

The Effectiveness of Land Redistribution Programs in Increasing Public welfare

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Abstract. *This study aims to analyze: 1) The effectiveness of the implementation of the land redistribution program in improving the welfare of the people in Kutai Kartanegara. 2) Obstacles and solutions in the implementation of the land redistribution program in improving the welfare of the people in Kutai Kartanegara. This type of research is empirical legal research. The approach method in this research is a qualitative approach. The types of data in this research are primary and secondary. Primary data collection through observation and interviews while secondary data uses library techniques (study document). The analysis in this study is descriptive. The results of the study concluded: 1) The effectiveness of the implementation of the land redistribution program in improving the welfare of the people in Kutai Kartanegara has been effective in realizing the objectives of agrarian reform, namely equal distribution of land ownership and improving community welfare. If analyzed based on Soerjono Soekanto's theory of legal effectiveness, the success of this program is supported by clear legal factors, committed law enforcement, and adequate implementation facilities. In addition, community participation in managing land productively and the cultural values of mutual cooperation also strengthen the effectiveness of program implementation. 2) Obstacles in the implementation of the land redistribution program consist of legal, technical, social, and institutional obstacles. Legal obstacles arise due to the lack of synchronization of regulations and data between agencies, while technical and social obstacles are caused by limited resources, geographical conditions, and minimal community assistance after the redistribution. Solutions that need to be implemented include strengthening coordination through the Agrarian Reform Task Force (GTRA), accelerating the digitalization of land data, and improving coaching and empowerment programs for beneficiaries. The implementation of PP Number 62 of 2023 is key to ensuring a more focused and uniform implementation.*

Keywords: *Community; Effectiveness; Redistribution; Welfare.*

1. Introduction

The increase in land use has given rise to various forms of land control and management, and on the other hand, has given rise to the development of normative law, both through statutory and doctrinal approaches.¹ Land issues have long been a complicated and legal issue complex and has broad dimensions in both developed and developing countries, so that not easy to solve quickly.²

Land is the surface of the earth or the outermost layer of the earth, the condition of the earth in a certain place, the surface of the earth which is given land boundaries, whereas according to Article 4 Paragraph (1) of the Republic of Indonesia Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA), land is the surface of the earth. The land referred to here does not regulate land in all aspects but only regulates one aspect, namely land in the legal sense which is called land rights and its management. Article 2 paragraph (1) of Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA) states that the earth, water and space, including the natural resources contained therein, are controlled at the highest level by the state. The meaning of the state controlling the land does not mean that the land is owned by the state, but rather the state has the power to regulate the distribution of land rights that can be granted and the legal relationships that arise over land.³

Land registration is a series of activities carried out by a country/government continuously and regularly to collect certain information or data about a particular plot of land in a certain area, process it, store it and use it for the benefit of the people.⁴ The purpose of land registration in Indonesia is to provide legal certainty (*rechts kadaster*) of land rights and legal protection of land ownership.

Land registration is intended to provide strong evidence of land rights. However, in certain legal acts, land registration serves to ensure the validity of the legal act. This does not occur legally. Registration of a sale, purchase, gift, or exchange does not serve to validate the act but merely to provide evidence of its validity.⁵

The document proving these rights is referred to as a land certificate by Government Regulation Number 10 of 1961 and Government Regulation Number 24 of 1997. A land certificate is a document proving rights to land, management rights, waqf land, ownership rights to apartment units, and

¹Zakie & Mukmin, 2016, Agrarian Conflicts That Never Subside, *Legality Scientific Journal of Law*, Volume 24, Number 1, p. 42.

²Irawan Soerodjo, 2002, *Legal Certainty of Land Rights in Indonesia*, Arkola, Surabaya, p. 25.

³Hardianto Djanggih, 2017, Legal Aspects of Land Acquisition for Development Implementation in the Public Interest, *Pandecta: Journal of Legal Research*, Volume 12 Number 2, p. 165

⁴Dian Aries Mujiburohman, 2018, Potential Problems with Complete Systematic Land Registration (PTSL), *BHUMI: Agrarian and Land Journal*, Volume 4, Number 1, p. 50

⁵*Ibid.* p. 96.

mortgage rights, each of which has been recorded in the relevant land book. This physical land certificate is a crucial document for the community. This can cause problems, ranging from falsification of certificate data by land mafia to numerous land disputes resulting from duplicate certificates. Duplicate certificates arise due to legal and physical defects, in this case occurring in certificates that are not properly mapped in the land registration map by the local Land Office.⁶

Land certification issues in Indonesia are not merely administrative in nature, but also reflect agrarian inequality resulting from weak oversight and the monopoly of land ownership by a handful of parties. This inequality creates social disparities, particularly for farmers and indigenous communities who lose access to productive land. To address this, the government implemented the Agrarian Reform Program through land redistribution, as stipulated in Presidential Regulation No. 62 of 2023, which aims to restructure land ownership for greater equity. As of April 2024, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) had exceeded its land redistribution target by 358.38% and resolved conflicts in 24 priority locations. However, the program's effectiveness still faces administrative constraints, weak coordination, and minimal support for beneficiaries, resulting in the goal of improving community welfare not being fully achieved and requiring further evaluation.

2. Research methods

This research is an empirical legal study. The approach used is qualitative. The data used are primary and secondary. Primary data was collected through observation and interviews, while secondary data was collected using literature review techniques (document study). The analysis used is descriptive.

3. Results and Discussion

3.1. The Effectiveness of the Implementation of the Land Redistribution Program in Improving Community Welfare in Kutai Kartanegara

Land registration is one of the government's programs aimed at ensuring orderly land administration. The increasing pace of development in Indonesia is inextricably linked to the certainty of land registration.⁷ Land registration is a series of activities carried out by the government on an ongoing, continuous, and orderly basis. This activity includes the collection, processing, bookkeeping, presentation, and maintenance of physical and legal data in the form of maps

⁶Agus Salim, Settlement of Legal Disputes Against Ownership Certificate Holders with the Issuance of Duplicate Certificates, *USM Law Review Journal*, Volume 2, Number 2, 2019, p. 183

⁷Kusmaryanto, Gunarto, Registration of Sale and Purchase Deeds Exceeding the Land Registration Period at the Agrarian and Spatial Planning Office/National Land Agency of Semarang City, *Jurnal Akta*, Vol. 4 No. 3 September 2017, p. 475

and lists regarding land plots and apartment units, including the issuance of proof of land rights for land plots that already have rights and ownership rights to apartment units and other rights that encumber them. The final product of land registration is a certificate as proof of ownership of land rights.⁸

Based on Article 1 Paragraph 9 of Government Regulation of the Republic of Indonesia Number 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration, it states that Land Registration is a series of activities carried out by the Government continuously, sustainably and regularly, including the collection, processing, verification, and presentation as well as maintenance of physical data and legal data, in the form of maps and lists, regarding land plots and apartment units, including the issuance of certificates of proof of rights for land plots for which rights already exist and ownership rights to apartment units and certain rights that encumber them.⁹

Land registration aims to guarantee legal certainty and certainty of land rights. By implementing land registration, the parties concerned can easily find out the legal status or position of the particular land they are dealing with, its location, area and boundaries, who owns it, and what burdens are placed on it.¹⁰The provisions of Article 19 paragraphs (1) and (2) of the UUPA are the basis for the implementation of comprehensive land registration, including in land redistribution activities. The land redistribution program is part of the implementation of Agrarian Reform which is a national priority in order to create equitable land ownership and improve the welfare of the community, especially low-income communities who do not yet own land or have land with an area that is insufficient for their living needs. This program is implemented based on Government Regulation Number 224 of 1961 concerning the Implementation of Land Distribution and Provision of Compensation, and is currently strengthened by Presidential Regulation Number 62 of 2023 concerning the Acceleration of the Implementation of Agrarian Reform, which replaces Presidential Regulation Number 86 of 2018 concerning Agrarian Reform.

Agrarian reform was originally enacted to address structural land inequality, leading to land justice. Agrarian reform was a national strategic plan under the Joko Widodo-Yusuf Kalla administration, a key agenda item listed in the 2015-2019 National Medium-Term Development Plan (RPJMN), Point 5 Navista (Nine Priority Agendas). Meanwhile, in the 2020-2024 RPJMN, land reform is one of

⁸Irawan Soerodjo, 2002, Legal Certainty of Land Rights Registration in Indonesia, Arloka, Surabaya, p. 40.

⁹Irawan Soerodjo, 2002, Legal Certainty of Land Rights in Indonesia, Arkola, Surabaya, p.104.

¹⁰Effendi Parangin, 1991, Agrarian Law in Indonesia, A Study from the Perspective of a Legal Practitioner, Rajawali Press, Jakarta, p. 95

the policy directions and strategies for poverty alleviation.¹¹

Agrarian reform essentially provides programs that can address poverty, especially in rural communities, improve welfare through national food self-sufficiency, increase land productivity, and recognize the rights to private, state, and public land used to meet the livelihoods of many people. Agrarian reform has three forms: asset legalization, land redistribution, and social forestry. Asset legalization implemented by the Ministry of Land and Spatial Planning/National Land Agency (ATR/BPN) through the Full Systematic Land Registration (PTSL) program has been considered successful over the past three years, achieving extraordinary targets each year.¹²

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In Kutai Kartanegara Regency, the implementation of the land redistribution program is one of the strategic agendas of the National Land Agency (BPN) of Kutai Kartanegara Regency. Based on data from the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), Kutai Kartanegara is included in the priority areas for land redistribution implementation in East Kalimantan considering the ongoing imbalance in land ownership structures between large corporations and local communities. The Head of ATR/BPN of Kukar Regency, Aag Nugroho, said that there are 10 sub-districts included in the land redistribution, namely Anggana, Kembang Janggut, Loa Janan, Loa Kulu, Marangkayu, Muara Kaman, Muara Wis, Sebulu, Tenggarong Seberang, Kenohan, which contain 18 villages within them. The achievements of the land redistribution program show quite significant results. Based on the official report of the Kutai Kartanegara Regency Government through the Land and Spatial Planning Service, some areas have successfully completed the redistribution of

¹¹Mitha and Adil Mubarak, 2022, The Effectiveness of the Land Redistribution Program for the Implementation of Agrarian Reform in Muaro Takung Village, Sijunjung Regency, PUBLICNESS: Journal of Public Administration Studies, Volume 1 Number 3, p. 238

¹²Doly Denico, 2017, The Authority of the State in Land Tenure: Redistribution of Land to the People, Jurnal Negara Hukum, Volume 8, Number 2, Page 197

¹³Ibid.,

land covering an area of approximately 3,800 hectares, which was then certified and handed over to the beneficiary community.¹⁴

The implementation of the land redistribution program in Kutai Kartanegara Regency is part of the national agrarian reform policy aimed at realizing equitable land tenure and improving community welfare. This program is implemented through five main stages. First, inventory and identification of redistribution objects, namely determining former HGU land, abandoned land, and land resulting from the release of forest areas that are eligible for distribution. Second, determining the recipients of redistribution, targeting smallholder farmers, poor rural communities, and indigenous communities through verification and village deliberations to ensure fairness. Third, land measurement and mapping by the National Land Agency (BPN) using modern survey technology and Geographic Information Systems (GIS) to ensure accurate land boundaries. Fourth, issuance of land title certificates by the BPN as proof of legal ownership, providing legal certainty and opening economic access for the community. Fifth, post-redistribution assistance, in the form of coaching and training in productive businesses to maintain sustainable land use. Overall, the implementation of land redistribution in Kutai Kartanegara not only provides legal ownership but also strengthens economic equality and reduces inequality in land tenure in rural areas.

This program is also synergized with the Complete Systematic Land Registration (PTSL) program to accelerate the legalization of community land assets. Land certificates resulting from redistribution are an important instrument in promoting access to capital, because with certificate ownership, communities have legal guarantees to use their land as collateral for people's business credit (KUR) or other productive capital. Furthermore, the implementation of land redistribution in Kutai Kartanegara is not only oriented towards land distribution alone, but is also accompanied by post-redistribution community mentoring activities through agrarian-based economic empowerment programs. The local government, together with the National Land Agency (BPN), is striving to encourage the formation of economic institutions such as farmer cooperatives and joint business groups (KUB) so that the land that has been distributed can be used productively and sustainably.¹⁵

The effectiveness of the land redistribution program in Kutai Kartanegara Regency is evident in the achievement of the agrarian reform goals, namely equalizing land ownership and improving the welfare of low-income communities. Observations indicate that recipient communities have obtained land ownership certificates from the National Land Agency (BPN), which provide

¹⁴<https://prokom.kukarkab.go.id/> /accessed October 10, 2025, 22.00 WIB

¹⁵Interview with Mr. Sandy, Rights Determination and Registration Section (Head of Rights Determination & Registration), September 18, 2025

legal certainty and enable them to use the land as collateral for business capital. The redistribution program focused on former HGU (HGU) and state land, targeting communities who truly manage the land productively. In addition to providing certificates, the BPN, along with relevant agencies, also provided guidance to ensure that the land was not resold but instead used for agricultural activities and small businesses. Consequently, many communities have successfully increased their income through farming and fisheries. Thus, land redistribution in Kutai Kartanegara is considered effective because it not only legalizes assets but also empowers the community's economy in a sustainable manner. In general, effectiveness is a measure of the extent to which an activity, policy, or program can optimally achieve its stated goals. Effectiveness relates to an organization's success in achieving its predetermined goals or objectives. In the context of public policy, effectiveness is measured not only by administrative success or quantitative outcomes, but also by the extent to which policy implementation can have a tangible impact on improving public welfare and achieving desired social change. Thus, effectiveness reflects the success of planning and the results achieved on the ground.¹⁶In the legal and governmental sphere, effectiveness also has a normative dimension, namely the extent to which a policy or regulation can be implemented and complied with by the public. According to Soerjono Soekanto, legal effectiveness indicates the extent to which legal norms can function to regulate and direct societal behavior in accordance with the objectives for which they were created.¹⁷Effectiveness is not only determined by the content of the law itself, but also by the support of implementing institutions, supporting facilities, and the level of public acceptance of the regulated norms.

The effectiveness of the land redistribution program in Kutai Kartanegara Regency can be explained through Soerjono Soekanto's theory of legal effectiveness, which encompasses five factors: law (substance), law enforcement, facilities, society, and culture. From a legal substance perspective, the implementation of land redistribution in Kutai Kartanegara is supported by a strong legal basis, namely the UUPA, PP No. 224 of 1961, and Presidential Decree No. 62 of 2023, which comprehensively regulate the implementation mechanism and post-redistribution assistance. The law enforcement factor is also effective due to coordination between the National Land Agency (BPN), local governments, and the community in ensuring that the redistributed land is used productively.

In terms of facilities, the Kutai Kartanegara Land Office is equipped with modern land information technology such as an electronic cadastral system and regional government budget support, which streamlines administrative processes and

¹⁶Winarno, 2012, *Public Policy: Theory and Process*, Media Pressindo, Yogyakarta, p. 153.

¹⁷Soerjono Soekanto, 1983, *Factors Influencing Law Enforcement*, Rajawali Press, Jakarta, pp. 8–9.

community development. Community factors demonstrate high effectiveness through the active participation of beneficiaries who use land for productive activities, increase income, and strengthen their sense of land ownership. Cultural factors also play a significant role because the community views land not only as an economic asset but also as a social and cultural symbol that must be preserved, although guidance is still needed to prevent speculative buying and selling practices. Overall, the effectiveness of the land redistribution program in Kutai Kartanegara is reflected in the achievement of legal certainty through land certificates, increased economic productivity of recipient communities, and ongoing guidance that supports sustainable land management. However, this success still requires continuous monitoring and assistance to ensure the sustainable achievement of the goals of agrarian reform, which aim to achieve equitable welfare and social justice.

3.2. Obstacles and Solutions in the Implementation of the Land Redistribution Program to Improve Community Welfare in Kutai Kartanegara

Land redistribution is part of the state's authority to exercise control over land in accordance with the state's right to control mandated by the constitution. This mandated land redistribution is intended to address the imbalance in land control and ownership while providing access to land as a livelihood for landless farmers. As it develops, land redistribution becomes not only a way to provide access to agrarian resources for farmers, but also for the poor, not only in rural areas but also in urban areas.¹⁸The biggest challenge facing land redistribution is the provision of land for agrarian reform (TORA). One potential source of TORA is land derived from the release of forest areas.

The land redistribution process is a series of processes for distributing state land to the community by providing proof of land rights to the beneficiaries. The implementation of land redistribution in Kutai Kartanegara Regency is essentially a series of steps in the implementation of agrarian reform. As stated in Presidential Regulation Number 62 of 2023, Agrarian Reform is a restructuring of the control, ownership, use, and utilization of land that is more equitable through Asset Management and accompanied by Access Management for the prosperity of the Indonesian people. Presidential Regulation Number 62 of 2023 emphasizes the importance of implementing integrated agrarian reform through institutional synergy, process transparency, and active community involvement in every stage.

The implementation of the land redistribution program in Kutai Kartanegara Regency is part of the implementation of the national Agrarian Reform which aims to realize equitable distribution of land ownership structures and improve

¹⁸Wahyuni, 2025, Collaborative Strategy in Implementing Land Redistribution to Accelerate Agrarian Reform in Banyuwangi Regency, *Tunas Agraria*, Volume 8 Number 1, p.20

community welfare. The implementation of the land redistribution program in Kutai Kartanegara Regency is part of a concrete agrarian reform effort designed to improve structural justice in land control, ownership, use, and utilization. The local government is aligning the TORA (Land Objects of Agrarian Reform) program with national regulations such as Presidential Decree No. 62 of 2023 concerning the Acceleration of the Implementation of Agrarian Reform, to provide legal certainty, increase access to land for the community, and accelerate land certification in order to address land ownership inequality.

In Kutai Kartanegara Regency, land redistribution has been prioritized through the Agrarian Reform Task Force (GTRA) meeting, which determines eligible land subjects and objects for redistribution. For example, the GTRA meeting on November 11, 2024, determined that 10 sub-districts (including Loa Kulu, Sebulu, Marangkayu, and others) would be included in the redistribution program. The redistributed land comes from the TORA area, primarily from previously forested areas used by the community and other state lands.¹⁹

Land redistribution in Kutai Kartanegara Regency has shown significant progress, but still faces various obstacles in legal, technical, socio-economic, and cross-sector coordination. From a legal perspective, the main obstacle lies in the lack of synchronization of regulations and data between agencies, particularly in determining the status of ex-HGU land and differences in spatial data between the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) and other agencies. This disparity causes delays in the validation process of redistribution objects. Possible solutions include strengthening cross-sector coordination and establishing an integrated land database to ensure uniform and effective land redistribution implementation, as mandated by Presidential Regulation Number 62 of 2023 concerning the Acceleration of Agrarian Reform Implementation. From a technical and administrative perspective, obstacles arise from limited human resources within the BPN, the difficult geographical conditions of the area, and the lengthy validation process for redistribution recipient data. Digitizing land services through a GIS system and the Digital Land Office is a crucial step to expedite the process, along with involving village governments and farmer groups in data collection to minimize administrative errors.

Furthermore, from a socio-economic perspective, some communities receiving redistribution lack the capacity, skills, and capital to manage land productively. This results in the land that has been certified not being fully utilized optimally. To address this, the government needs to strengthen post-redistribution assistance programs through synergy between the National Land Agency (BPN), the Department of Agriculture, the Department of Cooperatives and MSMEs, and regional financial institutions to enable recipient communities to develop

¹⁹Results of field observations at the Kutai Kartanegara Regency Land Office, September 10, 2025

sustainable economic activities. Another obstacle arises from weak cross-sectoral coordination due to differing priorities between agencies, which slows down the progress of post-certification community empowerment programs. Therefore, the formation and optimization of the Agrarian Reform Task Force (GTRA) at the district level is a strategic step to unify work plans, programs, and budgets for integrated land redistribution.

When analyzed based on Gustav Radbruch's theory of legal certainty, the implementation of land redistribution in Kutai Kartanegara has not fully fulfilled the four main elements of legal certainty: legal positivity, legal factuality, normative clarity, and legal stability. From the aspect of legal positivity, regulations are strong but not yet fully synchronized technically; from the aspect of legal factuality, there is still a lack of physical and legal data that has the potential to lead to overlapping ownership claims; from the aspect of normative clarity, there is ambiguity in determining the recipient subjects, especially for indigenous communities; and from the aspect of legal stability, frequent changes in policies and institutions have led to inconsistencies in implementation in the field. Thus, the effectiveness of land redistribution in Kutai Kartanegara is not optimal due to the still weak legal certainty and coordination between agencies. However, through strengthening regulations, digitizing land data, and ongoing assistance for beneficiary communities, the land redistribution program in this region has the potential to become an instrument for equitable and sustainable welfare distribution.

Based on Gustav Radbruch's theory of legal certainty, the obstacles to land redistribution in Kutai Kartanegara reflect that the ideal of legal certainty has not yet been fully achieved. Although the legal basis is in place, implementation on the ground still faces data inconsistencies, overlapping regulations, and weak oversight of the use of redistributed land. To achieve legal certainty as intended by Radbruch, concrete steps are necessary, such as:

- 1) Harmonization of regulations between central and regional governments to prevent overlapping authority;
- 2) Improving the accuracy of legal and physical land data through digitalization of land information systems;
- 3) Strengthening the role of customary law communities and farmer groups in the field verification process;
- 4) Consistency in the implementation of land policies, so that changes in institutional structures do not hinder the sustainability of agrarian reform.

By fulfilling the four elements of legal certainty according to Gustav Radbruch, the implementation of land redistribution in Kutai Kartanegara Regency can provide strong, fair and sustainable legal guarantees for the beneficiary

community.

4. Conclusion

Land redistribution in Kutai Kartanegara is considered effective in realizing the goals of agrarian reform, namely equalizing land ownership and improving community welfare. Through the stages of identification, mapping, and issuance of land certificates, communities gain legal certainty and access to productive economic opportunities. Based on Soerjono Soekanto's theory of legal effectiveness, this success is supported by clear regulations, official commitment, adequate facilities, and community participation. However, legal, technical, social, and institutional obstacles remain due to regulatory inconsistencies, limited resources, and weak mentoring. Solutions include strengthening GTRA coordination, digitizing land data, and providing ongoing guidance. With the implementation of Presidential Regulation No. 62 of 2023 and consistent guarantees of legal certainty, land redistribution can become an effective instrument for economic equality and equitable agrarian development.

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