

# LAND-USE CONFLICT IDENTIFICATION STRATEGY (LUCIS) IN ACCELERATING AGRARIAN CONFLICT RESOLUTION TO REALIZE JUST AGRARIAN REFORM

Anita Kamilah<sup>1</sup>

<sup>1</sup>Faculty of Law, Suryakancana University, West Java  
Email: anitakamilah@unsur.ac.id

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## ABSTRACT

*Inequality of access, ownership, and use of land is one of the causes of agrarian conflicts, both horizontal conflicts and vertical conflicts followed by repressive and violent actions, so that they have an economic, social, cultural impact, including the environment. Given the enormous impact caused by the agrarian conflict, the Government is highly committed to accelerating the resolution of agrarian conflicts through the use of the Land-Use Conflict Identification Strategy (LUCIS) model. The purpose of the research is to examine: first, the factors that cause agrarian disputes and conflicts through the Land-Use Conflict Identification Strategy (LUCIS) thought model. Second, the implementation of systematic conflict resolution and prevention through the Land Use Conflict Identification Strategy (LUCIS) model; and third, the prevention of agrarian disputes and conflicts in realizing just agrarian reform. The approach method is normative juridical by examining legal principles, especially the provisions of laws and regulations that are related to the object of research, descriptive analysis research specifications, data sources come from secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials, and data analysis was carried out qualitatively.*

**Keywords:** Land, conflict, lucis, reforma agraria, justice

## 1. PREFACE

Land has an important role in development and human life, because most of it depends on land, both for settlements, sources of livelihood and as a final resting place. In its development, the role and function of land follows the dynamics of national development, including the juridical, economic, political, social, religious and magical dimensions, even for the government, land has a strategic dimension. [1]

The policy of the Joko Widodo administration by placing infrastructure development as a National Strategic Program to encourage equity and economic growth so that Indonesia has competitiveness with other countries, has the consequence of requiring land availability. [2] The large need for land to support community life and national development amid the limited land available, has a positive impact on increasing welfare and profits for the owner. However, the existence of this inequality has had a negative impact on increasing and massive agrarian conflicts/disputes.

Two years of the COVID-19 pandemic did not stop the eruption of agrarian conflicts, even the emergence of cases of "land mafia", which is called *an extraordinary crime*, causing conflicts and agrarian cases to increase every year. Throughout 2021, the Consortium for Agrarian Reform (KPA) noted that there were eruptions of agrarian conflicts in 32 provinces, spread over 507 villages and cities, and occurred in all sectors. 74 conflict plantations with an area of 276,162,052 hectares, affecting 23,531 families. The infrastructure sector 52 conflicts covering an area of 8,604,697 hectares with 3,648 families victims. Mining sector 30 conflicts reached 155,166.86 hectares and affected 161,136 families. The property sector has 20 incidents covering an area of 8,558.59 hectares which is occupied by 1,200 families. Forestry contributed to 17 conflicts with 4,601 families of victims on a land area of 45,087.98 hectares. Then, the coastal and small island

sector 7 conflicts covering an area of 3,709.9 hectares with 4,260 families of victims, military facilities in 4 incidents covering an area of 1,837 hectares with 439 families victims, and the agricultural sector (agribusiness) with 3 conflicts covering an area of 935.5 with 80 victims, which can be illustrated in the following figure: [3]

**Figure 1**

*Distribution of 2021 Agrarian*



Conflict The agrarian conflict is a structural agrarian conflict, caused by policies or decisions of public officials that have broad impacts on social, economic, political and cultural aspects, including security to the detriment of groups. farmers, indigenous peoples, fishermen, rural communities and the urban poor who deal directly with the state and private groups. Talking about agrarian conflicts, agrarian disputes and ordinary land cases cannot be ruled out, such as individual disputes, inheritance rights disputes, disputes between private groups, which often involve officials who have authority in the land sector.

The impact of agrarian conflicts is detrimental to owners because they cannot use their land rights, besides that it hampers national economic development because the land becomes unproductive, and even causes social conflicts that lead to violence that causes casualties. [4] Given the wide impact of agrarian conflicts, in line with the government's program in realizing justice for land rights through agrarian reform, this is a strong and important reason to conduct an assessment with the theme: “*Land-Use Conflict Identification Strategy (Lucis) in Accelerating Settlement Agrarian Conflict to Realize Just Agrarian Reform*”.

## 2. LITERATURE REVIEW

In English there are terms *conflict* and *dispute*. [5] Conflict is a conflict that occurs between two or more parties, caused by differences in perspectives, interests, values, status, power, and resource scarcity. [6]

Referring to the Regulation of the Head of BPN Number 3 of 2011 concerning Management of the Assessment and Handling of Land Cases, it provides two terms related to land issues, firstly, land disputes involving individuals, legal entities, or institutions that do not have a broad socio-political impact. Second, land conflicts are land disputes between individuals, groups, organizations, legal entities, or institutions that have had a broad socio-political impact. [7]

Agrarian conflict is simply defined as a situation where there is a conflict of claims between two or more parties caused by policies/decisions of public officials. Structurally, according to the KPA, agrarian conflict is a manifestation of the occurrence of community land grabbing by state or private companies, which are facilitated by law and driven by capital.

There are various Typologies of Land Disputes/Conflicts, namely:

- (a) Horizontal Disputes, namely: Civil disputes in the land sector that occur between the community and other communities, for example, inheritance disputes, which are caused by differences in perceptions, values or opinions, interests regarding the status of control on certain lands derived from inheritance. [8]
- (b) Vertical Dispute is a dispute between the community and the government, caused by a decision by a public official that creates a concentration of ownership, control, use, and utilization of land and natural resources on the one hand, while on the other hand many people have lost their rights or access to land, natural resources, and living areas. [9]
- (c) Horizontal – Vertical Dispute, is a dispute that occurs between the community and entrepreneurs (investors). Corporations as the party that gets the main priority for implementing infrastructure development programs in national strategic programs with the support of military forces that are repressive in nature carry out *land grabbing* accompanied by acts of violence and criminalization in the field. [10]

From this typology of conflict, agrarian conflicts are increasingly targeting areas where people live, areas densely populated and areas where the community has controlled, cultivated and managed the land. The impact arising from the agrarian conflict causes people who are victims of agrarian conflicts and disputes, not only to be threatened with health, economic and food crises due to the COVID-19 pandemic, but must also defend their homes and sources of life that have been displaced, their ecology damaged, the destruction of the social environment. culture of the local community, even have to risk their lives to maintain property rights to their land. [11]

The number of agrarian cases and the magnitude of the impact caused by agrarian conflicts require comprehensive handling through the use of the *Land-Use Conflict Identification Strategy (LUCIS) model* as a conflict resolution strategy developed by Margaret Carr and Paul Zwick from the University of Florida through a geospatial information system that can analyze development patterns and historical relationships of land use to show the suitability of an area for certain uses and to combine spatial planning with land use knowledge as the basis for agrarian reform activities and agrarian conflict resolution. [12]

Land dispute resolution through the *LUCIS* is one form of strengthening agrarian reform that is a systematic, planned and integrated effort, both carried out by the government and the community in rearranging the political system and land law based on Pancasila, the Constitution of the Republic of Indonesia, and the LoGA towards a new order with a structure based on agrarian justice that is able to guarantee sustainable improvement of people's welfare. [13] [14]

Justice talks have a broad scope, ranging from ethical, philosophical, legal, to justice social welfare, as an inseparable part of the purpose of the law itself, in addition to legal certainty and benefit. Justice is generally defined as an act or treatment that is fair, impartial or impartial according to its share, as well as the distribution of obligations and rights which are fundamental as a gift in accordance with the human rights that a person has from birth and cannot be contested. [15] In general, there are six kinds of justice, namely:

- (a) Commutative justice (*iustitia commutativa*) is justice that gives each person what becomes part of it based on someone's rights (preferably certain objects that are someone's rights);
- (b) Distributive justice (*iustitia distributiva*) is justice that gives each person what becomes his right based on the principle of proportionality or comparability based on skills, services or needs;
- (c) Legal justice (*iustitia legalis*), namely justice based on the law (the object is social order) which is protected by law for the common good (*bonum commune*);
- (d) Vindictive justice (*iustitia vindicativa*) is justice that gives each person a punishment or fines in accordance with the violation or crime;
- (e) Creative justice (*iustitia creativa*) is justice that gives each person their share in the form of: freedom to create according to their creativity in various fields of life; and
- (f) Protective justice (*iustitia protectiva*) is justice that provides protection to individuals from arbitrary actions of the other party. [16]

### 3. RESEARCH METHOD

This study uses qualitative research, namely research that does not calculate numbers in carrying out epistemological justification, but tries to see the relationship between conflict, causes of conflict, impacts, and conflict resolution. This research can be referred to as phenomenological research, interpretive as well as ecological, and descriptive. [17] This method is considered relevant to the characteristics of the research to be carried out, because it is able to provide a complete explanation of the nature of the research.

The data collected in this initial study were obtained from secondary data [18] which is supported by field research data (primary data). Secondary data is sourced from primary legal materials, namely the provisions of laws and regulations that are related to the research being studied, including supported by secondary legal materials in the form of document data, texts or scientific works that are relevant to the issue under study, as well as tertiary legal materials as data supporters. The secondary data is combined with primary data which will be obtained during the research.

The data collection technique was carried out through a document/library review which was supported by participatory observation through in-depth interviews. In this study, the researcher became the main instrument (data collection tool), according to the characteristics of qualitative research. Sources of data will be obtained through key informants (*key-informants*) in addition to other relevant sources. Through these data collection techniques, it is hoped that the data obtained will be varied, have a broad scope, with a snowball model in accordance with the needs and developments of the direction and goals to be achieved by this research. The data sources used in this paper are not singular, but diverse considering that there are so many paradigms / theories / concepts / models being studied. The data sources in it are conditional with values, and are also dialogical, meaning that they are correlated with each other, especially in the sense of science as a network, various theories/concepts will be very closely related.

This dialogical model is also a form of checking various literatures, so that every source of literature obtained will be checked by other libraries, other theories will be checked by other theories, secondary data will be checked through primary data so that the checking will be like the 'data triangulation' model, namely triangulation which relating to the use of various data sources in a study where the sources of theory or literature obtained will be checked through theory/library, or other field research results. This triangulation is a circular checking model so that the data sources obtained for accuracy and validity can be accounted for. Triangulation is also a way to

clarify some of the data collected, as well as an effort to gain a deeper understanding of what is being studied.

The analysis is carried out through an interpretation process, which is trying to break through and capture the meaning of the data obtained, and then a critical evaluation is carried out and presents a more complete and appropriate alternative view. Then, through internal coherence, the interrelationships of all elements in the aspects studied are seen to find out which elements are central and dominant, and which are marginal. In addition, the analysis is carried out through comparison, which is trying to compare the results of the study with other theories, or with other studies, so that its unique characteristics can be determined as precisely as possible. The comparison is done to compare with other different views, so that through the comparison it is hoped that the basic conception contained in the data being studied will be clearer. Heuristics, with the hope that as far as possible researchers gain a broader and new understanding of research data, so that original alternative conceptions can be presented and can show the way for understanding / forming new things.

#### **4. RESULT AND DISCUSSION**

Philosophically, land is seen in a multidimensional vision, which has a major role for humans, in addition to providing economic, political, cultural functions, as well as honor / identity / self-esteem. Which can be described as follows:

- (a) From an economic point of view, land is a means of production that can bring prosperity.
- (b) Politically, land can determine a person's position in community decision-making.
- (c) As a culture, land can determine the high and low social status of its owner.
- (d) Land is sacred because it deals with inheritance and transcendental issues. [19]

Given the large role of the land, in principle the Indonesian National Constitution through Article 33 paragraph (3) of the 1945 Constitution, provides a legal basis that the earth and water and the natural resources contained therein, the authority to regulate land is entirely left to the State as an organization of power to be used as much as possible for the welfare of the people. Then, on September 24, 1960, it was elaborated through the ratification of Law no. 5 of 1960 concerning Agrarian Principles (hereinafter abbreviated as UUPA) and its Implementing Regulations. It is hoped that this control will have an impact on legal certainty, legal protection, justice and prosperity for the people. [20] In reality, the control of these land rights creates incompatibility or inequality in the values contained in the UUPA, namely inequality in the control of agrarian resources; incompatibility in the allocation of agrarian resources (land), incompatibility between perceptions and conceptions of agrarian matters; and incompatibility between various legal products, as a result of pragmatism and sectoral policies, which then lead to conflicts or disputes.

Agrarian conflicts that spread in almost all provinces in Indonesia are a form of social conflict which are generally caused by several factors, including: a) Incomplete regulations; b) Non-compliance with regulations; c) The inter-ministerial one map policy is not yet optimal which causes this to happen; (d) Land officials who are less responsive to the need and the amount of available land; d) The land administration is not yet orderly and the transparency of land services is not maximized; (e) Incorrect land data; f) Limited budget and human resources tasked with resolving land disputes; (g) erroneous land transactions; (h) Acts of the right applicant; or (i) The number of institutions that process land certificates including settlements from other agencies, resulting in overlapping authorities. [21]

*Land-Use Conflict Identification Strategy (LUCIS)* is a geospatial information system model that can analyze development patterns and historical relationships of land use to show the suitability

of an area for the use of certain activities. The *LUCIS* combines spatial planning with land use knowledge to become the basis for Agrarian Reform activities and agrarian conflict resolution. Through the use of geospatial data, potential conflicts or factors that cause conflict can be identified, how the potential solutions are, as well as conflict resolution mitigation that must be carried out.

Mindset *LUCIS* several factors that cause agrarian conflicts can be identified, namely: (a) Non-Participatory Planning; (b) Top-Down Initiative; (c) Inconsistency in the Implementation of Regulations; and (d) Missing-Link in Regulatory Preparation. In addition, the Ministry of ATR/BPN identified a number of causes for the emergence of disputes and conflicts over land, namely the not yet optimal one map policy, not yet orderly land administration, and budget constraints to process land certificates. [22]

Margaret Carr and Paul Zwick of the University of Florida implemented the Model Land-Use Conflict Identification Strategy (LUCIS) in Denizli City, one of nine cities in Turkey that has experienced faster economic and population growth in the last thirty years. The LUCIS model tries to visualize that the development of the economy and population, has an impact on increasing the need for land as new cities, whose residents will develop in agricultural landscapes, and archaeological landscapes. This condition will cause ecological problems and land use conflicts in the future. Therefore, future land use objectives should be modeled with the help of Geographic Information Systems (GIS) as a useful tool for answering research on landscapes, so that important ecological problems can be revealed. In addition, the use of the Land Use Conflict Identification Strategy (LUCIS) model, provides an overview and shows land use conflicts in the GIS environment.

The “map overlay” method, as a technique developed by McHarg, within the framework of an ecological planning approach, incorporates physical and social variables into the decision-making process by investigating the economic benefits to society.

The technique has been used as a method in GIS to assess "suitability "conformity analysis/evaluation", in determining suitable areas for urban, residential, agricultural and conservation activities. After the area has been mapped, priorities and criteria for suitability are set to support the area.

Through the use of the Conflict Identification Strategy T model or Land-Use Conflict Identification Strategy (LUCIS) as well as the assistance of Geographic Information Systems (GIS), can map conflicts that occur due to land use due to changes in dynamics and changing urban ecosystems for further policy making related to the urban area.

Furthermore, studies related to land use related to agricultural areas, conservation areas and residential areas are made. Then through the LUCIS model, potential conflicts were mapped and detected between the three categories of land use in the city of Denizli. Conflicts between agricultural areas, conservation areas and residential areas are evaluated by comparison with the land use plans of the Environmental Master Plan.

The results of this study provide benefits for the government as policy makers, including investors as investors in the development of business activities to interactively select areas for future improvement to reach consensus on population planning activities and important decisions that affect land use change. As such, LUCIS is a goal-driven model. Based on three main types of land

use, the model generates potential/prospective scenarios for future landscape patterns.

The increasing role and function of land for the life of the Indonesian people has resulted in an increase in land problems or conflicts, which is one of the big problems faced by the Indonesian people which continues to increase every year and a solution cannot be found. [23] Land conflicts as regulated in Regulation of the Head of BPN RI Number 3 of 2011 occur due to differences in values, interests, opinions and perceptions between individuals or legal entities regarding the status of control, ownership status and status of use or utilization of certain land parcels by the parties. certain.

Agrarian conflicts that continue to increase are one indication of a crisis in Indonesia's national agrarian politics and law which are no longer in accordance with the mandate of Article 33 paragraph (3) of the 1945 Constitution which is further elaborated in Law no. 5 of 1960 concerning Basic Regulations on Agrarian Principles in which the control over the earth, water, space and natural resources contained therein is controlled by the state not to be used for the greatest prosperity of the people, but rather to facilitate and provide great opportunities for the control of land and natural resources on a large scale for the benefit of neoliberal-capitalism as a big financier.

This situation creates excesses that can erode and remove the interests of farmers, fishermen, laborers, and indigenous peoples from their means of production (Consortium for Agrarian Reform (KPA), 2010). The fact is that the conflict has caused many casualties on the part of civil society, generally due to unequal policies that prioritize the interests of certain groups by ignoring the rights of a number of other parties. [24] Therefore, agrarian conflict is one type of social conflict that often occurs and seen from a sociological perspective, agrarian conflicts are rooted in various kinds of problems that are triggered by several sources of conflict, including conflicts of norms, conflicts of interest and conflicts of values. . Therefore, the resolution of agrarian conflicts cannot be partial, but must be in the form of reforming the country's political-economic policies.

Responding to this problem, apart from being based on Law no. 1960 concerning the Basic Agrarian Law which is commonly abbreviated as UUPA, MPR Decree Number IX of 2001 which was followed up by the ratification of Presidential Regulation Number 86 of 2018 concerning Agrarian Reform, became the basis for restructuring the structure of control, ownership, use, and utilization of land. more just through Asset Management and accompanied by Access Management for the benefit of the small people (farmers, farm laborers, homeless people, and others), as well as handling agrarian disputes and conflicts to realize justice and welfare of the farming community. [25]

Agrarian reform is essentially a restructuring of land tenure or ownership structures by upholding the principles of justice, benefit and legal certainty, through several implementation priorities, namely: [26]

- (a) Strengthening the regulatory framework and resolving agrarian conflicts, to the realization of a safe and peaceful and just situation and condition in the control, ownership, use and utilization of land.
- (b) Arrangement of control and ownership of land subject to agrarian reform, so that there is no longer concentration of ownership and control of land, forests, and other natural resources in the hands of a few parties and the distribution of land object of agrarian reform to poor people who need it on target so that it can increase family income poor farmer.
- (c) Legal certainty and legalization of land subject to agrarian reform.

- (d) Community empowerment in the use, utilization, and production of land subject to agrarian reform.
- (e) Central and regional agrarian reform implementing institutions, through the establishment of the Agrarian Reform Controlling Task Force accompanied by policies, regulations, and budgets that support agrarian reform.

Through the Agrarian Reform program as mandated by Law no. 1960 concerning the Basic Agrarian Law, MPR Decree Number IX of 2001, and Presidential Regulation Number 86 of 2018, the government has implemented asset management and access management which is carried out through land redistribution, land legalization, and community empowerment, but the resolution of agrarian disputes and conflicts as the root cause of national agrarian problems, there is less space for regulation in the Presidential Regulation on Agrarian Reform as regulated in Chapter IV on Handling Agrarian Disputes and Conflicts, so that it has not provided guarantees of certainty and a sense of justice for ownership of land rights in accordance with commutative justice (*iustitia commutativa*), and justice. protection (*iustitia protectiva*) as protected by the Indonesian National Constitution Article 28 H paragraph (4) that: "Everyone has the right to have private property rights and property rights cannot be taken over arbitrarily by anyone." [27]

## 5. CONCLUSIONS AND RECOMMENDATIONS

The factors causing disputes and agrarian conflicts through the *Land-Use Conflict Identification Strategy (LUCIS) thought model*, namely: (a) Incomplete regulations; (b) Non-compliance with regulations; (c) The inter-ministerial one map policy is not yet optimal which has resulted in this happening; (d) Land officials who are less responsive to the need and the amount of available land; d) The land administration is not yet orderly and the transparency of land services is not maximized; (e) Incorrect land data; (f) Limited budget and human resources tasked with resolving land disputes; (g) erroneous land transactions; (h) Acts of the right applicant; or (i) The number of institutions that process land certificates including settlements from other agencies, resulting in overlapping authorities.

*Land Use Conflict Identification Strategy (LUCIS)* is a conflict resolution model by combining spatial planning with land use knowledge to become the basis for Agrarian Reform activities. Through the use of geospatial data, potential conflicts or factors causing conflict can be mapped, what are the potential solutions, as well as conflict resolution mitigation that must be carried out.

Agrarian Reform as mandated by Law no. 1960 concerning the Basic Agrarian Law, MPR Decree Number IX of 2001, as well as Presidential Regulation Number 86 of 2018, have not provided regulatory space in handling agrarian disputes and conflicts that provide legal certainty and justice so that agrarian conflicts are the root cause of agrarian problems. the national level has not been completed properly.

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