

Bridging Legal Gaps in Indigenous Customary Land Rights: The Urgency of Lex Specialis in Agrarian Law

Endah Pertiwi¹⁾ & Ujang Badru Jaman²⁾

¹⁾Faculty Of Bussines, Law and Education, Universitas Nusa Putra, Sukabumi, Indonesia,
E-mail: Endah.pertiwi@nusaputra.ac.id

²⁾ Faculty Of Bussines, Law and Education, Universitas Nusa Putra, Sukabumi, Indonesia,
E-mail: Ujang.badru@nusaputra.ac.id

Abstract. *This study aims to examine the legal uncertainty surrounding the protection of indigenous peoples' customary land rights within Indonesian agrarian law, particularly due to the absence of a lex specialis framework. Although the 1945 Constitution and the Basic Agrarian Law (UUPA) formally recognize customary rights (hak ulayat), their implementation remains constrained by sectoral legislation that prioritizes state and corporate interests. This research employed a normative juridical approach by analyzing constitutional provisions, statutory regulations, and relevant court decisions to identify gaps in legal protection. The novelty of this study lies in its integrative analysis of the doctrinal, constitutional, and comparative dimensions of lex specialis in relation to indigenous rights protection. The findings reveal that the absence of a specific legal framework has led to fragmented regulations, inconsistencies in judicial and administrative practices, and persistent legal uncertainty, which in turn contribute to land conflicts, marginalization, and unequal access to natural resources. Comparative insights from Malaysia and the Philippines demonstrate that the existence of specific legislation can strengthen legal recognition while maintaining alignment with national development objectives. This study concludes that the establishment of a lex specialis law is essential to harmonize state law and customary law, ensure constitutional compliance, and enhance legal certainty and social justice for indigenous peoples. Such reform is also necessary to align Indonesia's legal system with international human rights standards and to support sustainable and inclusive agrarian governance.*

Keywords: *Agrarian Law; Customary Rights; Indigenous Peoples; Lex Specialis; Normative Legal Analysis.*

1. Introduction

The recognition and protection of indigenous peoples' rights to land and natural resources have long been central issues in Indonesia's agrarian legal system. As a country characterized by vast cultural and ethnic diversity, Indonesia is home to numerous indigenous communities whose livelihoods are closely tied to customary (adat) land rights. These rights serve not only as an economic foundation but also as the basis of cultural identity, social cohesion, and spiritual continuity. Despite the constitutional recognition provided under Article 18B paragraph (2) of the 1945 Constitution, which affirms the existence of indigenous peoples and their customary rights, their implementation remains weak and inconsistent. This condition reflects a persistent gap between normative recognition and practical enforcement, resulting in legal ambiguity and weakened protection mechanisms.

The complexity of this issue is further illustrated by the contradiction between customary land tenure systems and the national legal framework. Although Constitutional Court Decision No. 35 of 2012 has provided an important legal precedent by strengthening the recognition of indigenous land rights, its implementation has not been uniform across regions, leading to issues such as land dispossession without fair compensation and limited access to natural resources (SYAMSUL, MOH, & IDA, 2024). At the normative level, both the 1945 Constitution and the Basic Agrarian Law of 1960 (UUPA) recognize customary land rights as part of Indonesia's legal and cultural heritage (Gojali, 2022). However, the absence of a comprehensive legal framework specifically regulating indigenous rights has resulted in legal uncertainty and weakened protection (Buana & Arsy, 2024). Although Articles 3 and 5 of the UUPA acknowledge such rights, many agrarian disputes remain unresolved, particularly those concerning indigenous land ownership (Widiyoko & Wiranto, 2024).

In addition, several studies emphasize the importance of participatory approaches, such as indigenous mapping, in strengthening land claims and recognition (SYAMSUL et al., 2024). Comparative insights also suggest that constitutional provisions need to be reinterpreted and strengthened by learning from practices in other regions, such as Latin America (Cats-Baril, 2020). At the local level, regulatory responses must also adapt to regional contexts in order to address the duality of authority between state law and customary law while ensuring adequate protection of indigenous rights (Buana & Arsy, 2024). Furthermore, customary land rights can be aligned with certain legal concepts, including Islamic inheritance principles such as *musha'* (shared property), which provide alternative perspectives for equitable resource management (Gojali, 2022).

Within the framework of Indonesian agrarian law, particularly under the UUPA, customary land rights are recognized through the concept of *hak ulayat*. However, such recognition remains conditional and often subordinated to state interests, especially in the context of development policies, natural resource exploitation, and investment projects. This condition places indigenous communities in a vulnerable position, as they frequently experience land conflicts, dispossession, and marginalization due to the prioritization of public interest and economic development over customary rights. Although the UUPA provides normative recognition, its inconsistent implementation continues to generate conflicts and legal uncertainty (Widiyoko & Wiranto, 2024). In practice, communal land systems are often overlooked in favor of individual ownership and state administrative control (Wala, 2023).

Empirical examples further illustrate these tensions. Infrastructure development projects, such as the Mbay Dam, demonstrate how state-led development can conflict with indigenous land rights, where compensation often becomes the only available remedy without addressing deeper issues of recognition and justice (Rahman & Najicha, 2023). Moreover, although customary land rights are constitutionally acknowledged as part of Indonesia's cultural heritage, regulatory inconsistencies and incompatibility with national development priorities continue to persist (Gojali, 2022). Historically, this condition reflects a transition from colonial land doctrines, such as the *domein* principle, toward a system of conditional recognition that still reinforces state dominance over land governance (Sukirno, 2025).

The absence of a *lex specialis* framework specifically governing indigenous peoples' rights has further exacerbated this situation. Existing legal provisions are fragmented across various sectoral regulations, including forestry, plantation, and mining laws, which often prioritize state control and corporate interests over indigenous claims. This fragmented legal structure creates inconsistencies, overlaps, and contradictions, ultimately weakening the protection of indigenous peoples' rights and widening the gap between constitutional guarantees and their practical realization. As a result, indigenous communities remain vulnerable to systemic marginalization within the agrarian legal system.

Customary rights (*hak ulayat*) in Indonesia extend beyond land ownership, encompassing collective stewardship, social authority, and cultural identity of indigenous communities. Although recognized in the 1945 Constitution and the Basic Agrarian Law of 1960, their implementation remains weak and inconsistent. Regulatory efforts, including ATR Regulation No. 18 of 2019, have not fully ensured legal protection, as many customary lands are still governed informally. This reflects a gap between normative recognition and practical enforcement, further complicated by sectoral regulations in forestry, plantation, and mining that prioritize state and investment interests. As a result, unclear definitions, overlapping rules, and conditional recognition under the UUPA have intensified legal uncertainty, weakened indigenous claims, and contributed to recurring land conflicts (Arrasid, 2021; Dirkareshza, Ibrahim, & Pradana, 2020; Fauzi & Habib, 2024; Gojali, 2022; Hartariningsih, 2018; Hutama, 2021; Nasir, Dimiyati, & Absori, 2019; Yostina, 2016).

From a doctrinal perspective, the principle of *lex specialis derogat legi generali* is crucial because indigenous customary rights require specific legal protection that cannot be adequately addressed through general laws. However, in Indonesia, these rights remain regulated through fragmented provisions, creating a normative vacuum and reinforcing dualism between state and customary law. Despite constitutional guarantees and international standards such as UNDRIP, the absence of a coherent legal framework continues to hinder effective protection. Comparative experience, particularly from the Philippines, shows that specific legislation can strengthen recognition and enforcement. Therefore, the core issue lies not in the lack of recognition, but in the absence of a unified *lex specialis* framework capable of ensuring legal certainty and justice for indigenous peoples (Buana & Arsy, 2024; Budiono, 2024; Hardiyanti & Sugiyanto, 2023; Heinämäki & Xanthaki, 2017; Nasir et al., 2019; Sari, 2023; Yurista, 2016).

Despite the growing body of literature discussing indigenous rights and agrarian conflicts, limited studies have comprehensively examined the issue from a doctrinal perspective, particularly in relation to the absence of *lex specialis* protection and its implications for legal certainty and social justice. Therefore, this study aims to conduct a normative legal analysis of the absence of *lex specialis* protection for indigenous peoples' customary rights within Indonesian agrarian law by examining constitutional provisions, statutory regulations, and relevant jurisprudence. This study also seeks to identify legal gaps and propose the necessity of legal reform to harmonize state law and customary law, ensure legal certainty, and promote social justice in the governance of land and natural resources.

2. Research Methods

This study employed a normative juridical approach to examine the protection of indigenous peoples' customary rights within Indonesian agrarian law, particularly concerning the absence of a *lex specialis* framework and its implications for legal certainty and justice. This approach was selected because the research focused on legal norms, principles, and statutory inconsistencies rather than empirical data. The study used primary legal materials, including the 1945 Constitution, the Basic Agrarian Law of 1960 (UUPA), sectoral laws (forestry, plantation, and mining), government regulations, and Constitutional Court decisions; secondary materials such as books, journal articles, and legal commentaries; and tertiary materials including legal dictionaries and international reports such as UNDRIP. Data were collected through document study and literature review from official legal sources and academic publications. The analysis was conducted qualitatively through statutory interpretation, doctrinal analysis of the principle of *lex specialis derogat legi generali*, comparative analysis with countries such as the Philippines and Malaysia, and case analysis of relevant jurisprudence to identify legal gaps and evaluate the need for a specific regulatory framework.

3. Results and Discussion

3.1. Identification of Indigenous Peoples' Rights in Indonesian Law

Indonesian law formally recognizes the customary rights of indigenous peoples, particularly through Article 18B paragraph (2) and Article 28I paragraph (3) of the 1945 Constitution. These provisions establish the constitutional obligation of the state to respect and protect indigenous peoples and their traditional rights, provided that such recognition is aligned with national unity and development. Similarly, the Basic Agrarian Law of 1960 (UUPA) acknowledges *hak ulayat* under Article 3, yet its implementation remains conditional because it must not conflict with state interests. This framework shows that indigenous peoples' rights have been recognized at the normative level, but such recognition is still limited and dependent on broader state policy considerations (Dahlan, 2018; Soelistyowati, 2024).

In practice, this recognition has often been symbolic rather than effective. The absence of clear implementing mechanisms and the continuing dominance of state interests have weakened the protection of indigenous territories. Political dynamics in constitutional and legislative development have further allowed sectoral laws in forestry, mining, and plantations to override customary claims and commodify land as an object of state control (Dahlan, 2018; Soelistyowati, 2024). As shown in the case of the Kadie Liya community in Wakatobi, formal recognition by the state does not necessarily translate

into effective control over customary land, and indigenous communities still face significant obstacles in obtaining legal recognition and land certification (Ariando, 2021). This finding demonstrates that the Indonesian legal system continues to maintain an ambivalent position: indigenous peoples' rights are acknowledged in principle but remain restricted in operation.

3.2. Failure of *Lex Specialis* as a Legal Vacuum

One of the main findings of this study is that Indonesia has not yet established a comprehensive *lex specialis* to specifically regulate and protect the customary rights of indigenous peoples. Existing legal instruments remain fragmented, overlapping, and often contradictory, thereby creating a normative vacuum that weakens legal certainty. In the absence of a specific legal framework, indigenous communities must rely on scattered provisions across different sectors, even though these sectors frequently prioritize state control and economic exploitation over communal rights. As a result, indigenous land claims remain vulnerable in both legal and administrative practice (Buana & Arsy, 2024; Rahmatiar, 2023).

This legal vacuum is particularly visible in the operation of forestry, plantation, and mining laws. Under the Forestry Law, many customary territories are still categorized as state forests, thereby reducing community control over ancestral land. At the same time, plantation and mining concessions are often granted in customary territories with limited consultation or consent from indigenous peoples. Although some laws contain partial recognition of indigenous rights, such recognition is not coordinated within a unified legal framework. This condition has produced legal ambiguity, continuing marginalization, and institutional inconsistency. Even the Constitutional Court has signaled the importance of a dedicated legal instrument for indigenous peoples, yet such a law has not been enacted due to limited political support (Arizona & Cohen, 2024).

3.3. Judicial Practice and Case Law

Judicial practice in Indonesia shows both progress and limitation in the protection of indigenous peoples' rights. The Constitutional Court Decision No. 35/PUU-X/2012 represents a landmark development because it clarified that customary forests are not part of state forests, but belong to indigenous peoples. This decision significantly strengthened the legal subjectivity of indigenous communities and influenced subsequent discourse on forest governance and customary land recognition (Basyar, Arfa'i, & Iswandi, 2024; Fajar, Aloysius, & Dinata, 2024). In this sense, the judiciary has played an important corrective role by narrowing the excessive reach of state control over indigenous territories.

However, the practical effect of judicial recognition has remained limited. At the administrative level, local governments have often been reluctant or slow to issue recognition decrees, which are necessary to operationalize court decisions. In regions such as Riau, for example, the absence of supporting regional policies has prevented customary forests from being formally recognized despite the Constitutional Court ruling (Ghopur, 2019). This indicates that judicial decisions alone are insufficient when they are not followed by coherent legislative and administrative action. Therefore, although jurisprudence has advanced indigenous rights, enforcement remains inconsistent and dependent on bureaucratic willingness and institutional coordination (Sukirno, 2025).

3.4. Implications for Legal Certainty and Social Justice

The absence of *lex specialis* protection has direct implications for legal certainty and social justice. Although the Constitution and the UUPA formally recognize indigenous rights, their implementation remains unstable because sectoral regulations frequently override or dilute that recognition. This inconsistency has created uncertainty regarding the legal status of customary territories, weakened indigenous participation in land-related decision-making, and increased the risk of dispossession in the name of development and public interest (Rahmatiar, 2023). Consequently, legal recognition has not been matched by effective procedural and substantive protection.

The lack of a specific legal framework also undermines the protection of indigenous peoples from a justice perspective. Development projects, natural resource extraction, and administrative licensing often proceed without meaningful community consent, demonstrating the weakness of indigenous bargaining power within the current legal regime. In this regard, the absence of rules on free, prior, and informed consent (FPIC) further reduces indigenous peoples' ability to defend their land and resources (Kusniati, 2024). This finding confirms that the present framework does not merely create technical legal uncertainty, but also reproduces structural inequality by placing indigenous peoples in a disadvantaged position vis-à-vis state and corporate actors.

3.5. Comparative Perspectives and Lessons Learned

Comparative analysis indicates that other Southeast Asian jurisdictions have adopted more specific mechanisms to protect indigenous rights. The Philippines, for example, enacted the Indigenous Peoples' Rights Act (IPRA) of 1997, which provides stronger legal recognition of ancestral domains and grants indigenous communities broader authority over their territories (Candelaria, 2018). The Act also reflects alignment with international standards such as ILO Convention No. 169 and has served as a legal instrument through which indigenous peoples can defend their claims more effectively (Doyle, 2020; Theriault, 2019). This demonstrates that a special legal framework can function not only as symbolic recognition, but also as an operational instrument of protection.

Malaysia also offers an important reference, particularly through the recognition of native customary rights in Sabah and Sarawak. Landmark judicial decisions such as *Adong Kuwau* and *Sagong Tasi* affirmed native title and proprietary rights, thereby strengthening indigenous legal claims over land. Although both Malaysia and the Philippines still face tensions between development and indigenous protection, their legal experience shows that *lex specialis* regimes can coexist with national development goals. For Indonesia, these examples provide an important lesson that legal certainty and indigenous protection can be improved through a more coherent and explicit statutory framework rather than through fragmented recognition alone.

3.6. Towards the Imperative of Legal Reform

The findings of this study indicate that Indonesia urgently requires a *lex specialis* law on indigenous peoples' rights to close the current normative gap. Such a law should provide a clear definition of indigenous peoples and their customary rights based on constitutional guarantees and international human rights principles. It should also establish transparent procedures for the recognition of indigenous communities and their territories so that legal protection does not remain merely declaratory. In addition, the

law must guarantee substantive protection over land, natural resources, and self-determination, while limiting arbitrary interference from state institutions and private actors.

Legal reform should also include fair and accessible dispute resolution mechanisms for conflicts involving indigenous territories. Beyond dispute settlement, the framework should incorporate principles such as FPIC in order to ensure meaningful indigenous participation in land and resource governance. In this way, legal reform would not only harmonize state law and customary law, but also strengthen constitutional compliance, improve legal certainty, and advance social justice. Therefore, the enactment of a *lex specialis* law is not only a legal necessity, but also a constitutional and moral imperative in Indonesia's agrarian governance.

4. Conclusion

This study demonstrates that the recognition of indigenous peoples' customary rights in Indonesia remains largely normative and has not been supported by an effective legal framework, primarily due to the absence of a *lex specialis* regulation. Although the 1945 Constitution and the Basic Agrarian Law (UUPA) formally acknowledge these rights, their implementation is frequently overridden by sectoral laws in forestry, mining, and plantation sectors, resulting in legal uncertainty, land conflicts, and continued marginalization of indigenous communities. While judicial developments, particularly Constitutional Court decisions, have strengthened formal recognition, their impact remains limited due to inconsistent administrative enforcement. The findings of this study highlight a critical legal gap and contribute to the understanding that fragmented regulation is insufficient to ensure substantive protection of indigenous rights. Drawing on comparative experiences from Malaysia and the Philippines, this study emphasizes the urgency of establishing a comprehensive *lex specialis* framework that provides clear recognition, procedural mechanisms, substantive protection, and effective dispute resolution, while incorporating principles such as free, prior, and informed consent (FPIC). Such reform is essential to harmonize state law and customary law, strengthen legal certainty, and promote social justice in Indonesia's agrarian governance.

5. References

Journals:

- Arrasid, S. E. (2021). Eksistensi Hak Ulayat Masyarakat Adat Dalam Undang-Undang Pokok Agraria. *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal*, 1(1), 80–90.
- Basyar, T. Q., Arfa'i, A., & Iswandi, I. (2024). Analisis Pengelolaan Hutan Adat Pasca Putusan Mahkamah Konstitusi Nomor 35/PUU-X/2012. *Limbago: Journal of Constitutional Law*, 4(1), 30–45.
- Buana, A. P., & Arsy, M. (2024). Ambivalence in The Regulation of Indigenous Peoples' Rights in Indonesia's Legal Hierarchy. *Alauddin Law Development Journal*, 6(1), 117–125.
- Dahlan, M. (2018). Rekognisi hak masyarakat hukum adat dalam Konstitusi. *Undang: Jurnal Hukum*, 1(2), 187–217.
- Dirkareshza, R., Ibrahim, A. L., & Pradana, R. (2020). Urgensi hak ulayat terhadap perlindungan masyarakat hukum adat di Indonesia. *Jurnal Ilmiah Hukum De'jure: Kajian Ilmiah Hukum*, 5(1), 94–109.

- Doyle, C. (2020). The Philippines Indigenous Peoples Rights Act and ILO Convention 169 on tribal and indigenous peoples: exploring synergies for rights realisation. *The International Journal of Human Rights*, 24(2–3), 170–190.
- Fajar, P. P. P., Aloysius, S., & Dinata, H. K. (2024). Implikasi Putusan Mahkamah Konstitusi Nomor 35/PUU-X/2012 Terhadap Pengaturan Hutan Adat Dan Dampaknya Terhadap Hak Masyarakat Adat. *Perkara: Jurnal Ilmu Hukum Dan Politik*, 2(2), 39–61.
- Fauzi, G. A., & Habib, N. F. H. M. (2024). Perlindungan Hukum bagi Pemilik Tanah Adat Perseorangan yang Objek Tanahnya Telah Terdaftar Atas Nama Orang Lain. *Jurnal Riset Ilmu Hukum*, 4(1), 45–52.
- Gojali, D. (2022). The position of Islamic law in the legality of land ownership in Indonesia. *Baltic Journal of Law & Politics*, 15(4), 1169–1178.
- Hardiyanti, M., & Sugiyanto, S. (2023). Relevansi Living Law Theorie dalam RUU Masyarakat Adat Pada Sistem Negara Hukum Prismatic. *Progressive Law and Society*, 1(1).
- Kusniati, R. (2024). Free, prior, and informed consent principles as Indigenous peoples' right: soft law or hard law? *Jambe Law Journal*, 7(1), 169–193.
- Nasir, G. A., Dimyati, K., & Absori, A. (2019). Jaminan Hukum atas Pengakuan dan Eksistensi Hak Ulayat pada Masyarakat Hukum Adat. *Lex Publica*, 6(1), 32–40.
- Rahman, H. B. B., & Najicha, F. U. (2023). Tinjauan Yuridis Pembangunan Bendungan Mbay Di Provinsi Nusa Tenggara Timur Dalam Perspektif UUPA Pada Sengketa Hak Menguasai Negara Dengan Hak Ulayat. *JURNAL RECHTENS*, 12(1), 1–18.
- Rahmatiar, Y. (2023). Legal protection and rights of Indigenous peoples: legal certainty in managing natural resources. *Pena Justisia Media Komun. Dan Kaji. Huk.*, 22(3).
- Sari, R. (2023). Perlindungan dan Kesejahteraan Masyarakat Adat dalam Memenuhi Hak-Haknya Berdasarkan Pasal 18B UUD 1945. *Jurnal Hukum Dan HAM Wara Sains*, 2(11), 1006–1016.
- Soelistyowati, S. (2024). Reassessing State Responsibility for Indigenous Rights to Natural Resources Based on Justice Principle. *Jambe Law Journal*, 7(1), 149–167.
- SYAMSUL, H., MOH, N., & IDA, L. (2024). THE IMPLICATIONS OF THE CONSTITUTIONAL COURT'S RULING ON THE PROTECTION OF INDIGENOUS PEOPLES' LAND IN THE NATIONAL AGRARIAN SYSTEM. *EVOLUTIONARY STUDIES IN IMAGINATIVE CULTURE*, 1228–1237.
- Therhault, N. (2019). Unravelling the strings attached: Philippine indigeneity in law and practice. *Journal of Southeast Asian Studies*, 50(1), 107–128.
- Wala, G. N. (2023). Existence of Customary Land According to the Basic Agrarian Law. *Aurelia: Jurnal Penelitian Dan Pengabdian Masyarakat Indonesia*, 2(2), 1143–1146.
- Widiyoko, S., & Wiranto, A. P. (2024). The Strengthening Customary Land Rights: Promoting Agrarian Law Reform in Indonesia. *Jurnal Akta*, 11(2), 416–423.
- Yurista, A. P. (2016). Pengejawantahan hak tradisional masyarakat hukum adat dalam pengaturan pengelolaan wilayah pesisir dan pulau-pulau kecil. *Jurnal Legislasi Indonesia*, 13(2), 203–212.

Books:

- Ariando, W. (2021). *Developing a model for the integration of Bajau traditional ecological knowledge in the management of locally managed marine area: a case study of Wakatobi regency, Indonesia*.
- Arizona, Y., & Cohen, M. (2024). *The Recognition of Customary Land Rights at the*

- Constitutional Court of Indonesia: A Critical Assessment of the Jurisprudence*. In *Courts and Diversity* (p. 173–194). Brill Nijhoff.
- Budiono, I. (2024). *Keterasingan Masyarakat Hukum Adat dalam Konflik Agraria Struktural Alienation of Customary Law Communities in Structural Agrarian Conflicts*.
- Candelaria, S. M. (2018). The plight of indigenous peoples within the context of conflict mediation, peace talks and human rights in Mindanao, the Philippines. *Thesis Eleven*, 145(1), 28–37.
- Cats-Baril, A. (2020). *Indigenous peoples' rights in constitutions Assessment tool*. International Institute for Democracy and Electoral Assistance
- Ghopur, A. (2019). *Pelaksanaan Putusan Mahkamah Konstitusi Nomor 35/PUU-X/2012 Terhadap Pengujian Undang-undang Nomor 41 Tahun 1999 Tentang Kehutanan Terkait Dengan Hutan Adat di Provinsi Riau*. Universitas Islam Riau.
- Hartariningsih, N. (2018). PENGAKUAN HAK ULAYAT OLEH NEGARA. *Cakrawala Hukum: Majalah Ilmiah Fakultas Hukum Universitas Wijayakusuma*, 20(1).
- Heinämäki, L., & Xanthaki, A. (2017). Indigenous peoples' customary laws, sámi people and Sacred Sites. In *Experiencing and Protecting Sacred Natural Sites of Sámi and other Indigenous Peoples: The Sacred Arctic* (pp. 65–82). Springer.
- Hutama, W. R. (2021). Eksistensi Hak Ulayat Pasca Berlakunya Peraturan Menteri Agraria Nomor 18 Tahun 2019. *Notaire Ed*.
- Sukirno, S. (2025). *Indigenous land dispute*.
- Yostina, M. (2016). *Hak Komunal Atas Tanah Masyarakat Hukum Adat Di Indonesia (Analisi Peraturan Menteri Agraria Dan Tata Ruang Nomor 9 Tahun 2015 Tentang Tata Cara Penetapan Hak Komunal Atas Tanah Masyarakat Hukum Adat Dan Masyarakat Yang Berada Dalam Kawasan Tertentu)*. Brawijaya University.