framework of reconstructing land registration into "Article 97 of the Government Regulation of the Republic of Indonesia Number 18 of 2021 concerning Management Rights, Land Rights, Flats Units, and Land Registration states that Land certificates, compensation certificates, village certificates, can be used as instructions in the context of land registration. This article is reconstructed because it provides information to interested parties, including the government, so that they can easily obtain the data needed to carry out legal actions regarding land parcels and apartment units that have been registered, including the obligation to update data and be responsible for the information all data provided.
- b. Article 2 Government Regulation Number 18 of 2021, The Legal Principles of the Land Rights Registration System, namely the principles of Simple, Safe, Affordable, Up-to-date, and open are reconstructed to become "Article 2 of Government Regulation Number 18 of 2021, The Legal Principles of the HAT Registration System, namely the principles of Simple, Safe, Affordable, Up-to-date and Open and the natural principles of Land Rights, the principle of Accuracy (recommendations from research results). The reason for reconstructing is to create a balanced relationship between interested parties and the government, oriented towards a balance of rights and obligations in the land registration system.

CONCLUSION

Based on the discussion of the problems above, it can be concluded that:

1. Weaknesses of customary land registration policies based on social justice values. For this reason, from all the explanations in chapter IV, it is necessary to reconstruct land law policies, specifically on land registration of parcels; there are weaknesses in the regulatory aspect, weaknesses in the structural aspects of the law, weaknesses in the aspects of legal culture, which underlie the land registration system in the bureaucratic system and public services. BPN Along with the development of democracy in Indonesia, in fact, the growing dissatisfaction with the negative publicity system (positive elements in the bureaucratic system and public services of the BPN, has progressively increased day by day. Freedom of expression and freedom of information regarding land affairs between countries and between nations have inevitable.
2. Reconstruction of customary land registration regulations based on values of justice. In line with progressive legal thinking, in carrying out the reconstruction of land law policies, a religious approach is needed. Article 2 Government Regulation Number 18 of 2021, The Legal Principles of the Land Rights Registration System, namely the principles of Simple, Safe, Affordable, Up-to-date, and Open and the principles of natural Land Rights, Accuracy principle (recommendation of research results). Reconstruction of Article 97 Government Regulation of the Republic of Indonesia Number 18 of 2021 Concerning Management Rights, Land Rights, Flats Units, and Land Registration states that land certificates, compensation certificates, village certificates, and other similar types are intended as information on Land tenure and ownership issued by the village head/sub-district head can only be used as a guide in the context of land registration. Removing the word it only means that evidence from the certificate of ownership and/or information can be processed for land registration at the National Land Agency. Reconstruction Article 97 Government Regulation of the Republic of Indonesia Number 18 of 2021 Concerning Management Rights, Land Rights, Flats Units, and Land Registration states that land certificates, compensation certificates, village certificates, and other similar types are meant as information on Land tenure and ownership

issued by the village head/sub-district head can only be used as a guide in the context of land registration. Removing the word it only means that evidence from the certificate of ownership and/or information can be processed for land registration at the National Land Agency.

REFERENCES

- Bambang, S. (2017). Pendaftaran Tanah Adat untuk Mendapat Kepastian Hukum Di Kabupaten Kepahiang. *Jurnal Panorama Hukum*, 2, 131. 10.21067/jph.v2i2.2072.
- Barda, N. A. (2011). *Pendekatan Keilmuan dan Pendekatan Religius dalam. Rangka Optimalisasi dan Reformasi Penegakan Hukum (Pidana) di Indonesia*. Semarang: Badan Penerbit Universitas Diponegoro Semarang, p51.
- Boedi, H. (2007). *Hukum Agraria Indonesia, Himpunan Peraturan-Peraturan Hukum Tanah*. Jakarta: Djambatan, P.12.
- Boedi, H. (2007). *Menuju Penyempurnaan Hukum Tanah Nasional*, Cet. 10, Jakarta: Universitas Trisakti, p.30.
- Faisal. (2010). *Menerobos Positivisme Hukum*, Rangkang Education, Yogyakarta.
- Johnny, I. (2005). *Teori dan Metodologi Penelitian Hukum Normatif*, Surabaya: Bayumedia.
- Moleong, L. (2002). *Metode Penelitian Kualitatif*, Bandung: PT Remaja Rosdakarya.
- Ng'ombe, A., & Mushinge, A. (2014). The role of culture and belief systems in shaping customary land reform. *International Journal of Social Science Studies*, 2. 10.11114/ijsss.v2i4.552.
- Parlindungan, A. P. (1999). *Pendaftaran Tanah Di Indonesia Berdasarkan PP No. 24 Tahun 1997*, (Bandung: Mandar Maju), Hlm.2
- Ratna, W. (2014). Keberpihakan Regulasi Pertanahan Terhadap Hak Masyarakat Adat (Studi Kasus Sengketa Tanah Adat Di Desa Kubutambahan, Kecamatan Kubutambahan, Kabupaten Buleleng). *Jurnal Ilmu Sosial dan Humaniora*, 3. 10.23887/jish-undiksha.v3i1.2923.
- Satjipto, R. (2010). *Hukum Progresif, Sebuah Sintesa Hukum Indonesia*. p. 131.
- Soejono Seokanto, Introduction to Legal Research, Jakarta: UI Press, p.10
- Widhi, H. (2014). *Kebijakan Hukum Pertanahan sebuah Refleksi Keadilan Hukum Progresif*. Semarang: Thafa Media, p42.
- Windarto., Isran, I., & Taufik, Y. (2021). Pola Penguasaan Tanah Ajun Arah Dan Pelaksanaan Pendaftaran Tanah Sistematis Lengkap Di Kota Sungai Penuh. *Jurnal Sains Sosio Humaniora*, 5, 470-481. 10.22437/jssh.v5i1.14159.