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The Dynamics of Land Ownership and the Asynchrony of Agrarian Regulations as Triggers of Land Conflicts and Social Injustice in Indonesia

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Abstract: Inequality in land ownership in Indonesia is a major factor triggering agrarian disputes, primarily due to the dominance of ownership by corporations and economic elites, which restricts access to land for small communities. This situation is exacerbated by land policies that favor investment interests and weak legal protection for the rights of indigenous communities and farmers. Inconsistencies in agrarian regulations, such as overlaps between the 1960 Basic Agrarian Law (UUPA) and various derivative regulations, further complicate the resolution of land conflicts. Furthermore, weak law enforcement and the government's bias toward large investments mean that communities often lose their land rights without adequate protection mechanisms. Agrarian conflicts occurring in various regions, such as Kalimantan, Papua, Sumatra, and Java, demonstrate that land grabbing in the name of development and investment has deepened social disparities and increased economic and political instability. Therefore, agrarian policy reform that is oriented towards social justice is needed by strengthening the implementation of the 1960 UUPA, ensuring regulatory harmonization, and increasing protection of the rights of small and indigenous communities so that land can be used fairly for the welfare of the people, not just as an economic commodity for a handful of parties.

Keyword: Agrarian Law, Land Disputes, UUPA.

INTRODUCTION

Land is a vital resource for human life and economic development. As part of the ecosystem, land not only provides a place to live but also plays a key role in the agricultural, plantation, and industrial sectors (WN, 2014). Land's permanence makes it a highly valuable asset, both socially, economically, and politically. In many countries, including Indonesia, land ownership and use are often indicators of community well-being. Well-managed land can support economic growth, increase food security, and create social and environmental stability (Parmawati, 2019).

In an agrarian country like Indonesia, land plays a crucial role in supporting people's livelihoods. The majority of the population relies on the agriculture and plantation sectors, which require land as a primary factor of production (Hasibuan, 2022). However, with population growth and industrial expansion, land availability is increasingly limited, leading to intense competition for its use. Land is viewed not only as a source of livelihood but also as a strategic economic commodity often subject to speculation and investment (Arisaputra, 2021). As a result, various agrarian conflicts have emerged involving communities, the government, and corporations, ultimately demanding fair and sustainable land policies.

Agrarian conflicts in Indonesia continue to escalate as the population grows and land availability becomes increasingly limited. Rapid population growth increases the demand for land for housing, agriculture, and infrastructure development. Meanwhile, industrial expansion and investment, including national strategic projects, often take over land that has been managed by communities for generations (Andjarwati, 2021). Inequality in land ownership is also a contributing factor, with the majority of land controlled by a handful of parties, while small communities struggle to obtain legal access to land. This situation creates tensions that lead to various forms of land disputes, both at the local and national levels (Indrawati, 2024).

Agrarian disputes in Indonesia occur in various forms, ranging from conflicts between communities and corporations due to land conversion for plantations or mining, to disputes between individuals regarding ownership rights or land boundaries (Ramadani, 2022). Furthermore, disputes between communities and the government are also common, particularly in land acquisition projects for public purposes that disregard the rights of affected communities. The impacts of these agrarian conflicts are far-reaching, ranging from social instability due to protests and resistance from residents to slowed economic growth due to investment uncertainty, to threats to national security if the conflict escalates into physical clashes between communities and authorities. Therefore, resolving agrarian conflicts in a just and sustainable manner is a major challenge that the government must immediately address.

The 1960 Basic Agrarian Law (UUPA) is a fundamental regulation governing the land system in Indonesia, based on the principle of State Control Rights (HMN). This law aims to provide a legal basis for land ownership, control, and utilization in accordance with national interests (Wardhani, 2020). Furthermore, the UUPA also emphasizes the importance of Agrarian Reform to achieve social justice. However, its implementation has encountered numerous obstacles, particularly in ensuring equitable land distribution and resolving increasingly complex land disputes. The derivative regulations created to complement the UUPA often overlap, complicating the process of resolving agrarian conflicts in Indonesia (Astriani, 2024).

One example of a derivative regulation experiencing implementation problems is Government Regulation (PP) Number 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration. This regulation provides the legal basis for land management and utilization by various parties, including the private sector and business entities. However, in practice, this regulation is often seen as strengthening corporate dominance in land ownership, thus triggering various disputes with indigenous communities and farmers. Meanwhile, Regulation of the Minister of ATR/BPN Number 21 of 2020 concerning the Handling and Settlement of Land Cases should be an effective instrument for resolving land disputes (Ladzuardi, 2024). However, weak law enforcement and the indecisiveness of officials in resolving agrarian conflicts often prevent this regulation from being implemented optimally.

In addition to overlapping regulations, inconsistent government policies on land management are also a major factor exacerbating agrarian problems. The government often prioritizes investment and infrastructure development at the expense of the rights of

indigenous communities and smallholder farmers. Repressive actions in addressing land conflicts, such as forced evictions and the criminalization of agrarian activists, demonstrate that land issues are often resolved through coercion rather than preventive approaches (Hiplunudin, 2019). However, preventive approaches such as strengthening land redistribution and accelerating land certification for communities could be more equitable solutions in the long term.

Decentralization, which was expected to provide solutions to agrarian conflicts, has not had a significant impact. Regional autonomy should accelerate the resolution of land disputes at the local level, but in reality, many local governments are trapped in bureaucracy and vested political interests (Gayo, 2018). The lack of coordination between the central and regional governments in managing agrarian resources often results in policies that are not aligned with the needs of local communities. As a result, many land disputes drag on without a just resolution, while inequality in land ownership continues to increase. Therefore, a more assertive agrarian policy reform oriented towards social justice is needed to effectively address the gap between regulations and implementation on the ground.

The government has a primary role and responsibility in managing and resolving agrarian conflicts in Indonesia. As the holder of the State's Right to Control (HMN), the government should ensure that land is utilized for the welfare of the people, as mandated by the 1960 Basic Agrarian Law (UUPA) (Angrayni, 2023). However, in practice, the gap between land policy and the implementation of True Agrarian Reform remains very real. Planned land redistribution programs are often ineffective due to the government's weak political will in confronting the interests of elite groups and large corporations. As a result, agrarian disputes continue to escalate without comprehensive solutions, while small communities, particularly farmers and indigenous communities, are increasingly marginalized from access to the land that is their source of livelihood.

Furthermore, the influence of investment on agrarian policy is a major factor exacerbating land conflicts. The government's tendency to favor infrastructure development and large-scale investment often ignores the rights of communities who have traditionally managed the land (Pamungkas, 2025). Land grabbing by corporations, supported by regulations biased toward business interests, is an increasingly common occurrence. Without a strong political will to prioritize the principle of social justice, resolving agrarian disputes will only lead to repressive actions without providing sustainable solutions (Hakim, 2014). Therefore, the government needs to implement agrarian policies that are more oriented toward the interests of the people and strengthen legal protection mechanisms for affected communities to create a more just and sustainable land system.

The urgency of this research lies in the increasing number of land disputes in Indonesia, which are caused not only by population growth and limited land, but also by ineffective regulations and weak implementation of agrarian law. Although various regulations, such as the 1960 Basic Agrarian Law (UUPA), have been issued, the practice of resolving land disputes still faces various obstacles, including overlapping policies, weak law enforcement, and the dominance of investment interests that often override community rights. Furthermore, the government's political will in handling agrarian disputes still tends to be repressive rather than preventive, so that conflicts continue without a just solution. Therefore, this research is crucial to identify the root causes of land disputes and evaluate the dynamics of agrarian law and the effectiveness of its resolution mechanisms to encourage more inclusive and equitable policy reforms for all levels of society.

METHOD

This research employs a normative juridical method, focusing on the analysis of laws and regulations related to agrarian law and land dispute resolution practices in Indonesia. The

approach employed includes a statutory regulatory approach to examine regulations such as the 1960 Basic Agrarian Law (UUPA), Government Regulation Number 18 of 2021, and Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency Number 21 of 2020. Furthermore, a systematic approach is applied to understand the interrelationships between various regulations within the agrarian legal system, and a conceptual approach is used to explore the legal principles underlying land dispute resolution. Data sources in this research include studies of agrarian regulations, court decisions related to land conflicts, and case studies illustrating the dynamics of land disputes and their resolution practices in the field. Through this method, this research is expected to identify weaknesses in regulations and the implementation of agrarian law and provide recommendations for more effective and equitable policies.

RESULTS AND DISCUSSION

Analysis of the Reasons Causing the Rise in Land Disputes in Indonesia

Inequality in land ownership in Indonesia is a major factor triggering agrarian disputes. The unequal concentration of landownership among individuals, corporations, and the state creates an unfair distribution of resources. According to available data, the majority of productive land in Indonesia is controlled by a handful of corporations and economic elites, while smallholders, especially farmers, have limited access to land. This situation is exacerbated by a licensing system that often favors large capital owners over small communities, thus deepening the land ownership gap.

Furthermore, conflicts between indigenous communities and investment interests are a serious issue in agrarian disputes. Much indigenous land lacks formal certification, making it vulnerable to claims by other parties, both corporations and the government. Investments in the plantation, mining, and infrastructure sectors are often carried out without considering indigenous peoples' rights, ultimately leading to land grabbing (Anastasia, 2024). Cases such as the conflicts in Kalimantan and Papua demonstrate how indigenous communities lose their inherited lands due to industrial expansion without adequate legal protection mechanisms (Erika, 2018).

This inequality in land ownership has a significant impact on agrarian injustice and social welfare. Smallholders without access to land struggle to meet their basic needs, both as farmers and as workers in the agricultural sector. Consequently, rural poverty and unemployment rates are rising, while corporate expansion continues without equitable distribution of economic benefits. Furthermore, this inequality contributes to prolonged social conflict, worsening economic and political stability in various regions. Therefore, land dispute resolution must be oriented toward social justice and the protection of the rights of smallholders and indigenous communities.

The 1960 Basic Agrarian Law (UUPA) is the primary legal basis for land management in Indonesia. The UUPA aims to create fairness in land distribution by prioritizing the principle of the state's right to control for the prosperity of the people (Napitupulu, 2023). However, in practice, the implementation of the UUPA still faces various obstacles, particularly in harmonizing it with subsequent regulations. Continuously evolving derivative regulations often deviate from the original spirit of the UUPA, creating overlapping policies that confuse land dispute resolution. Furthermore, weak government oversight of land law enforcement renders existing regulations incapable of effectively resolving conflicts.

The lack of synchronization in agrarian regulations is further exacerbated by various conflicting regulations. For example, although the People's Consultative Assembly Decree No. IX/MPR/2001 concerning Agrarian Reform and Natural Resource Management emphasizes the importance of agrarian reform; however, its implementation remains far from

ideal. This decree mandates the government to redistribute land to reduce inequality, but in practice, land policies favor large-scale investments over the rights of the common people. Regulations such as Government Regulation No. 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration also demonstrate a tendency to regulate land as an economic commodity without considering aspects of social justice.

Furthermore, in the implementation of agrarian dispute resolution, weak law enforcement is a major factor exacerbating the situation. Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2020 concerning the Handling and Settlement of Land Cases classifies land cases into three categories: serious, moderate, and minor (Rajagukguk, 2019). However, in practice, case resolution often drags on, particularly for serious cases involving multiple parties and with broad social, economic, and political impacts. The resolution process stipulated in Article 6 of the regulation, such as the case review stage through to the final award, often does not proceed according to procedure due to political interference and weak inter-agency coordination.

The failure to implement consistent agrarian policies has made land dispute resolution increasingly complex. The government tends to resort to repressive measures in dealing with agrarian conflicts, such as the use of security forces to secure problematic investment projects. However, a more just resolution should be based on a transparent and accountable legal approach. A thorough evaluation of agrarian regulations and reforms in policy implementation is needed to ensure that land disputes are resolved based on principles of justice, not merely economic or investment interests.

Economic policies in Indonesia have positioned land as a strategic commodity with high economic value. The government frequently encourages large-scale investment in property, infrastructure, plantation, and mining sectors by providing investors with easy access to land (Aziza, 2009). This is evident in various regulations that simplify the licensing and land allocation process, such as the Job Creation Law, which streamlines land permitting procedures for investment purposes. As a result, land, which should be a resource for the people's welfare, is becoming increasingly difficult to access for small communities, particularly farmers and indigenous communities who depend on land for their primary livelihood.

The impacts of large-scale land acquisition projects often result in evictions and agrarian conflicts that harm local communities. Many cases involve communities losing their land rights due to displacement by development projects without adequate compensation. Infrastructure projects, such as toll roads and airports, as well as the expansion of palm oil plantations and mining, are often the main triggers of land conflicts. For example, agrarian conflicts in Sumatra and Kalimantan due to the expansion of palm oil plantations have resulted in the transfer of thousands of hectares of land belonging to indigenous communities to private companies. This demonstrates that land acquisition policies tend to favor investment interests over protecting the rights of communities that have long lived in the area.

The government's political will is crucial in addressing this inequality. However, in many cases, the government prioritizes investment interests over the interests of the people. When conflict occurs, the state often sides with corporations, using security forces to pressure communities to defend their land rights. Case studies such as the land conflict in Kulon Progo resulting from the construction of Yogyakarta International Airport and the mining land dispute in Kendeng demonstrate that the government's bias favors investors over the affected communities. If the government's political will is not directed toward protecting people's rights through agrarian policies, land conflicts will continue to escalate and exacerbate land ownership inequality in Indonesia.

Dynamics of Agrarian Law and Land Dispute Resolution Practices

The judiciary plays a crucial role in resolving agrarian conflicts in Indonesia. The judicial system serves as a means of law enforcement, providing certainty over land ownership rights and resolving disputes that cannot be resolved through administrative channels or deliberation (Anatami, 2017). However, resolving disputes through the courts is often time-consuming, expensive, and carries the risk of causing dissatisfaction for the losing party. Furthermore, the complexity of agrarian law in Indonesia, which involves various regulations, including the 1960 Basic Agrarian Law (UUPA), regional regulations, and other derivative regulations, often presents challenges in delivering fair decisions that align with the principles of social justice.

Alternatively, land disputes can be resolved through mediation and arbitration, which are faster and more efficient than court litigation. Mediation allows parties to reach mutually beneficial agreements without the need for lengthy court proceedings. Meanwhile, arbitration provides binding decisions without the hassle of complex judicial bureaucracy. The government, through the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), is also encouraging non-litigation land dispute resolution to avoid escalating conflicts that could lead to social tensions.

The effectiveness of the Minister of ATR/BPN Regulation No. 21 of 2020 in handling land disputes depends on its implementation in the field. This regulation classifies land dispute cases into three categories: serious, moderate, and minor, and stipulates systematic resolution stages, from case assessment to final decision. However, implementation obstacles such as a lack of inter-agency coordination, weak oversight, and a lack of transparency in case resolution often hamper the effectiveness of this regulation. Furthermore, although this regulation provides a more structured dispute resolution mechanism, challenges in law enforcement and political interests in agrarian conflicts remain major obstacles to realizing agrarian justice in Indonesia.

The main obstacles to resolving land disputes in Indonesia are the complicated bureaucracy and rampant corruption in land certification processes. The certification process is often lengthy, expensive, and involves complex administrative procedures, especially for communities lacking access to or adequate understanding of land law. Furthermore, numerous cases persist in which authorized officials exploit legal loopholes to favor their own interests by issuing duplicate certificates or engaging in bribery in the issuance of land titles. This situation exacerbates unequal access to land, particularly for vulnerable groups such as smallholder farmers and indigenous communities, who are often marginalized by the land system.

In addition to bureaucratic red tape and corruption, weak legal protection for indigenous communities is also a major factor in land conflicts. Although customary law is recognized in the national legal system, the implementation of the protection of indigenous peoples' rights to customary land remains weak. Numerous cases demonstrate that customary land is often diverted for investment or development projects without proper consent from the indigenous communities concerned. This imbalance between economic interests and indigenous peoples' rights has led to numerous agrarian conflicts, resulting in the criminalization of indigenous communities and even forced evictions.

The gap between positive law and social justice in resolving land disputes also poses a major challenge. Existing positive law often favors formal ownership, as stipulated in land certificates, without considering the social and historical aspects of hereditary land ownership. Consequently, communities that have long cultivated land without formal certificates often lose their rights in legal disputes. This situation demonstrates that the existing legal system is not yet fully capable of accommodating the principle of social justice,

necessitating policy reforms that better align with the interests of the people and the principles of agrarian justice.

A more pro-people reformulation of agrarian policies is a fundamental step in resolving land disputes in Indonesia. Current agrarian policies still tend to give corporations and large investors flexibility in land ownership, thus giving rise to inequality in ownership and agrarian conflicts. Therefore, regulatory reforms are needed that emphasize protecting the rights of indigenous peoples, farmers, and other vulnerable groups. Furthermore, this reformulation must include clarity on land ownership, prevention of forced evictions, and recognition of customary land rights, which have often been marginalized under positive law.

Strengthening the government's *political will* to realize genuine agrarian reform is also a crucial aspect in improving land policy regulations and implementation. The government needs to demonstrate a real commitment by not only issuing pro-people's policies in the form of legal documents but also ensuring their effective implementation. One concrete step that can be taken is to accelerate land redistribution for small communities and ensure that any land acquisition for investment purposes does not compromise the rights of communities that have long managed the land. With a strong government commitment, land dispute resolution can be carried out more fairly and transparently.

Strengthening institutions for resolving land disputes is also a key factor in realizing a just agrarian system. Relevant institutions, such as the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) and the agrarian courts, need to be strengthened in terms of their authority and effectiveness in handling land disputes. Furthermore, regulations governing dispute resolution mechanisms must be clearer and less overlapping to avoid creating legal uncertainty for the public. Stricter oversight of corrupt practices in land administration also needs to be strengthened to ensure fairness in the dispute resolution process.

Finally, the synergy between the government, the public, and legal institutions in agrarian reform must be continuously strengthened to ensure that implemented policies truly align with the needs of the people. Active public participation in the formulation of agrarian policies can be a solution to avoid policies that only favor certain interests. Furthermore, legal institutions and academics need to be involved in providing recommendations based on scientific studies so that regulations can be more effective in ensuring agrarian justice. With strong cooperation between various parties, it is hoped that agrarian reform in Indonesia can be sustainable and provide benefits to all levels of society.

CONCLUSION

Inequality in land ownership in Indonesia, dominated by corporations and economic elites, has fueled protracted agrarian disputes, particularly for smallholders and indigenous communities with limited access to land. Land policies that favor investment, weak law enforcement, and inconsistent agrarian regulations further exacerbate the injustice in land distribution. The often-repressive resolution of land conflicts demonstrates the government's lack of political will to protect community rights. Therefore, agrarian policy reform oriented toward social justice is needed by reaffirming the principles of the 1960 Basic Agrarian Law, strengthening the protection of the rights of smallholders, and ensuring that land is used for the prosperity of the people, not simply as an economic commodity that benefits a select few.

Resolving agrarian disputes in Indonesia still faces various challenges, ranging from legal complexity and bureaucratic red tape to weak protection of indigenous peoples' rights. Agrarian policy reforms that favor the people are the primary solution to addressing inequality and injustice in land ownership and management. This requires increased government political will, institutional strengthening, and synergy between the government, communities, and legal institutions to ensure effective and equitable policies. With

comprehensive reform and consistent implementation, it is hoped that Indonesia's agrarian system can provide legal certainty and ensure social justice for all.

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