

Law Enforcement of Land Disputes as a Factor in the Escalation of Violence: A Normative Juridical Analysis of Judicial Practices in Ambon City and Central Maluku Regency

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Abstract. *Land disputes in Indonesia are increasingly showing a tendency to trigger social conflict and violence, especially when law enforcement is unable to respond to the underlying social and economic factors. This study aims to analyze how the ambiguity of norms in land dispute law enforcement contributes to the escalation of conflict and violence in judicial practice in Ambon City and Central Maluku Regency. The study uses a normative juridical legal method with a statutory, conceptual, and case-based approach, through an analysis of the Ambon District Court Decision Number 94/Pdt.G/2023/PN Ambon and the Masohi District Court Decision Number 29/Pdt.G/2024/PN Msh. The results show that law enforcement in land disputes is still dominated by an orientation towards formal legal certainty, with an emphasis on proving the legality of rights without considering factors driving conflict such as overlapping ownership claims, unclear land boundaries, and the social and economic interests of the community. The ambiguity of norms is reflected in the procedural nature of mediation, the weak preventive role of the courts, and the lack of integrated cross-institutional coordination, which results in court decisions potentially triggering resistance and further conflict, particularly at the execution stage. This study concludes that the ambiguity of norms for enforcing land disputes acts as a structural factor in the escalation of violence, necessitating normative reconstruction that integrates socio-economic dimensions and conflict prevention as an integral part of the justice system.*

Keywords: *Land; Socio-Economic; Unclear-Norms; Violence.*

1. Introduction

Land disputes are a recurring structural legal issue in the Indonesian legal system and show a tendency to escalate, both in terms of quantity and complexity of conflict. As they develop, land disputes can no longer be understood simply as civil disputes between legal entities regarding ownership or control of land rights, but have transformed into

social conflicts with the potential to lead to open violence. This phenomenon indicates a fundamental problem in land law enforcement that not only impacts legal certainty but also threatens social stability and public security (Martadikusuma, 2025: 410–418).

The escalation of agrarian conflicts in various regions of Indonesia demonstrates that formal legal approaches focused on determining who has land rights have not been effective in mitigating conflict. In many cases, land dispute resolution has resulted in physical clashes between community groups, the destruction of public facilities, and the large-scale involvement of security forces. This situation demonstrates that land disputes have a multidisciplinary dimension encompassing legal, social, and economic aspects, thus demanding a law enforcement approach that is oriented not only toward formal legal certainty but also toward preventing conflict and violence (Pamungkas, Hutaeruk, & Fathurrahman, 2025: 26–37).

Maluku Province is one region that empirically demonstrates a close link between land disputes and the potential for violence. The characteristics of Maluku society, which still strongly maintains customary ties, communal structures, and customary claims, mean that land is not merely viewed as an object of law, but also as a symbol of identity and a source of livelihood. In this context, land disputes are often perceived not only as a violation of individual rights but also as a threat to the collective existence of a community, easily metamorphosing into horizontal conflict if not handled appropriately by law enforcement officials (Nugroho, 2018: 87–101).

Land disputes in Ambon City and Central Maluku Regency exhibit relatively similar patterns: conflicting ownership claims, unclear land boundaries, weak land administration, and delays in providing legal certainty. In addition to legal factors, land disputes in both regions are also influenced by social and economic factors, with land viewed as a strategic asset with high economic value and the basis for resource control. In several cases, mediation processes facilitated by local governments or the National Land Agency have failed to reach agreement, resulting in disputes escalating to litigation and potentially triggering open conflict at the community level (Haumasse, 2024).

Normatively, the Indonesian legal system has provided various legal instruments for resolving land disputes, both through litigation in court and non-litigation through mediation. The Basic Agrarian Law, land regulations, and the Supreme Court Regulation on mediation procedures in court explicitly recognize the importance of peaceful dispute resolution. However, in judicial practice, these provisions are often positioned formally and have not been substantively integrated with efforts to prevent social conflict (Supreme Court of the Republic of Indonesia, 2016). The fundamental problem that arises is the ambiguity of norms in enforcing land dispute law, reflected in the lack of clarity regarding the position of mediation as a substantive instrument, the weak preventive role of the courts, and irregular coordination between institutions in implementing court decisions (Efendi, 2019: 45–52).

This ambiguity of norms has a direct impact on the orientation of court decisions in land disputes. In many decisions, judges tend to emphasize formal legal certainty, such as proving rights and document validity, without adequately considering the social and economic impacts of the decision. As a result, even though court decisions have permanent legal force, their implementation often triggers community resistance and has the potential to lead to further conflict, particularly during the execution stage, which

is carried out legally and formally without taking into account social and customary approaches (Rasmawati, Laturette, & Radjawane, 2022: 47–68).

From the perspective of legal justice theory, law enforcement that focuses solely on formal legal certainty without regard for substantive justice has the potential to create new injustices. Justice is not simply defined as the rigid application of norms, but rather as an effort to balance legal interests with the social and economic realities of society. Therefore, law enforcement in land disputes should not only aim to resolve disputes legally, but also to prevent broader social conflict and violence (Nasution, 2014: 118–130).

Based on this description, this study specifically addresses the issue of normative ambiguity in land dispute law enforcement and its implications for preventing violence, focusing on judicial practices in Ambon City and Central Maluku Regency (Tupessy, Tuanaya, & Latuconsina, 2024: 9–21). Several previous studies have addressed land disputes from the perspective of customary dispute resolution, mediation, and the effectiveness of decision execution, such as those by Anwar (2023), Boboy, Santoso, and Irawati (2020), Jayadi et al. (2023), and Arifardhani (2021). However, these studies have not specifically analyzed the normative ambiguity in land dispute law enforcement as a structural factor that hinders the judiciary's preventive function against potential acts of violence. Therefore, this research gap lies in the absence of normative juridical studies that directly link the design of land dispute law enforcement norms to the failure to prevent conflict and violence in judicial practice.

This study aims to analyze the forms of normative ambiguity in land dispute law enforcement, assess its legal and sociological implications for potential violence, and formulate a more responsive and conflict-prevention-oriented law enforcement framework. Therefore, this research is expected to provide theoretical and practical contributions to the development of land law and judicial practice in Indonesia, particularly in the context of conflict-prone regions such as Maluku.

2. Research Methods

This research is a normative juridical legal study that aims to examine positive legal norms, legal principles, and legal doctrines related to the enforcement of land dispute law and their implications for preventing acts of violence. The normative juridical approach was chosen because the main focus of this research lies in the analysis of the ambiguity of norms in the land law system and judicial practice, rather than on the measurement of empirical community behavior. Through this approach, law is understood as norms contained in legislation and court decisions, thus enabling researchers to assess the consistency, coherence, and effectiveness of norms in addressing the legal problems studied (Marzuki, 2005: 35–42).

The first approach used is the statute approach, which systematically examines the laws and regulations governing land disputes and their resolution mechanisms. The analysis was conducted on the 1945 Constitution of the Republic of Indonesia, Law Number 5 of 1960 concerning Basic Agrarian Regulations, Law Number 51/Prp/1960 concerning the Prohibition of Unauthorized Land Use, Law Number 48 of 2009 concerning Judicial Power, and Supreme Court Regulation Number 1 of 2016 concerning Mediation Procedures in Court. This approach is used to identify unclear norms, regulatory

disharmony, and normative limitations in integrating land dispute resolution with social conflict prevention efforts (Muhaimin, 2020: 67–75).

Furthermore, this study employs a conceptual and case approach. The conceptual approach examines the concepts of legal justice, land law theory, mediation, and the role of customary law in land dispute resolution to develop a theoretical and normative analytical framework. The case approach, meanwhile, analyzes court decisions in land dispute cases with potential for social conflict, namely the Ambon District Court Decision Number 94/Pdt.G/2023/PN Ambon and the Masohi District Court Decision Number 29/Pdt.G/2024/PN Msh. These decisions were selected based on the criteria of land rights dispute cases that have permanent legal force and demonstrate a link between civil law enforcement and the potential for escalating social conflict. This combination of approaches allows the study to connect abstract legal norms with their application in judicial practice in areas prone to agrarian conflict such as Maluku.

3. Results and Discussion

3.1. The Ambiguity of Norms in the Land Dispute Law Enforcement System in Indonesia

The ambiguity of norms in land dispute law enforcement in Indonesia is a structural issue that directly impacts the effectiveness of land law as an instrument for conflict resolution and violence prevention. In this context, this ambiguity of norms is not only interpreted as unclear wording, but also as the absence of clear operational guidelines, fragmentation of authority between institutions, and the absence of regulations linking land dispute resolution to the state's obligation to prevent the escalation of social conflict. This situation opens up wide room for interpretation for law enforcement officials and causes law enforcement to proceed without a clear preventive direction (Efendi, 2019: 23–30).

Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA), as the primary foundation of national land law, normatively aims to achieve legal certainty and justice in land ownership. However, UUPA emphasizes the legality of land rights and the legal relationship between land subjects and objects, without providing a clear normative framework for preventing social conflict resulting from land disputes. This lack of regulation leads to agrarian law being understood narrowly as administrative and civil law, rather than as an instrument for managing social conflict (Usman, 2022).

Normative ambiguity is also evident in the regulation of mediation as a mechanism for resolving land disputes. Supreme Court Regulation No. 1 of 2016 concerning Mediation Procedures in Courts normatively recognizes the importance of mediation as part of the civil justice process. However, this regulation does not specifically address the characteristics of land disputes with a high potential for social conflict. As a result, mediation in land disputes is often positioned as a procedural formality, rather than a substantive instrument for preventing violence and maintaining social stability (Supreme Court of the Republic of Indonesia, 2016).

Furthermore, land regulations issued by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (BPN) do not provide clear norms regarding the boundaries of the BPN's authority and responsibilities in the context of conflict prevention. Existing regulations focus more on administrative procedures for resolving

land disputes and conflicts, without establishing binding normative standards regarding cross-agency coordination in conflict situations that have the potential to lead to violence. This situation demonstrates a fragmentation of norms that weakens the preventive function of the law (Ministry of Agrarian Affairs and Spatial Planning/BPN, 2020).

The ambiguity of norms becomes even more apparent when examined from the perspective of civil procedural law. Existing civil procedural law, whether through the HIR or RBg, is designed to resolve civil disputes adversarially, emphasizing evidence and declarative or constitutive decisions. This system is not designed to accommodate the sociological dimensions of land disputes, particularly in societies that still strongly uphold customary and communal values. As a result, the judicial process often fails to address the structural and cultural roots of conflict (Supreme Court of the Republic of Indonesia, 1926; 1927).

In practice, this ambiguity in norms opens up vast areas of discretion for judges and other law enforcement officials. Discretion that is not framed by clear normative guidelines has the potential to give rise to inconsistent decisions and legal uncertainty. On the one hand, judges are required to ensure legal certainty through strict application of norms, but on the other hand, they are faced with a complex and conflict-prone social reality. Without clear normative guidelines, law enforcement becomes trapped in a legalistic approach that ignores the substantive dimension of justice (Nasution, 2014: 118–130).

The lack of clarity in norms also impacts weak inter-institutional coordination in handling land disputes. There are no clear norms governing the cooperation mechanisms between courts, the National Land Agency (BPN), local governments, and security forces in the context of conflict prevention. As a result, each institution operates sectorally based on its respective authority, without comprehensive policy integration. This situation has the potential to escalate conflict, particularly at the stage of executing court decisions (Roberts, 2023: 150–155). From the perspective of legal justice theory, the lack of clarity in legal enforcement of land disputes reflects the dominance of the formal legal certainty paradigm, which has not been balanced by substantive justice. Substantive justice demands that the law be applied not merely mechanically but also consider the social context and the real impact of its application. When legal norms do not provide clear space for such considerations, the law has the potential to lose its social legitimacy (Suyanto, 2022: 192–207).

This condition of normative ambiguity can be summarized in the following table, which shows the relationship between normative aspects, regulatory weaknesses, and their implications for conflict prevention:

Table 1. Ambiguity of Land Dispute Law Enforcement Norms and Its Implications for Violence Prevention

Normative Aspects	Positive Regulation Conditions	Legal	Forms of Blurring	Normative	Implications for Violence Prevention
Basic Agrarian Law (UU No. 5 of 1960)	Focusing on the legality of rights, control and transfer of land	the	Does not explicitly regulate the prevention of social conflict due to land disputes		Land disputes have the potential to develop into horizontal conflicts without mitigation mechanisms.

Mediation in Court (PERMA No. 1 of 2016)	Mediation is procedurally required in civil cases	Not distinguishing between conflict-risk land disputes and ordinary civil disputes	Mediation was a formality and failed to reduce the escalation of violence.
BPN Land Regulations	Focus on administration and handling of land cases	There is no normative standard for cross-agency coordination.	Dispute handling is sectoral and not integrated
Civil Procedure Law (HIR/RBg)	Using adversarial approach and formal proof	Ignoring the sociological and customary dimensions in land disputes	The verdict is difficult to execute peacefully and triggers public resistance.
Execution of Court Decisions	Execution is legal-formal by the court	There are no regulations regarding the obligation to involve local governments, BPN, and traditional institutions.	Executions are a vulnerable point for acts of violence.

The table shows that the ambiguity of norms is not merely theoretical but has real practical implications for law enforcement in land disputes. As long as legal norms are not clearly formulated and integrated, the legal system will continue to face difficulties in preventing the escalation of conflict and the violence that accompanies land disputes.

Thus, it can be concluded that the lack of clarity in the legal system for enforcing land disputes is a structural factor that weakens the law's role as an instrument for preventing social conflict. Without reform and harmonization of norms that place violence prevention as an integral part of law enforcement, land disputes will continue to be a source of social instability, particularly in regions with strong socio-customary characteristics like Maluku.

3.2. Implications of Normative Ambiguity on Judicial Practices in Ambon City and Central Maluku

The ambiguity of norms in enforcing land dispute law has direct implications for judicial practice in Ambon City and Central Maluku Regency, particularly in how courts understand the function and purpose of dispute resolution. In various land dispute cases, courts tend to position themselves narrowly as institutions that resolve civil disputes oriented towards formal legal certainty. This orientation is reflected in the dominance of formal-judicial considerations such as the validity of evidence, the history of transfer of rights, and the validity of certificates, without adequate analysis of the social context and potential for further conflict that accompany land disputes (Martadikusuma, 2025: 410–418).

Such judicial practices are inextricably linked to the absence of norms explicitly requiring judges to consider the social impact of land dispute decisions. Civil procedural law does not mandate judges to assess the risk of social conflict as part of their legal reasoning. Consequently, judges' considerations often focus on the legality of rights, while the potential for violence that may arise after a decision is excluded from the *ratio decidendi*. This situation demonstrates that the ambiguity of norms directly limits the scope for substantive justice in judicial practice (Marzuki, 2005: 112–118).

The implications of this unclear norm are evident in judicial practice in Ambon City, one example of which is reflected in a land dispute case examined by the Ambon District Court under Register Number 94/Pdt.G/2023/PN Ambon. This case demonstrated conflicting ownership claims and protracted unclear land boundaries. In its decision, the

court emphasized considerations of formal proof and the validity of ownership documents, without adequately linking them to the potential for social conflict in the area surrounding the disputed object (Kompas Cyber Media, 2021). As a result, the decision, which had become legally binding, actually triggered resistance from the losing party and the surrounding community, leading to rejection of the execution and the potential for further conflict.

This phenomenon demonstrates that legal certainty achieved through court decisions does not always translate directly into the creation of order and a sense of justice in society. In the context of Ambon, which has social sensitivities and a history of horizontal conflict, a legalistic approach that ignores the social dimension has the potential to escalate the conflict (Nugroho, 2018: 87–101).

Similar implications are evident in judicial practice in Central Maluku Regency, particularly in the Masohi District Court Decision Number 29/Pdt.G/2024/PN Msh. The land dispute in this case concerns not only the legality of rights but also customary claims and the communal identity of the local community (Kasim, 2020: 51–64). However, the court's legal reasoning is still dominated by a formal-judicial approach, without a clear normative framework for integrating customary law as part of conflict prevention efforts.

The ambiguity of norms regarding the position and role of customary law leaves courts with inadequate guidance in balancing positive law and local values. Consequently, court decisions are potentially perceived as a form of structural injustice by indigenous communities, thereby losing social legitimacy and opening up space for post-decision conflict (Roberts, 2023: 150–155).

The absence of normative standards for assessing potential conflict also has a significant impact on the execution stage of land dispute decisions. In Ambon and Central Maluku, decision execution is often the most vulnerable point for violence because it is carried out legally and formally without a persuasive and participatory approach. In many cases, security forces are only involved reactively after a conflict arises, rather than as part of a planned prevention strategy (Yani & Handayani, 2025: 6719–6727). Furthermore, weak inter-agency coordination further exacerbates the implications of unclear norms in judicial practice. Courts, the National Land Agency, local governments, and security forces operate sectorally based on their respective authorities, without a shared, integrated framework. The absence of norms governing these coordination mechanisms results in partial and non-holistic land dispute resolution, making it ineffective in preventing the escalation of agrarian conflict.

From the perspective of legal justice theory, judicial practices arising from normative ambiguity reflect the dominance of procedural justice over substantive justice. Without internalizing the social and preventive dimensions, the law has the potential to lose its function as a means of social engineering. Therefore, the implications of normative ambiguity on judicial practices in Ambon City and Central Maluku Regency are not only legal, but also sociological and political, and emphasize the urgency of reformulating land dispute law enforcement norms to be more responsive to social realities.

3.3 Reconstruction of Land Dispute Law Enforcement Based on Prevention of Social Conflict and Economic Interests

Reconstructing land dispute law enforcement based on preventing social conflict and economic interests is an urgent normative need in the Indonesian legal system. This

reconstruction demands a paradigm shift in agrarian law enforcement, from a mere instrument for determining rights to a means of managing conflicts triggered by social and economic interests. In the context of land disputes, the law must not stop at formal legal resolution but must be able to address the driving factors of conflict, such as ownership rights, unclear land boundaries, and the high economic value of land (Efendi, 2019: 112–120).

The primary step in this reconstruction is to clarify the role of mediation as a mandatory, substantive mechanism in land disputes. Mediation cannot be positioned as a procedural step; it must function as a forum for socio-economic dialogue and reconciliation, particularly in land disputes driven by interests over land ownership and access to economic resources (Siregar, Damanik, & Siahaan, 2025). Therefore, a reformulation of norms that establish mediation standards is necessary, including the mandatory involvement of traditional leaders, local governments, and the National Land Agency.

Beyond mediation, the courts' role needs to be redefined as a preventative actor in enforcing land dispute law. Judges must have a clear normative basis for considering potential social conflicts and economic interests as part of their legal considerations, without neglecting legal certainty. With this approach, court decisions are not only legally valid but also socially legitimate and can prevent further conflicts stemming from unequal land ownership (Ramadhani et al., 2025: 209–222).

Reconstructing law enforcement also requires harmonization between positive law and customary law. In many land disputes in Maluku, customary law serves as the primary reference for communities in determining the legitimacy of land ownership and the distribution of economic benefits. Therefore, national legal norms need to provide clear space for the integration of customary values in land dispute resolution, as long as they do not conflict with the principles of the rule of law and the protection of human rights (Roberts, 2023: 150–155).

Another equally important aspect is strengthening inter-agency coordination in handling land disputes. Norm reconstruction must include clear regulations regarding the roles and responsibilities of the courts, the National Land Agency, local governments, and security forces at every stage of dispute resolution, including the execution of decisions. Structured, norm-based coordination will reduce repressive approaches and strengthen conflict prevention efforts driven by social and economic factors (Suyanto, 2022: 192–207).

From the perspective of legal justice theory, this reconstruction is directed at achieving substantive justice oriented toward socio-economic benefits. Justice is measured not only by formal legal certainty, but also by the actual impact of legal implementation on social stability and the distribution of economic benefits (Yani & Handayani, 2025: 6719–6727). Without clear and integrated normative reform, law enforcement in land disputes will remain reactive and potentially perpetuate latent conflicts that could at any time escalate into open violence.

4. Conclusion

The ambiguity of norms in enforcing land disputes has proven to be a structural factor that weakens the law's function as an instrument for conflict resolution and prevention of violence. Land law and civil procedure in Indonesia remain predominantly oriented toward formal legal certainty and the legality of rights, without providing clear guidance

on integrating the social and economic dimensions that drive land disputes. As a result, courts tend to exercise a narrow judicial function as civil dispute arbitrators, rather than as institutions responsible for maintaining social justice and socio-economic stability, particularly in land disputes with high conflict potential. The implications of this vague norm are evident in judicial practice in Ambon City and Central Maluku Regency, where legally valid and legally binding court decisions do not always result in effective and substantively just resolutions. Land disputes triggered by claims of ownership rights, unclear land boundaries, and social and economic interests often lead to community resistance and escalation of conflict, particularly during the execution of decisions. This demonstrates that legal certainty without socio-economic considerations and preventive mechanisms has the potential to create new injustices and prolong the cycle of agrarian conflict in society.

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