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Legal Protection for the Granting of Cultivation Rights Permits for Communal Rights According to Agrarian Law

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Abstract. *This study aims to determine the agrarian legal regulations in Indonesia related to communal rights and the granting of HGU permits, assess the effectiveness of legal protection for communal rights in the context of granting HGU permits and provide recommendations to improve legal protection for communal rights in the granting of HGU permits, then linked to the appropriate theory in order to draw conclusions. The method used in the study, namely the approach method in this writing is normative and empirical research, the specification of this study is descriptive research. Communal Rights can only be carried out for the first time, namely to guarantee the subject, object, area, boundaries and others. In fact, the essence of land registration itself is to guarantee legal certainty by recording all forms of transfer of these rights. Cultivation Rights cannot be granted on Communal Rights land based on laws and regulations in Indonesia. According to Article 4 of PP No. 40/1996, Cultivation Rights can only be granted on State land.*

Keywords: *Agrarian; Communal; Legal; Protection.*

1. Introduction

Indonesia is an agricultural country with abundant natural resources. As a country with a significant land area, land is a very valuable asset and has a strategic role in economic, social, and cultural development. In this context, agrarian law in Indonesia plays an important role in regulating land ownership, utilization, and management.

Article 3 of Law Number 5 of 1960 concerning Basic Agrarian Principles (hereinafter referred to as UUPA), states that the implementation of customary rights and similar rights of customary law communities, as long as they actually still exist, must be such that they are in accordance with national and state interests, which are based on national unity and may not conflict with other higher laws and regulations.

In addition to UUPA, customary rights are also regulated in the Regulation of the Minister of State for Agrarian Affairs/Head of the National Land Agency Number 5 of 1999 concerning Guidelines for the Settlement of Customary Rights Problems of Customary Law Communities (hereinafter referred to as PMNA/KBPN No. 5/1999). The regulation defines Customary Rights as the authority that according to customary law is held by a certain customary law community over a certain area which is the environment of its citizens to take advantage of natural resources, including land, in that area, for the continuity of their lives and livelihoods, which arises from the physical and spiritual relationship that is passed down from generation to generation and is not interrupted between the customary law community and the area concerned.

Customary rights and communal rights have different characters. Customary rights have a broader scope compared to communal rights. Customary rights have both public and private dimensions. The civil dimension of customary rights is seen in the manifestation of customary rights as shared property.[1]

The prevailing agrarian law often raises issues and triggers conflicts. One crucial issue that often arises in agrarian law is the granting of Land Use Rights (HGU) permits for land that is a communal right. Communal rights are rights held by indigenous peoples or certain communities that have traditionally managed and utilized the land for their survival. However, in practice, there are often conflicts between communal interests and development and investment interests that require large-scale land use.

The granting of HGU permits is often a source of dispute due to various factors, including unclear boundaries of communal land, lack of recognition of indigenous peoples' rights, and weak legal protection of communal rights. The conflicts that occur not only result in economic losses, but also trigger social tensions and threaten cultural and environmental sustainability.

Legal protection of communal rights in the context of granting HGU permits is very important to ensure that the rights of indigenous peoples are respected and protected. This is also in line with the Indonesian government's commitment to maintaining cultural diversity and protecting human rights. Therefore, this study aims to analyze the existing legal protection of granting HGU permits for communal rights according to agrarian law in Indonesia.

This research is expected to provide significant contributions in identifying the weaknesses and strengths of agrarian law in protecting communal rights, as well as providing constructive recommendations for improving future policies and practices. Thus, it is expected to create a balance between development needs and respect for the rights of indigenous peoples, as well as achieving justice and

[1]Maria SW Sumardjono, "Regarding Communal Rights to Land", Digest Epistema, Volume 6, 2016, p. 5.

sustainability in the management of land resources in Indonesia.

2. Research methods

This research was conducted using the Normative Research and Empirical Research approaches. Normative Research is research using secondary data so it is also called library research, while what is meant by Empirical Research is direct research in the community, some through questionnaires or direct interviews.[2]

The specifications in this writing are descriptive in nature, which is a form of research with the aim of describing the practice of implementing positive law, and is linked to applicable laws and legal theories in order to find a connection in the problems being researched by the author.[3]

3. Results and Discussion

3.1. Agrarian Law Regulations in Indonesia Regarding Communal Rights and Granting of HGU Permits

There are several types of land rights and they have been classified into three large groups, namely permanent, temporary and statutory land rights. Each land right has different functions and characteristics, so the Right to Cultivate has different purposes and characteristics from other land rights.

The Right to Cultivate is regulated in Articles 28 to 34 of the UUPA. According to Article 28 paragraph (1) of the UUPA, the Right to Cultivate is the right to cultivate land directly controlled by the State, for a period of time as referred to in Article 29, for agricultural, fishery or livestock companies. In other words, the Right to Cultivate is the right to cultivate land directly controlled by the State for a certain period of time, with the purpose of limited land use, namely for agricultural, fishery and livestock businesses. In this case, PP No. 40/1996 adds its designation, namely for plantation businesses. However, this does not rule out the possibility of land that is not directly controlled by the State, as long as there are special conditions, namely that the legal subject is able to change the status of the land from land that is not directly controlled by the State to land that is directly controlled by the State, for example by land acquisition.

The legal subjects of the Right to Cultivate or those who can obtain the right to cultivate according to Article 30 UUPA in conjunction with Article 2 PP No. 40/1996 are Indonesian citizens; and legal entities established according to Indonesian law and domiciled in Indonesia.

Based on the provisions above, there is no requirement that the legal subject must

[2]Soerjono Soekanto and Sri Mamudji, 1985. Normative Legal Research: A Brief Review, CV. Rajawali, Jakarta, p. 1
[3]Ashofa Burhan. Legal Research Methods, (Jakarta: Rineka Cipta, 2000).

be a single Indonesian citizen, so that it is possible for those with dual citizenship to have a right to cultivate. It is further explained in Article 30 paragraph (2) of the UUPA in conjunction with Article 3 of PP No. 40/1996, that for holders of Right to Cultivate who do not meet the requirements as a subject of Right to Cultivate, within 1 (one) year they are required to release or transfer their Right to Cultivate to another party who meets the requirements. If this is not done, the Right to Cultivate will be revoked by law and the land will become state land.

The occurrence of Cultivation Rights through an application for the granting of Cultivation Rights through an application for the granting of Cultivation Rights by the applicant to the Head of the National Land Agency of the Republic of Indonesia through the head of the district/city land office. Based on the application, a Decree on the Granting of Rights (SKPH) will be issued by the Head of the National Land Agency of the Republic of Indonesia who is given the delegation of authority to grant Cultivation Rights. Provisions regarding the procedures and requirements for the application for the granting of cultivation rights are further regulated by a Presidential Decree. However, in its implementation, provisions regarding the granting of land rights are regulated in the Regulation of the Minister of State for Agrarian Affairs/Head of the National Land Agency of the Republic of Indonesia Number 9 of 1999 concerning Procedures for Granting and Cancellation of Rights to State Land and Management Rights (hereinafter referred to as PMNA/KBPN No. 9/1999) in conjunction with Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 2 of 2013 concerning the Delegation of Authority for Granting Land Rights and Land Registration Activities (hereinafter referred to as Regulation of the KBPN of the Republic of Indonesia No. 2/2013).

The Decree on Granting of Cultivation Rights must be registered in the land book at the District/City Land Office. Cultivation Rights occur since the Decree on Granting of Cultivation Rights is registered at the District/City Land Office. The registration is intended to issue a certificate as proof of the rights.

The official authorized to grant Cultivation Rights is the Head of the Regional Office of the National Land Agency according to KBPN RI Regulation No. 2/2013. Article 8 states that the Head of the BPN Regional Office issues a decision regarding the granting of Cultivation Rights for land with an area of no more than 2,000,000 m2 (two million square meters).

Furthermore, it is regulated in Article 29 of the UUPA, that the Right to Cultivate can be granted for a maximum of twenty-five years. For companies that require a longer period, for example oil palm plantations, the right to cultivate can be granted for a maximum period of thirty-five years. At the request of the rights holder and considering the circumstances of the company, the period can be extended for a maximum period of twenty-five years. With the possibility of being extended for another twenty-five years, it is considered long enough for the needs of entrepreneurs of long-lived plants, such as rubber, coffee, oil palm and others.

Extension of the term of the right does not stop the validity of the right in question, but the right continues to continue the term of the original right. This is important for the interests of the rights of other parties that burden the right to cultivate, for example mortgage rights, which will automatically be canceled if the right to cultivate is removed. After the term of the right to cultivate and its extension ends, the rights holder can be given a renewal of the right to cultivate on the same land. Extension or renewal of the right to cultivate must be recorded in the land book and land office.

Based on Article 12 paragraph (1) of PP No. 40/1996, holders of land use rights are obliged to Pay income to the State; Carry out agricultural, plantation, fishery and/or livestock businesses in accordance with the designation and requirements as stipulated in the decision to grant the rights; Manage the land of the land use rights properly, in accordance with business feasibility based on criteria stipulated by technical agencies; Build and maintain environmental infrastructure and land facilities in the land use rights area; Maintain soil fertility, prevent damage to natural resources and maintain the sustainability of environmental capacity, in accordance with applicable laws and regulations; Submit a written report at the end of each year regarding the use of land use rights; Return the land granted with land use rights to the state after the land use rights are terminated; and Submit the certificate of the expired land use rights to the head of the land office.

The holder of the right to cultivate has the right to control and use the land granted with the right to cultivate to carry out business in the fields of agriculture, plantations, fisheries, and/or animal husbandry. The control and use of water sources and other natural resources on the land granted with the right to cultivate by the holder of the right to cultivate can only be done to support the above-mentioned businesses by considering the provisions of applicable laws and regulations and the interests of the surrounding community. The holder of the right to cultivate has the right to use these natural resources as long as it is necessary for the purposes of the business being carried out. In terms of guaranteeing debt repayment, the right to cultivate can be used as collateral by being burdened with a mortgage. The mortgage is extinguished with the abolition of the right to cultivate. As with mortgages in the BW system, the existence of the accessoir principle (additional or accompanying) is now emphasized.

As is known, the right to cultivate can be transferred and assigned to another party. The transfer of the right to cultivate occurs due to a sale and purchase, exchange, gift, inheritance and so on, carried out with a deed made by the Land Deed Making Officer. While the sale and purchase through auction is evidenced by the existence of an Auction Report.

The right to cultivate is lost due to several reasons, namely: The end of the period as stipulated in the decision to grant or extend it; The right is cancelled by the authorized official before the period ends because: It is voluntarily released by the

rights holder before the period ends; It is revoked based on Law No. 20 of 1961; It is abandoned; The land is destroyed; and the provisions of Article 3 paragraph (2) of PP No. 40/1996.

The abolition of the right to cultivate as mentioned above results in the land returning to the State. If the right to cultivate is abolished and not extended or renewed, the former rights holder is obliged to dismantle the buildings and objects on it and surrender the land and plants on the land of the former right to cultivate to the State within the time limit determined by the Minister. However, if it turns out that the buildings, plants and objects are still needed to continue the cultivation of the land, then the former rights holder will be given compensation.

The agrarian law in Indonesia regarding communal rights and the granting of Land Use Rights (HGU) permits involves various interrelated legal aspects and regulations. Communal rights are rights to land that are jointly owned by a community or community group, usually related to local customs or practices. This includes the rights held by indigenous peoples or local communities over the land and natural resources around them.

The Legal Basis for Communal Rights is the 1945 Constitution: Article 18B paragraph (2) recognizes the rights of customary law communities and their existence as part of the national legal system; Law No. 5 of 1960 concerning Basic Agrarian Principles (UUPA) also recognizes the rights of customary law communities, although their recognition and protection need to be further emphasized.

Protection and Recognition of Communal Rights, namely the Indonesian Government has recognized the rights of indigenous peoples through several policies and regulations, but formal recognition is still often a problem; and further arrangements are often made through regional regulations or local government policies.

Impact on Communal Rights, namely the allocation of HGU must consider the rights of indigenous peoples and existing communal rights. If the land to be granted HGU is in a communal rights area, consultation and approval from the indigenous community must be carried out; and In practice, there is often tension between the allocation of HGU and communal rights, especially if the regulation or recognition of communal rights is not yet fully clear or legally recognized.

Conflicts often occur between HGU holders and indigenous or local communities due to a lack of coordination or recognition of existing communal rights. The government continues to strive to carry out agrarian reform to improve the regulation and resolution of land conflicts and to ensure that indigenous peoples' rights are respected.

Overall, the agrarian legal regulations in Indonesia attempt to balance the

interests of land use for economic purposes through HGU and respect for the communal rights of indigenous peoples. However, its implementation often faces challenges and requires continuous adjustment to ensure fairness for all parties involved.

3.2. Legal Protection of Communal Rights in the Context of Granting Land Use Rights (HGU) Permits

According to UUPA, the Right to Cultivate can only be granted on state land. With the existence of MATR/KBPN Regulation No. 10/2016, communal rights granted to customary law communities that have been registered, the use and utilization of their land can be collaborated with third parties, according to the agreement of the parties and the provisions of the laws and regulations, according to Article 20 of MATR/KBPN Regulation No. 10/2016.

The land law applicable in Indonesia, especially the UUPA which is the basis for realizing unity and simplicity in land law, stipulates that the Right to Cultivate can only be granted on state land. This is in accordance with Article 28 paragraph (1) of the UUPA which reads:

"The Right to Cultivate is the right to cultivate land directly controlled by the State, for a period of time as referred to in Article 29, for agricultural, fishery or livestock companies."

The definition of "land controlled by the State" here shows the legal relationship between "land" as the subject and "State" as the object. While the legal relationship in question is control by the State. In the legal concept, controlling and owning are two different things. Controlling means that the land is physically controlled or cultivated, but legally it is not the owner of the land. While owning means that legally, he is the owner of the land and he does not necessarily use the land.

Communal rights are granted to customary law communities or communities in certain areas when they have received a determination from the Regent/Mayor or Governor. The registered communal rights will later be issued a communal rights certificate in the name of the customary law community or certain tribe.

Based on the explanation, the communal land rights are no longer controlled by the State but have become the property of certain indigenous communities or communities in certain areas. This means that the land has been attached to rights, namely communal rights and is no longer controlled by the State. Thus, communal land rights cannot be classified as state land. Therefore, according to the UUPA, the Right to Cultivate on Communal Land Rights cannot be justified.

Assessing the effectiveness of legal protection of communal rights in the context of granting Land Use Rights (HGU) permits in Indonesia involves evaluating various

aspects of the legal arrangements and their implementation. Here are some key factors to consider:

1) Compliance with International and National Legal Principles

Recognition of Communal Rights The Indonesian Constitution and various laws and regulations recognize the rights of indigenous peoples, but their implementation is often inconsistent. This recognition does not always translate into adequate protection in practice, especially in the context of granting HGU permits. Law No. 5 of 1960 (UUPA) and its derivative regulations regulate HGU and land rights. However, these regulations often do not explicitly address communal rights in depth. These laws mention the rights of indigenous peoples, but do not always provide clear guidance on how these rights should be considered in granting HGU permits.

2) HGU Permit Granting Process

The process of granting HGU should involve consultation with indigenous communities and obtaining their consent if the land in question is within a communal rights area. However, in practice, this process is often not implemented adequately. Indigenous communities are often not given the opportunity to participate actively or are not well informed.

Recognition and documentation of communal rights are often not given due attention. Land that has been traditionally controlled by indigenous communities is often granted HGU without verification or formal recognition of these rights.

3) Legal Protection in Cases of Conflict

When conflicts arise between HGU holders and indigenous communities, dispute resolution mechanisms are often slow and inadequate. Land courts and authorized bodies often do not have clear procedures or mechanisms to handle communal rights conflicts efficiently.

Indigenous peoples often face challenges in accessing justice, both due to an inability to understand complex legal systems and due to limited resources. This reduces the effectiveness of the legal protections available to them.

4) Implementation and Enforcement of Law

Administrative capacity at the local level, such as the National Land Agency (BPN), is often limited in handling communal rights and land conflict cases. This has an impact on the effectiveness of communal rights protection in the practice of granting HGU permits.

Lack of coordination between different government agencies (e.g., BPN, Ministry of Environment and Forestry, and local governments) can lead to inconsistencies

in the implementation of communal rights protection and the granting of HGU permits.

5) Reform Initiatives and Policy Changes

The Indonesian government has undertaken a number of agrarian reform initiatives to improve the regulation and handling of land conflicts, including those involving communal rights. However, implementation of these reforms has often been slow and uneven.

Several policies and programs, such as the Complete Systematic Land Registration Program (PTSL) and the policy of recognizing customary law communities, aim to improve the protection of communal rights. The success of these programs depends on consistent implementation and adjustment to the needs of indigenous communities.

In general, despite the recognition of communal rights in Indonesian law, the effectiveness of legal protection in the context of granting HGU permits still has many challenges. This protection is often ineffective due to the lack of adequate consultation processes, lack of clear documentation, difficulties in resolving disputes, and limited administrative capacity. Reforms and new policies can help, but their effectiveness depends on consistent implementation and real recognition of indigenous peoples' rights.

3.3. Efforts That Can Be Made to Improve Legal Protection of Communal Rights in Granting Land Use Permits

Before discussing the Right to Cultivate on communal land rights, it is necessary to first understand the basis for considering the issuance of regulations, namely the philosophical, legal and sociological basis, as is the case with MATR/KBPN Regulation No. 10/2016. In the case of the issuance of MATR/KBPN Regulation No. 10/2016, the philosophical, sociological and legal basis for the formation of statutory regulations have been determined.

The philosophical basis for the issuance of MATR/KBPN Regulation No. 10/2016 is: 1) to guarantee the rights of customary law communities and the rights of communities to be in certain areas, 2) to control land for a sufficiently long period of time, 3) to be given protection in order to realize land for the greatest possible prosperity of the people.

The sociological basis for the issuance of MATR Regulation No. 10/2016 is to guarantee customary law communities in utilizing communal rights to land in certain areas, which control the land for a sufficiently long period of time.

The legal basis for the issuance of MATR Regulation No. 10/2016 is stated in the legal considerations in letter c, which stipulates: With the increasingly widespread application of Communal Rights that occur in society and to avoid differences in

understanding. It is necessary to replace Ministerial Regulation Number 9 of 2015 concerning the Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency concerning Procedures for Determining Communal Rights over Land of Customary Law Communities and Communities in Certain Areas. In addition to these grounds, the National Land Agency of the Republic of Indonesia also added that the main reason for the formation of this regulation was to fill the legal vacuum that regulates communal rights, because so far the rights of customary law communities have been poorly protected.

From the three explanations, it can be concluded that MATR Regulation No. 10/2016 was formed because of the need to fill the legal vacuum regarding Communal Rights in order to provide legal certainty for the rights of customary law communities in using Communal Rights land. With the existence of MATR Regulation No. 10/2016, it is expected to reduce disputes that arise both between customary law communities and with third parties.

To improve legal protection of communal rights in granting Land Use Rights (HGU) permits in Indonesia, several strategic efforts can be made, namely involving improvements in policies, regulations, administrative processes, as well as law enforcement and community participation. Here are some steps that can be taken:

1) Increasing Recognition and Protection of Communal Rights

Update and revise existing laws and regulations, such as Law No. 5 of 1960 (UUPA), to provide clearer and more detailed recognition of the communal rights of indigenous peoples, including in the context of granting HGU permits. Issue specific regulations governing the procedures for formal recognition of communal rights and how these rights should be considered in the HGU granting process.

2) Improvement of HGU Permit Granting Process

Establish strict procedures for consulting with indigenous communities and obtaining their consent before HGU permits are granted. This process should involve transparent and inclusive dialogue and ensure that indigenous communities have a voice in decisions that affect them. Provide clear and transparent information about the HGU granting process and its impacts on communal rights. This includes providing indigenous communities with better access to information and participation in decision-making processes.

3) Strengthening Dispute Resolution Mechanisms

Develop and strengthen fair and effective dispute resolution mechanisms, with an emphasis on conflict resolution between HGU holders and indigenous communities. These mechanisms must be prompt, transparent, and involve neutral parties. Provide legal aid and assistance to indigenous communities to help them deal with land conflicts and understand their rights in the legal process.

4) Strengthening Administrative Capacity and Law Enforcement

Provide training to government officials, especially at the local level, on indigenous peoples' rights and the procedures to be followed to protect these rights in granting HGU permits. Improve coordination between institutions involved in land management, such as the National Land Agency (BPN), the Ministry of Environment and Forestry, and local governments, to ensure the protection of communal rights and consistent policy implementation.

5) Community Participation and Involvement

Increase awareness and understanding of indigenous peoples about their rights and related legal processes. Education and outreach programs can help indigenous peoples become more actively involved in protecting their rights. Support and strengthen the role of civil society organizations and non-governmental organizations (NGOs) working to protect indigenous peoples' rights and monitor the implementation of land policies.

6) Monitoring and Evaluation

Conduct regular monitoring and evaluation of the implementation of policies and regulations related to communal rights and the granting of HGU. This evaluation must involve indigenous communities and other stakeholders to ensure that the policies implemented are effective in protecting communal rights. Strictly enforce the law against violations related to communal rights and the granting of HGU permits. This includes legal action against parties who do not comply with regulations or who ignore the rights of indigenous communities.

Improving legal protection of communal rights in granting HGU permits requires a multidimensional approach that includes improvements in the recognition and protection of rights, increased transparency and administrative processes, strengthening dispute resolution mechanisms, increasing administrative capacity, and community participation. These efforts must be carried out sustainably and involve all relevant parties to ensure that indigenous peoples' rights are respected and protected effectively.

4. Conclusion

Based on the research results and discussion in the previous chapter, the following conclusions can be drawn: The granting of Communal Rights Certificates is contrary to the laws and regulations in the land sector in Indonesia. According to the provisions of Article 9 of PP 24/1997 and its implementing regulations, Communal Rights are not an object of land registration. In addition, that Communal Rights cannot be transferred to other parties, causes the registration of Communal Rights itself to be less than optimal. This means that registration of Communal Rights can only be done for the first time, namely to guarantee the

subject, object, area, boundaries and others. Whereas the essence of land registration itself is to guarantee legal certainty by recording all forms of transfer of these rights. Cultivation Rights cannot be granted on Communal Rights land based on laws and regulations in Indonesia. According to Article 4 of PP No. 40/1996, Cultivation Rights can only be granted on State land. Meanwhile, land that has been attached to Communal Rights and has been registered in the name of a certain customary law community cannot be categorized as State Land. So the regulation stating that Cultivation Rights can be granted on Communal Rights land cannot be justified.

5. References

Books:

Amiruddin dan H. Zainal Asikin, 2012, *Pengantar Metode Penelitian Hukum*, Cetakan Keenam, PT. Raja Grafindo Persada, Jakarta.

Urip Santoso, *Hukum Agraria Kajian Komprehensif*, Kencana, Jakarta, 2012.

Peter Mahmud Marzuki, 2008, *Pengatar Ilmu Hukum*, Kencana, Jakarta.

Ridcan Syahrani, 1999, *Rangkuman Intisari Ilmu Hukum,* Citra Aditya Bakti.

Lili Rasdjidi dan Ira Rasjidi, 2001, *Dasar-Dasar Filsafat dan Teori Hukum,* Citra Aditya Bakti, Bandung.

Ahmad Rifai, 2010, *Penemuan Hukum oleh Hakim, Dalam Persfektif Hukum Progresif,* Sinar Grafika, Jakarta.

Darji Darmodiharjo dan Shidarta, 1995, *Pokok-pokok Filsafat Hukum, Apa dan Bagaimana Filosafat Hukum Indonesia*, Gramedia, Jakarta.

Syaiful Bakhri, 2009, *Pidana Denda Dan Korupsi*, Total Media, Yogyakarta.

Soerjono Soekanto dan Sri Mamudji, 1985. *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, CV. Rajawali, Jakarta.

Urip Santoso, 2015. *Perolehan Hak Atas Tanah*, Kencana, Jakarta.

Iman Sudiyat, 2007. *Hukum Adat Sketsa Asas*, Liberty, Yogyakarta.

Bambang Daru Nugroho, 2015. *Hukum Adat Hak Menguasai Negara atas Sumber Daya Alam Kehutanan & Perlindungan Terhadap Masyarakat Hukum Adat*, Refika Aditama, Bandung.

Myrna A. Safitri, 2011. *Legalisasi Hak-Hak Masyarakat atas Tanah dan Kekayaan Alam dalam Peraturan Perundang-undangan Nasional Indonesia: Model, Masalah dan Rekomendasi", Masa Depan Hak-Hak Komunal Atas Tanah: Beberapa Gagasan Untuk Pengakuan Hukum*, Cetakan Ke 2.

Sudikno Mertokusumo, 2007. *Penemuan Hukum*, Liberty, Yogyakarta.

Effendi Perangin, 1994. *Hukum Agraria Di Indonesia Suatu Telaah Dari Sudut Pandang Praktisi Hukum*, Raja Grafindo Persada, Jakarta.

Salim HS dan Erlies Septiana Nurbani, 2013. *Penerapan Teori Hukum pada Penelitian Tesis dan Disertasi*, Raja Grafindo Persada, Jakarta.

Journals:

Maria SW Sumardjono, 2016. "Ihwal Hak Komunal atas Tanah". *Digest Epistema*, Volume 6.

Sri Hajati, 2017. Buku Ajar Hukum Politik Hukum Pertanahan, Program Studi Magister Kenotariatan Fakultas Hukum Universitas Airlangga.

Legislation:

Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles.