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RESEARCH ARTICLE

THE EXISTENCE OF CUSTOMARY LAND LAW IN THE CUSTOMARY LAW COMMUNITY (MHA) KADIE LIYA IN WAKATOBI DISTRICT

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Abstract

The existence of customary land in the KadieLiya customary law community is still recognized legally formal existence as stipulated in Article 18 B paragraph (2) of the 1945 Constitution, 1945 Constitution Article 28I paragraph 3, Law No. 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA), Law No. 41 of 1999 concerning Forestry, Law No. 39 of 2014 concerning Plantations, Law No. 26 of 2007 concerning Spatial Planning, Law No. 32 of 2009 concerning Environmental Protection and Management, Law No. 23 of 2014 concerning Regional Government, and Law No. 6 of 2014 concerning Villages and this is also strengthened by the issuance of Wakatobi Regent Regulation 40 of 2017 concerning Protection and Management of Coastal and Marine Resources Based on KadieLiya Customary Law Community. 23 of 2014 concerning Local Government, and Law No. 6 of 2014 concerning Villages and this is also strengthened by the issuance of the Wakatobi Regent Regulation 40 of 2017 concerning Protection and Management of Coastal and Marine Resources Based on the KadieLiya Customary Law Community, South Wangi-Wangi District, Wakatobi Regency, but empirically fading and weakening the existence of indigenous peoples' institutions in managing KadieLiya customary land. The KadieLiya Customary Law Community feels limited in scope, especially in the management of their Customary Land, in addition to the difficulty of issuing a Certificate of Ownership of the land because the government claims that the land of the KadieLiya Customary Law Community is state-owned land.

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Introduction:-

The need for land due to rapid development has resulted in land cases or conflicts from year to year increasing, which when looking at the subject can be divided into conflicts¹:

1. People dealing with Bureaucracy
2. People dealing with the State Company
3. People dealing with Private Companies
4. Conflict between the people

¹Maria Sumardjono, 2005. Land Policy, Between Regularization and Implementation, Jakarta. Kompas Media Nusantara, page 182

Meanwhile, land conflicts in terms of their objects can take the form of²:

1. Disputes concerning plantation land, namely residents and the occupation of plantation land that has been labeled HGU, both those that are still valid and those that have ended.
2. Disputes relating to forest areas, especially the granting of forest tenure rights (HPH) over forest areas where there is land controlled by customary law communities (ulayat land) as well as those relating to mining areas and areas that are claimed to be forests but in fact are non-forests.
3. Disputes relating to overlapping or boundary disputes, former customary land (girik) and former eigendom land
4. Disputes relating to the exchange of village bengkok land/village treasury land, as a result of the change in status of village bengkok land/village treasury land into local government assets
5. Disputes relating to ex-participatory land currently controlled by various government agencies
6. Disputes relating to court decisions that cannot be accepted and executed.

Similarly, in Wakatobi Regency after being formed into an autonomous region, with the enactment of Law Number 29 of 2003 concerning the Establishment of Bombana Regency, Wakatobi Regency, and North Kolaka Regency in Southeast Sulawesi Province, land cases or conflicts have always accompanied the development of Wakatobi Regency.

The KadieLiya Customary Law Community of South Wangi-Wangi District of Wakatobi Regency has been designated as a customary law community through Regent Regulation No. 40/2017 on the Protection and Management of Coastal and Marine Resources Based on the KadieLiya Customary Law Community of South Wangi-Wangi District of Wakatobi Regency.

It should be appreciated that the government of Wakatobi Regency has recognized the existence of the KadieLiya Customary Law Community in the South Wangi-Wangi Subdistrict of Wakatobi Regency, but it has caused several problems, First, community members who live in the area cannot obtain the right to issue property rights certificates.³ second, the state through the Minister of Forestry established part of the forest area in the KadieLiya Customary Forest Area. The forest area stipulated is customary property whose management has been carried out from generation to generation since hundreds of years ago.

Based on the above problems, Regent Regulation No. 40/2017 on the Protection and Management of Coastal and Marine Resources Based on the Customary Law Community of KadieLiya, South Wangi-Wangi Subdistrict, Wakatobi Regency has not explicitly recognized the rights of customary law communities, causing legal uncertainty for indigenous peoples, the government and business actors. Perbup 40 of 2017 seems to have been hastily made, without paying attention to the historical and psychological aspects of indigenous peoples who have actually lived their lives in the KadieLiya area for generations.

Departing from these problems, the author feels very interested in conducting research with the title "Existence of Customary Land Law in the KadieLiya Customary Law Community (MHA) in Wakatobi Regency" with the following problem formulation: How is the existence of customary land of the KadieLiya Customary Law Community?

Research Method:-

This research uses a method oriented to legal research. The approaches used are statute approach and conceptual approach. This research is carried out by examining various literatures relating to the legal issues studied. The analysis conducted in this research is by using descriptive analysis techniques.

Existence of KadieLiye Customary Law Society

Land has a very urgent position for human life, as discussed at the beginning of this paper, from birth to death humans are very dependent on the availability of land, especially for housing, farming or as a place of business.

²Adrian Sutedi, 2009. Land Law Review, Jakarta, PradnyaParamitha, page 296.

³Interview La Lobo (one of the customary officials) explained that "with the issuance of this Regent Regulation, we, the community, have difficulty defending the land that we manage because we are not given the opportunity to issue SHM even though we have managed the land for a long time, we hope that the issuance of this Regent Regulation can separate private assets from customary land assets that are used for the public interest of indigenous peoples.

Every inch of land can then be occupied by humans either individually or in groups. In this paper, the author limits himself to land that can be occupied in groups, which throughout the civilization of land law discussions are commonly known by several terms such as, ulayat land, swapraja land, collective property land, and so on.

Kaimuddin Salle⁴ in a prologue states that for Indonesian citizens, customary land rights have long been known, although with different names, which may also be somewhat different arrangements in one indigenous community with another. Perhaps this is in line with the well-known saying that *lain pandanglainbelanganya, lain masyarakat lain juga aturannya*, including in the regulation of this ulayat right.

What can be ascertained is that customary rights have developed, including in the relationship between customary rights and the individual rights of the indigenous community itself, so that Ter Haar-posponoto calls it "inflating deflating", meaning that if the indigenous community's customary rights are still strong, the individual (becomes) weak, and vice versa if individual rights (get) stronger, then the customary rights become weak, which may at one time disappear altogether.

However, in reality there are still indigenous peoples who still hold strong customary rights, so that even though individual rights exist, they also pay attention to the customary rights of their indigenous peoples. One example is the Keammatoaan indigenous community led by a customary leader with the title Ammatoaan named PutoNyonyok.

The Keammatoaan indigenous community strongly holds the mandate of their ancestors called pasang. There are no individual property rights in their customary environment, which they call *IlalangEmbaya*. Community members only have the right to use. When they leave the land, it reverts to communal land that can be utilized by others with the permission of their customary chief. However, there is no denying the fact that the Ammatoa's control over their customary land is diminishing day by day, due to the dynamics of the community. This can also be found in the TengananPengringsingan community in Bali after the UUPA.

Article 3 of the UUPA states that the ulayat rights of customary law communities are still recognized as long as the reality still exists, the implementation of which is in such a way that it is in accordance with national and state interests based on national unity and must not conflict with laws and other higher regulations.

The discussion of customary rights is very important, because this right is attached to a customary law community. Ulayat rights are also known as *ReschikkingsRechc* by Van Vollenhoven, SuriyamanMustariPide gives a term for ulayat rights with the term collective rights of indigenous peoples over land. *Hakulayat* is the highest right of control over land in customary law which covers all land included in the territorial environment of a certain customary law community which is the land owned by its citizens.

Thus, according to Narullah Datuk Perpatih Nan Tuo, ulayat rights are the power or authority possessed by customary law communities over certain areas or spaces to enjoy the benefits of natural resources for survival arising from outward and inward relationships passed down from the ancestors of the current generation which are continued for future generations on land located within their territorial environment. Meanwhile, communal land is a plot of land on which there are customary rights of a certain community. This particular community group can be a customary law community formed on a territorial basis and can also be based on genealogical basis, for this reason there are 3 types of customary land based on its control, namely: Nagari customary land, tribal customary land and community customary land.⁵

Customary land for indigenous people is a place to live and live and maintain the existence of their group to exist among other groups that surround them. Customary land is a binding element for people living in an area and determines whether or not a person comes from an area.

Hakulayat or communal rights is the same term as ancient rights. In one place, customary rights are strong, in another place they are weak in accordance with the progress and freedom of the agricultural business of the

⁴A. SuriyamanMustariPide, 2017. *The Dilemma of Collective Rights, Its Existence and Social Reality After the UUPA*, PelitaPustaka, pp. XIII-XIV

⁵JabalNur, 2020. *CustomaryRights of Indigenous Peoples in National Park Areas Existence and Legal Protection*, Scopindo Media Pustaka, pp. 92-92.

population. When the primordial right is very weak, the perongan right automatically develops. The formulation: Primordial rights and individual rights are related in the sense that they expand and contract, expand and contract, push and pull, and limit endlessly. When ancient rights are strong, individual rights are weak and vice versa.⁶

In this section, the author considers it important to put forward a pattern of the characteristics of contemporary customary law land as one of the benchmarks for discussing the existence of kadieliya customary land. It can be stated that the characteristics of past customary law land are lands owned and controlled by a person and or a group of indigenous peoples who own and control and cultivate, work on a permanent or mobile basis in accordance with the region, tribe, and legal culture, then for generations are still in the location of the area, and or have physical signs in the form of rice fields, fields, forests and symbols, in the form of food, statues, traditional houses and regional languages in accordance with the regions in the Republic of Indonesia.

Today's customary land law is the right to own and control a plot of land in the era after independence in 1945 until now, with authentic evidence in the form of girik, petuk, tax, pipil, agrarischeeigendom rights, yasan property, rights to druwe or rights to village druwe, pesinipaccht, business rights on particular land, fatwa heirs, deed of transfer of rights, and underhand seal letters, and even crops (Verponding Indonesia) and other rights in accordance with the area where customary law applies, and is still recognized internally and externally.⁷

B.F. Sihombing, in Jabal Nur also suggests that there are also rights to land according to cases that have been decided by the court as follows: rice field rights according to Aceh customary law, land rights in Batak namely rights to forests, Tanah Kesain and Tanah Merimba, Minangkabau land rights, land rights in Bengkulu, land rights in North Sulawesi, land rights in Java namely yasan land, pakulen land, gogolan land, gaduh rights to land and petuk as evidence.

The characteristics of contemporary customary law land are lands owned by a person or group of indigenous peoples and communities in rural areas and urban areas, in accordance with the region, ethnicity, and legal culture, then for generations or have changed hands to other people and have proof of ownership and are physically owned or controlled and or controlled by persons / legal entities.

In summary, the characteristics of contemporary customary law are:

1. There are communities, government/private legal entities
2. Communities in rural or urban areas
3. Hereditary or has changed hands or been transferred
4. Has proof of ownership in the form of girik, Verponding Indonesia, petuk, ketitir, certificate, inheritance fatwa, court decision, grant, deed of transfer, letter under the hand, and others.
5. Physical control, in the form of mosques, temples, churches, shrines, temples, lakes, statues, tombs, rice fields, fields, forests, traditional houses, buildings, rivers, mountains, and others.⁸

From the above statement, the author emphasizes that the changes in the concept and characteristics of customary land ownership in the past and now are of course greatly influenced by the legal behavior of indigenous peoples as actors, subjects of law.

Customary law as an unwritten law that lives in society is a reflection of the personality of the Indonesian nation which is entrenched and rooted in the nation's culture. Each tribe and region has a different customary law in Indonesia as stipulated in the 1945 Constitution of the 2nd Amendment which is an acknowledgment of the existence of customary law in Indonesia which states that the state believes in and respects the unity of customary law communities and their traditional rights as long as they are still alive and in accordance with the development of society and the principle of a unitary state of the Republic of Indonesia, which is adopted in the Law (Article 18 B paragraph 2).

The article can be interpreted that in addition to recognizing the truth of customary law and the traditional rights of its supporting communities, the state also plays an active role in the process of developing customary law.⁹

⁶Ibid. p. 93.

⁷Ibid. P. 95.

⁸Ibid. P.95-96.

According to the author, customary law and customary law communities cannot be separated. It can be observed from several regulations of the Republic of Indonesia that use the term indigenous peoples, but explicitly also allude to customary law as the object.

In addition to the 1945 Constitution, there is also the 1960 BAL, Law No. 41/1999 on Forestry, Law No. 39/2014 on Plantations, Law No. 39/2014 on Human Rights. However, there is no single regulation that provides an explanation of what indigenous peoples actually mean.

The term customary law community is taken from the literature of Customary Law, especially after Van Vollenhoven's discovery of *ulayat* rights (*beschikkingsrecht*) which are said to be owned only by communities called customary law communities. The definition of a customary law community according to Ter Haar is a community group that is organized, permanent, has power, and its own wealth in the form of visible and invisible objects.¹⁰

The rights of customary law communities as a collective unit to all natural resources in their territory, commonly known as *ulayat* rights, are rights relating to the management, as well as the utilization of natural resources.

Hazairin stated that customary law communities are community units that have the completeness to be able to stand alone, which have legal unity, ruling unity, and environmental unity based on common rights to land and water for all members.¹¹ Indigenous leaders who are members of AMAN formulate customary law communities as groups of people who are bound by their customary legal order as joint citizens of a customary law community as joint citizens of a legal community due to similarity of residence or on the basis of descent.¹²

The criteria for customary law communities by Abdurrahman et al¹³ are determined by :

1. There is an organized society
2. Occupying a certain area
3. There are institutions
4. Has common wealth
5. Community structure based on blood ties or regional neighborhoods
6. Live communally and work together.

In the end, Taqwaddin stated that the term customary law community was born and used by customary law experts which mostly functioned for academic theoretical purposes. Meanwhile, the term indigenous peoples is a term commonly expressed in everyday language by non-legal circles that refers to a number of international agreements.¹⁴

⁹Ruliah, 2015. The Authority of Kalosara Customary Law A Normative, Empirical, and Philosophical Study, Smart. Page. 1.

¹⁰Hardiman Rico, 2006. Local Communities in Indonesia's Forest Certification System, Walhi, Jakarta. pp. 1

¹¹Rikardo Simarmata, 2006. Legal Recognition of Indigenous Peoples in Indonesia, (Jakarta UNDP Regional Center In Bangkok). p. 23. 23. In JabalNur, 2020. Customary Rights of Indigenous Peoples in the National Park Area Existence and Legal Protection. Scopindo Media Pustaka, p.23

¹²HusenAlfiq, 2010. Legal Dynamics in the Recognition and Protection of Indigenous Peoples' Rights to Land. Laksbay Pressindo. p. 30.

¹³Abdurrahman, 2015. Draft Report on the study of the mechanism for recognizing indigenous peoples, the center for research and development of the national legal system, the national legal development agency of the Ministry of Law and Human Rights of the Republic of Indonesia. Jakarta 2015 p. 15. In JabalNur, 2020. Customary Law Communities' Ulayat Rights in the National Park Area Existence and Legal Protection. Scopindo Media Pustaka, p.75.

¹⁴Taqwadin, "Tenure of Customary Forest Management by Customary Law Communities (Mukim) in Aceh Province", (Doctoral Dissertation in Law, University of North Sumatra, 2010), p. 36. 36. In Abdurrahman Draft Study Report on the mechanism of recognition of indigenous peoples, the center for research and development of the national legal system of the national legal development agency of the Ministry of Law and Human Rights of the Republic of Indonesia. Jakarta 2015 p. 15.

The concept in the academic paper of the bill on indigenous peoples is explained that the concept of community is a concept that is often used interchangeably with terms such as; customary law communities, customary law, indigenous peoples, local communities, traditional communities, and remote indigenous communities (KAT). These five terms have been used in various legal products in Indonesia, both legislation and court decisions.

In general, the five terms refer to the same community group but can also refer to different community groups but their use is intended to emphasize certain aspects of the community group. For example, the term local community can be used to refer to nagari (Minagkabau, West Sumatra), negeri (Ambon) Banua (Dayak, West Kalimantan), kampung (Dayak, East Kalimantan), Marga (Batak, Papua), Mukim (Aceh) or Desa (Java). However, if what is emphasized is the aspect of traditional knowledge or wisdom without considering language identity, religious ties, territoriality, then the term local community is only appropriate to refer to villages in Java or immigrant communities that have inhabited a region for generations.¹⁵

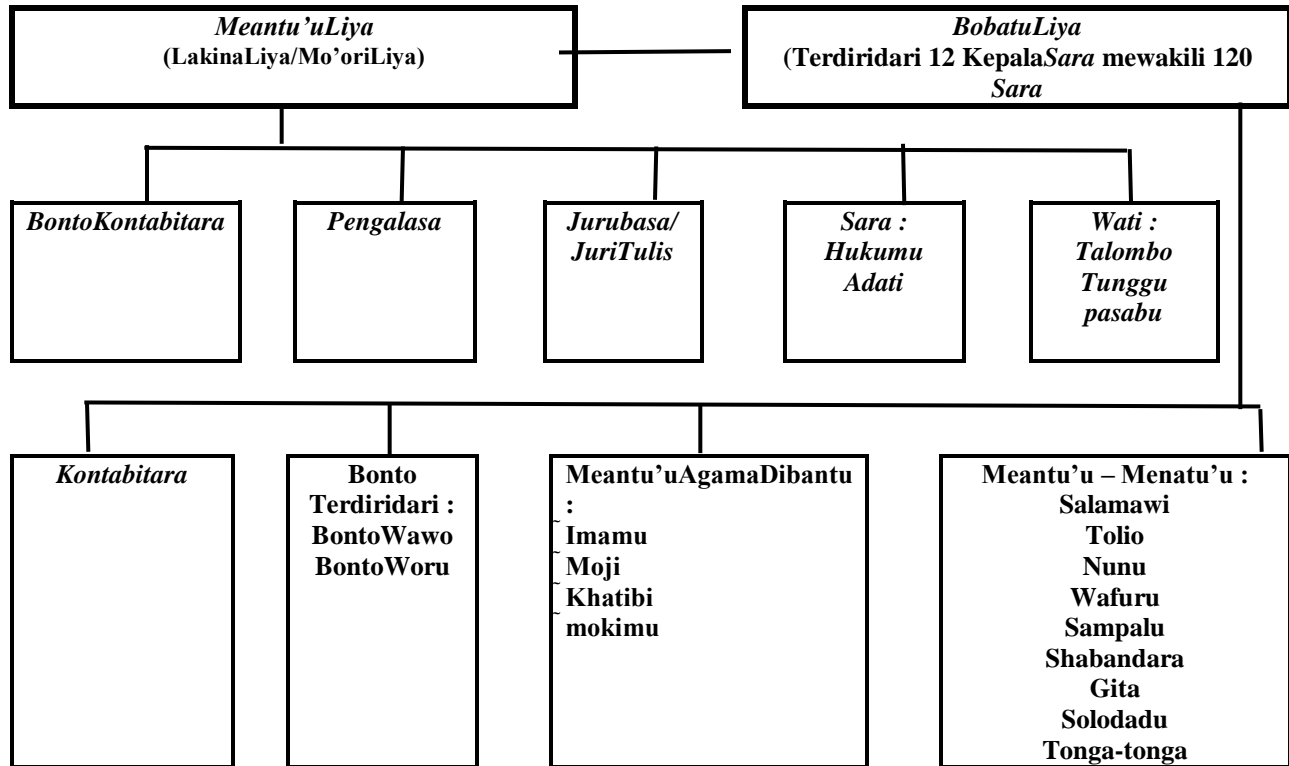
As stated in the 1945 Constitution Article 18 B paragraph (2) that the state recognizes and respects the unity of customary law communities and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated by law. This means that the KadieLiya customary law community is also recognized (its customary law community unit), because in the past the KadieLiya Customary Law Community has been formed since the reign of Sultan Muhammad Idrus in the Buton sultanate.

At that time, the KadieLiya customary society was placed based on three classes, namely kaumu or the nobility, walaka or the middle class and mahardika or the common people. The placement of a person in this strata is a division of roles in social life. The nobility is the people who can carry out government functions so that strategic government positions must be led by this circle. The lower strata, namely walaka, also have functions in the government with different roles. The walaka acts more as a counterweight to the government and society, a link between the nobility and the common people. He has a lesser executive function, as well as a legislative function.¹⁶the structure of KadieLiya's customary institutions and customary officials¹⁷

¹⁵JabalNur, Op.Cit., p. 78

¹⁶NendahKurnia Sari, Andrian Ramadhan and Lindawati, The Dynamics Of Management Policy And InstitutionalEmployees (Case Study On Indigenous People Of Liya In WakatobiSoutheast Sulawesi), Journal of Economic Policy, Number 1 Vol. 7, 2017, pp. 1-12. 1-12.

¹⁷Interview withLa Ode Harisi, January 2, 2023 in Liya Togo Village.



The prevailing Liya customary institutional structure is headed by a chairman of the Sara KadieLiya Assembly called Meantu'u, in the Liya customary system Meantu'u holds a structured collective leadership system from the lowest level to the highest level called Meantu'u, organizing itself based on tasks and functions. There are those who handle religion, commonly called Meantuu Agama, MeantuuSolodadu, KontaBitara, and Sabandara who are related to the management of water areas. In this liya customary institutional structure, information or Meantuaa Planting was last carried out in 1952, namely when the consolidation of the Buton Sultanate in the territory of the Unitary State of the Republic of Indonesia, so that since then, Meantu'uLiya has been replaced by a designation that is administratively called the Chairman of the Village Council or what is currently known as the Village Head.

As for what was known at that time as the task of controlling and maintaining water management, it was known as Pangalasa and Meantuu Soldado. Pangalasa is the lowest lemb'a (customary apparatus) in charge of maintaining the management of special areas (such as Kollo). Pangalasa will coordinate with Bonto to report to Meantu'u. The Soldado is regarded as a strongman or warlord who is in charge of guarding the border and is expected to ward off future threats.

Based on the statement of Mr. La Ode Harsi (Liya Customary Chairman) said we appreciate the Wakatobi Regency Government recognizing the existence of the KadieLiya customary law community institution, but only to the extent of recognition, but the KadieLiya Customary Law Community institution can no longer carry out the rules of the game as before. For example, related to the issue of customary land management, before the issuance of Regent Regulation Number 49 of 2017 concerning the KadieLiya Customary Law Community, the customary land of the KadieLiya Customary Law Community was managed for generations, but now the government claims the customary land as state property.¹⁸

AdatKadieLiya divides its territory into several parts, namely Tunga'a (local utilization area) and Kolo Sara (protection area). These two sections cover the land, natural gardens, or waters around the community's residential area, which can be straits, bays or coastal waters of Wangi-Wangi Island on which the community depends.¹⁹

¹⁸Interview with La Ode Harisi, January 3, 2023 in Liya Togo Village.

¹⁹Interview with La Ode Raja Ali (Head of Liya Togo Village), January 4, 2023 in Liya Togo Village.

The prohibition area in the context of KadieLiya's custom is called Wehai, derived from the local Liya language which means prohibition or guarding. Wehai is applied to protect or prohibit fishing and other natural resources in Sara's kolo (bay/water). Wehai is opened once every year or two, and closed as soon as possible by decree in Bharuga. Wehai is usually opened to the entire Liya community during the manga-manga kampo tradition. In addition to the sea, there is also Wehai on land for gardens or stretches of land covered with coconut trees.

The Liya Customary Management Area includes LiyaBahari Indah, LiyaMawi, LiyaOnemelangka, Kolo Tourism Village and Liya Togo Village. The boundaries cannot be determined with a clear point. Signs that are agreed upon and believed to be the boundaries of the management area are the name of a location or plants, houses, and certain areas. However, in general, the Liya customary management area includes: west of Tountou; south of Sese (south of Kapota Island); east of PasiAroka (Octopus Reef); north of the land area of Numana Village to Fatu Fakara.

The Liya customary water management area extends from Fatu Fakara (Karang Kapota) to the southwest of the midway point between Wangi-Wangi Island and Kaledupa Island (OloSela). Furthermore, to the south of Kapota Island. The waters of Karang Kapota at that time belonged to the community as PasiTogonto (our coral).

The Liya community in Wangi-Wangi still adheres to customary institutions, including the boundaries of customary land rights. The customary institution that still applies today is bala'o (karma) or in full in Liya language "bara otapakitawaletekaramah u togo, ta hisabuaorunguto". This custom regulates the prohibition of taking, using or assuming something that is not rightfully theirs. If violated, sanctions will be imposed.²⁰

There are broadly two categories of institutions: personal and social. Personal bala'o are attached to private property rights. Social Bala'o are customary or communal property rights, such as customary forests, mangroves and coastal areas. A person is prohibited from taking resources in the customary area for personal use.

According to the author, the recognition of customary law communities is regulated in Article 18 B paragraph (2) of the 1945 Constitution which states that "The State recognizes and respects the unity of customary law communities and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated by law". Then the provisions of Article 18 B paragraph (2) of the 1945 Constitution are strengthened by the provisions of Article 28 I paragraph (3) of the 1945 Constitution that the cultural identity of traditional communities is respected in line with the development of the times and civilization. The formulation of the Constitution requires 4 (four) things of state recognition and respect for the existence of indigenous peoples and their traditional rights, namely: as long as they are still alive; in accordance with the development of society; in accordance with the principles of the Republic of Indonesia; regulated by law (Syamsudin, 2008, p. 346).

In addition, there are several sectoral laws that guarantee the rights of indigenous peoples, including Law No. 5 of 1960 on Basic Agrarian Principles (UUPA), Law No. 41 of 1999 on Forestry, Law No. 39 of 2014 on Plantations, Law No. 26 of 2007 on Spatial Planning, Law No. 32 of 2009 on Environmental Protection and Management, Law No. 23 of 2014 on Local Government, and Law No. 6 of 2014 on Villages.

Conclusion:-

The existence of customary land in the KadieLiya customary law community is still recognized legally formal existence as stipulated in Article 18 B paragraph (2) of the 1945 Constitution, 1945 Constitution Article 28 I paragraph 3, Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA), Law Number 41 of 1999 concerning Forestry, Law Number 39 of 2014 concerning Plantations, Law Number 26 of 2007 concerning Spatial Planning, Law Number 32 of 2009 concerning Environmental Protection and Management, Law Number 23 of 2014 concerning Regional Government, and Law Number 6 of 2014 concerning Villages and this is also strengthened by the issuance of Wakatobi Regent Regulation Number 40 of 2017 concerning Protection and Management of Coastal and Marine Resources Based on the Customary Law Community of KadieLiya, South Wangi-Wangi District, Wakatobi Regency, but empirically this Regent Regulation has not accommodated the hopes of the KadieLiya Customary Law Community to obtain land rights for the customary law community unit for the land they control.

²⁰Interview with La Ode Harisi, January 3, 2023 in Liya Togo Village.

Literature:-

1. Abdurrahman, 2015. Draft Report on the study of the mechanism of recognition of indigenous peoples, research center and development of the national legal system of the national legal development agency of the Ministry of Law and Human Rights of the Republic of Indonesia. Jakarta.
2. Abrar Saleng, 2013. Capita Selekta Hukum Sumber Alam, Makassar, Membumi Publishing,
3. Adrian Sutedi, 2009. Land Law Review, Jakarta, Pradnya Paramitha,
4. Ali Hadara, 2017. The History of Wakatobi from Praintegration to Regency, Sekarlangit.
5. Aminuddin Salle, 2007. Land Acquisition Law for Public Interest. Kreasi Total Media
6. Boedi Harsono, 1992. Indonesian Agrarian Law 2003, Towards the Improvement of National Land Law, Jakarta Trisakti University,
7. Farida Patittingi, et al. 2010. Agrarian Law. As Publishing.
8. Hardiman Rico, 2006. Local Communities in Indonesia's Forest Certification System, Jakarta: Walhi.
9. Husen Alfiq, 2010. Legal Dynamics in the Recognition and Protection of Indigenous Peoples' Rights to Land. Laksbay Pressindo.
10. Jabal Nur, The Ulayat of Indigenous Peoples in the National Park Area (Existence and Legal Display), Scopindo, Surabaya. 2020
11. Maria Sumadrdjomo, 2001. Land in the Perspective of Economic Social and Cultural Rights, Jakarta, Kompas Media Nusantara,
12. -----, 2005. Land Policy, Between Regularization and Implementation, Jakarta. Kompas Media Nusantara
13. Moh. Hasan, 1997. Warga Kusumah, Land Tenure by Industrial Estate Company and by Industrial Company in Industrial Estate, Yogyakarta: Dissertation, Graduate Faculty of UGM.
14. Peter Mahmud Marzuki, 2009, Introduction to Legal Science, Jakarta: Kencana Media Group.
15. Rikardo Simarmata, 2006. Legal Recognition of Indigenous Peoples in Indonesia, Jakarta: UNDP Regional Center In Bangkok.
16. Ruliah. 2014. The Nature of Kalosara Value in Tolaki Tribe (Normative, Sociological and Philosophical Analysis), Surabaya: Publish.
-----, 2015. The Authority of Kalosara Customary Law A Normative, Empirical, and Philosophical Study, Smart.
17. Suryaman Mustari Pide, 2009. Customary Law Past, Present and Future, Jakarta: Pelita Pustaka.
18. Supriyadi, 2010, Legal Aspects of Regional Asset Land Finding Justice, Benefit and Legal Certainty on Regional Asset Land Extension, Jakarta, Prestasi Pustaka
19. Syafrudin Kallo, 2006. Criminalization Policy in the Registration of Land Rights in Indonesia: A Thought, Medan, University of North Sumatra, Law Number 5 of 1960.
20. Taqwadin, 2010. "Tenure of Customary Forest Management by Customary Law Communities (Mukim) in Aceh Province", Doctoral Dissertation in Law, University of North Sumatra.
21. Urip Santoso, 2010, Registration and Transfer of Land Rights, Jakarta: Pranada Media Group.
-----, 2012, Agrarian Law Comprehensive Study, Jakarta: Prenada Media Group.