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**LAND CONFLICT RESOLUTION
(CASE STUDY IN SARIREJO VILLAGE)**

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ABSTRACT

Land contains meaning and strategic meaning in human life. Every inch of land has a very important meaning. This article examines the resolution of land conflicts with a case study that occurred in Sarirejo Village, Medan Polonia, North Sumatra Province. This study aims to describe the factors causing land conflicts between the community and the Air Force at Suwondo Air Force and the strategies adopted by the community in demanding their land rights. The form of research is categorized as descriptive research with a qualitative approach that analyzes the process, causes and conflict resolution in a descriptive qualitative manner. Sources of data obtained from observations and focused interviews with informants who are considered relevant to the research. The results showed that the factor that caused the conflict was the claim of each party to the land. Conflict resolution efforts carried out by the community to obtain land rights through non-litigation advocacy processes and litigation advocacy. The results of these two strategies were able to encourage the government to restore community rights to their land even though it had to go through a long struggle. The role of the state in this case the government plays a very large role in the process of resolving the conflict.

Key word: conflict, advocacy, land conflicts, litigation

I. INTRODUCTION

As one of the natural resources, land plays a very important role. Humans are of course very dependent on land. Not only farmers, but also other components of society. Philosophically, the existence of land is actually very closely related to humans.

The rapid development of humans from time to time has resulted in various consequences. One of them is the need for land which is increasing day by day, both in terms of housing and for other purposes and needs. Meanwhile, on the other hand, land also for some members of the community has both social and economic functions.

In the past, what stood out was the social function of land, but since the rapid development activities, the function of land has shifted, and emphasizes the economic and political sides. In some parts of our society, land is also a status symbol which has cultural significance. If their status is disturbed, they will not hesitate to defend it with all their might.

On the other hand, human existence increases while land as a source of life is limited. In other words, the existence of land in subsequent developments is increasingly significant, causing conflict.

According to Hobes (Achmad: 2005: 342) the causes of conflict are found in human nature itself. Hobes described the mechanical model of man as motion. "The heart is nothing but a spring, nerves are networks, and screws are the wheels that move the body¹. Basically, conflict is a social phenomenon that is often present in the midst of human life. In fact, conflict has become an inseparable part of people's lives and even a product of social relations. Lewis Coser (Limbong 2012: 33) describes conflict as a dispute over values or demands regarding status, power, and sources of wealth from insufficient supply².

¹ Achmad, *Antropologi Kontemporer*, 2005, hal. 324.

² Limbong, *Konflik Pertanahan*, 2012, hal. 33.

Social conflict is a product of social relations which can be divided into 3 types: first, cultural conflict (cultural violence); second, structural conflict (structural violence); third, violent conflict (direct violence).

Meanwhile Koentjaraningrat stated that conflict can occur when: 1) competition between two or more ethnic groups in terms of obtaining the same livelihood field. 2). There is an imposition of cultural elements on citizens. 3). Forcing other ethnic groups with different religions to adhere to a certain religion. 4) Efforts to dominate other ethnic groups politically. 5). There is a hidden conflict between ethnic groups who are hostile to adat³. In this case it is related to the study to be conveyed regarding the first thing.

The author is interested in studying the causes of land conflicts, other things caused by the years of land conflicts in Indonesian territory. Especially in the province of North Sumatra. In 2019, based on ²⁹ data from the Consortium for Agrarian Reform (KPA), there were 279 eruptions of agrarian conflicts with an area of 734,239.3 hectares. The number of people affected by agrarian conflicts is as many as 109,042 well-known households in 420 villages, in all provinces in the country⁴. North Sumatra alone contributed 24 cases. One of them is the research that will be reviewed in this paper.

This study tries to describe the land conflicts that occur in the infrastructure and property sectors that occur between the Sarirejo community and the Indonesian Air Force, Sowondo Air Force. Sarirejo Village is a semi-urban area located in Medan Polonia District, North Sumatra Province. The cause of the conflict was the claim of the Indonesian Air Force against the settlements occupied by residents. The residents have won the land dispute through a decision of the Supreme Court (MA). However, the TNI did not acknowledge this decision by unilaterally changing the name of Jalan Sarirejo to Ksatria.

³ Koentjaraningrat, 1984, hal 254

⁴ Catatan Akhir Tahun Konsorsium Pembaruan Agraria, 2019, hal 3.

The study of land conflicts in Indonesia, especially in North Sumatra, even though it had occurred before the 19th century, has nevertheless developed its character and pattern. It hasn't even shown any significant signs. Seeing the land problems that occur shows how complex the problems are, so that cases that have arisen since the Dutch era, have not been resolved until now. This is a historical fact that cannot be denied. The land problem is getting higher along with the rapid development while the root problem is not resolved. Various existing development practices, both in urban and rural areas, ²³ have resulted in the emergence of land conflicts.

As mandated ³ in the Indonesian Constitution in article 33 paragraph 3 of the 1945 Constitution, it reads: "The land, water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people". This article implies that there is a prohibition on control of natural resources in the hands of a few people. In other words, monopoly is not justified. However, the current facts apply in the practice of business, business and investment in the field of natural resource management which is contrary to the principles of Article 33. The government as an actor running the state has the right to control natural resources which are common law resources. Where every citizen has the right to agrarian resources without exception.

Furthermore, Law No. 5/1960 concerning Basic Agrarian Principles, Article 2 and its explanation, states that the definition of "controlled" by the State ¹⁰ does not mean "owned", but rather the right which gives the State authority to control as mentioned above⁵. However, this is what is often misused and is free to issue permits to entrepreneurs or third parties.

Land conflicts or what is more commonly called agrarian conflicts occur because of the behavior pattern of agrarian inequality, natural resource management that is still messy and the paradigm used is capitalistic economic growth. One way out of the chaos that led to

¹¹ _____
⁵ Budi Harsono, *Hukum Agraria Indonesia Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi Dan Pelaksanaannya* (Jakarta: Djambatan, 2007), hlm. 234.

agrarian disparities was ¹⁷ TAP MPR No.IX of 2001 on agrarian reform and natural resource management. This TAP is actually not implemented.

However, in an effort to resolve agrarian conflicts, the maximum impact can be made through community empowerment-based conflict resolution efforts (Soni Akhmad Nulhaqim, 2019).

What distinguishes this research from previous research is that this research focuses on efforts to resolve land conflicts between the community and the Sowondo Air Force that occurred in Sarirejo Village. Where the community uses two approaches at once in fighting for their land. Namely in litigation (through court channels) and non-litigation (advocacy channels outside the court).

This research is important because it is one of the major land conflicts in North Sumatra whose resolution is not yet clear. In addition, this case has become a serious concern of President Jokowi to be resolved immediately because it is considered an obstacle to development in North Sumatra⁶. In March 2020 the Government issued a policy to resolve the conflict. However, de jureally, the community is not yet fully legal owner of the land. This research is expected to provide useful information for readers, especially those involved in community empowerment and policy makers.

While the purpose ²⁰ of this study was to describe the factors causing land conflicts between the community and the Suwondo Air Force; see the strategies that the community has adopted in demanding their land rights.

II. METHODOLOGY

This research uses a qualitative approach. Where the writer through this approach wants ² to find and understand what is hidden behind the phenomenon which is sometimes something that is difficult to understand and express. Through this approach, it is expected to

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⁶ <https://properti.kompas.com/read/2020/07/30/104723021/lima-sengketa-tanah-yang-dianggap-hambat-pembangunan-di-sumatera-utara?page=all>

be able to produce in-depth descriptions of speech, writing, and / or observable behavior of an individual, group, community or organization in the research location being studied from a comprehensive, comprehensive and holistic perspective.

This method is intended to cover the background as well as the people in that setting in a holistic manner; meaning that they (associations or individuals) as research subjects are not reduced to an isolated variable or become a hypothesis, but are seen as part of a single unit.

While the method used in this study is the ethnographic method. The ethnographic method developed by James Spradley is a cash approach and has begun to develop since the 1960s. This ethnographic method is in qualitative research, and comes from a new stream of anthropology called cognitive anthropology, or new ethnoscience or ethnography (Spradley, 1997: xix).

The author chose a qualitative approach with the ethnographic method to understand more deeply what is behind an event. As stated by James Spradley, defining ethnographic method is one of the research procedures that produces descriptive data in the form of words or writings and the behavior of the people being observed. The writer in this case conducts intensive interaction or communication with the parties to be studied, including the researcher must be able to understand and develop categories, patterns and analysis of the processes that occur in the community being studied. Although it only explores one case of land conflict in Sarirejo, it is hoped that this research can describe social conflict problems related to natural resources (land) in a more complex, holistic and descriptive manner.

Collecting data in the field in this study was done first by making observations or observations. Observations were made to identify the social situation of the community in Sarirejo Village. Researchers before making the design have made several visits to this

village. However, to further see what the current condition of the community is, researchers need and must go directly to the field to make observations.

In addition to conducting observations, researchers also conducted in-depth interviews with informants. Data collection was also carried out by holding discussions with several community members (focus group discussions) and interviews with village officials.

III. RESULTS AND DISCUSSION

The land conflict in North Sumatra began in the plantation era, where the Sultan of Deli, who was confirmed to be the ruler, gave concessions to plantation entrepreneurs (onderneming) for lands belonging to the Malays. The initial crop planted was tobacco. The cultivation of tobacco seems to have disrupted the agricultural processing of the Malays. In order not to interfere, then the Jaluran Land Institute was created. After planting tobacco, the former tobacco plant land (land of the jaluran) was given to swapraja (kingdom) and self-government assigned the regional head to distribute jaluran land to residents. After the planting activity is over, the land is returned back to the plantation entrepreneur. The recipients of the land were not only indigenous people (Malay people) but also immigrants. In the 1950's, many foreigners began arriving.

The residency of East Sumatra, which at that time was part of the North Sumatra Province, contained the largest agrarian disputes in the plantation area. In the pre-war era there were two large plantation companies in East Sumatra, namely DPV (Deli Planters Vereniging), which was a collection of tobacco plantations; and ²² AVROS (Algemeene Vereniging van Rubberplanters ter Oostkust van Sumatra) is an association of tree plantations such as rubber and oil palm. In subsequent developments the two plantation companies were merged into one under the name AVROS. In 1952 - 1953, the problem of illegal occupation was a hot problem in East Sumatra. The factor that motivates them to occupy these lands is

that they assume that owning plantation land is a very profitable thing because these lands must be fertile and suitable for planting any kind of crops.

North Sumatra is one of the provinces with the highest agrarian conflicts. Based on the records of the Hutan Rakyat Institute, there are 106 community groups that have been in conflict with plantations and industrial plantation forest companies, with an area of 346,648. Some have conflicts with PTPN, some are with private companies / real estate entrepreneurs, some are with the TNI, some are even with the land mafia.

A. **Overview of Sarirejo Village**

Sarirejo Village is a division of Polonia Village. Previously, it was part of Medan Baru District according to Government Regulation Number 50 of 1991. Sarirejo Village has an area of approximately 260 hectares which is divided into 9 (nine) environments with the following boundaries:

- In the north, it is bordered by Sukadamai Village, Medan Polonia District.
- In the south, it is bordered by Pangkalan Mansyur Village, Medan Johor District.
- In the east, it is bordered by Sukadamai Village, Medan Polonia District.
- In the west, it is bordered by Babura River, Beringin Village, Medan Selayang District.

The largest population of Sarirejo in Medan Polonia district reached 27,875 (data until October 2019). The following is the number of population comparisons until October 2019:

Gender	Total (Soul)	%
Male	14.108	
Female	13.767	
Total	27.875	100

Some of the people's livelihoods are entrepreneurs (buildings), traders, teachers, employees, the Air Force.

Population data by religion:

- Islam: 24,783
- Christians: 3,357
- Catholics: 355
- Hinduism: 658
- Buddha: 58
- Confucianism: 0
- And others: 1

Number of population based on education level:

- Not yet school: 6,711
- Did not complete elementary school: 1,934
- Completed Elementary School: 4,066
- **28** Junior high school: 4,443
- **Senior high school: 10,351**
- DIP II: 45
- DIP III: 473
- Strata I: 1,110
- Strata II: 75
- Strata III: 4

B. Objective Facts of Community Existence

The people of Sarirejo have controlled the land since 1948 with the objective condition that currently there is a dense residential area, equipped with various public facilities such as mosques, churches, monasteries, puskesmas, public roads, PLN, PAM,

Telkom and other facilities so that they have become a Independent, compact and complete residential areas, especially when viewed from a governmental aspect, and become an administrative area, namely Sarirejo Village.

In the Sarirejo area there is also a Sikh Gurwara Temple which is located on Jalan Mawar which is the largest temple in Southeast Asia. Kelurahan Sarirejo is the most densely populated sub-district among the 5 (five) sub-districts in Polonia sub-district, with 4500 households or more than 25,500 inhabitants. As supporting evidence and good faith from the community, it can be seen from the city government that they have received the payment of Land and Building Tax (PBB) that the community has made so far on the land they control by attaching proof of control. This proves that there is a direct ²¹ legal relationship between the community and the land.

The support of the city government is also evident from the side of the city government which has provided KTP, family card and other certificates proving that the community's existence has been registered administratively in the work area of the Medan city government.

The land controlled by an area of 260 hectares is claimed to be part of a 591.3 hectare land which is an asset of the Indonesian Ministry of Defense cq TNI - AU Lanud Medan which is registered in the State Wealth Inventory No. Registration 50506001 which is used as the area of the Medan Polonia air base.

C. Basic Community Ownership

The basis for the control of the Sarirejo community over the land where the Sarirejo people have controlled a land area of 260 ha located in Sarirejo village since 1948 until now and there are no rights from other parties, except the statement of assets from the Danlanud Polonia TNI - AU.

Where the TNI –AU was granted Management Rights (HPL) ⁵ based on the Decree of the Minister of Home Affairs No.01 / HPL / DA / 70 dated February 3, 1970, canceled by Decree of the Minister of Home Affairs number 150 / DJA / 1982 dated September 8, 1982 with consideration whereas the granting of HPL over land which is an air base in Medan is inappropriate according to its designation and use, it is more appropriate for the land to be granted with usufructuary rights for a period as long as the land is used for an Air Force Base.

⁵ Based on the Decree of the Minister of Home Affairs Number 150 / DJA / 1982 dated September 8, 1982, the Commander of the I Airspace Command of the Medan Air Base is welcome to apply for the Right to Use for Air Force Territory land provided that, among other things, the land to be granted use rights must be free from The existence of a third party on it and part of the land where the rights of other parties are objectively not required as an Air Force Base area will be excluded from the grant of use rights. However, the people of Sarirejo are of the opinion that the TNI –AU has never controlled land controlled by the community so that rights have never been issued on behalf of the Indonesian Ministry of Defense and Security.

D. Basic Mastery of the Indonesian Air Force

KSAP Decree No.23 / P / KSAP / 50 dated May 25, 1950, stated that originally the airfield and buildings that belonged to the field and equipment in the field were really needed to maintain the field belonged to the TNI-AU.

The existence of the Minister of Defense Decree No. MP / A / 705/57 dated 3 August 1957 decided that the commanders of the Medan Air Force base, Padang, Palembang, Makassar, Tasuka, Kupang, Husein Sastranegara to exercise their respective military power (SOB) in the area covering the air base area. above, which area is the land area within a radius of 3 miles from the center point of the runway for these bases.

A joint decree between the Medan City Military Commander and the Medan Air Force Base number 01/1958 dated 3 February 1958 determined that the areas of the Medan Air Force Base had the following boundaries:

- East side : Deli River
- West side : Babura River
- North side : Jalan Merdeka / Jalan Mongonsidi
- South side : Johor building / railway

E. Community Strategy to Claim Land Rights

To get calm, comfort and certainty, the public filed a civil lawsuit against the Indonesian Air Force Base Polonia / Suwondo. In 1989 the community filed a lawsuit for the donated land and the Medan District Court won the community. Furthermore, from 1990 to 1995, a lawsuit for land / residential areas was represented by 87 community members. The Supreme Court has rejected the appeal of the TNI AU Lanud through decision number 229 / K / Pdt / 1991 dated May 18, 1995, but in several meetings between Sarirejo community members and the TNI-AU, the TNI-AU always said that the land that was disputed was wrong. object. The community is the cultivator as decided by the Supreme Court. The community won only 5.6 hectares of the 260 hectares. The Indonesian Air Force controlled the KSAP letter No.023 / P / KSAP / 50 dated May 25, 1950.

During the judicial process from 1989 to 18 May 1995 the Indonesian Air Force registered the disputed land so that it was certified for the status of the Indonesian Air Force right to use on March 26, 1995. Then after the Supreme Court rejected the TNI AU cassation through the 229 K / Pdt / decision 1991 on May 18, 1995, BPN issued usufructuary rights for an area of 202.78 ha of Sarirejo land on June 13, 1997, respectively with certificate number 02.01.04.0001 and Certificate number 02.01.07.04.0004, in which part of the land the BPN certificate has been won by the community.

Furthermore, for the injustice felt by the community, Poniah et al filed a lawsuit against the PTUN for the 30 hectares of land they occupied where the land was in the certificate area No. 02.01.07.04.0004 dated June 25, 1997. Finally, the PK-TUN Supreme Court canceled the certificate. The Head of Regional Office for BPN of North Sumatra Province through the decision of Reg.No.60 PK / TUN / 2006 dated 11 February 2008.

Apart from struggling through the court process, the people of Sarirejo also made political efforts outside the court. The people of Sarirejo have been fighting for their land rights to obtain land certificates for decades but the application was rejected by the Medan City Land Office on the grounds that the land requested was an asset of the Indonesian Air Force with register number 50506001.

The dissatisfaction of the people of Sarirejo caused the community to carry out a massive demonstration on December 3, 1007 and continued on January 7, 2008, which was attended by around 10,000 mobs who blocked Polonia airport for 3 hours and occupied the Medan city land office for 4 hours thus paralyzing flights from inside and to overseas.

Regarding the struggle of the Sarirejo community, the Medan City DPRD supports the Sarirejo community's struggle where in 2005 a meeting with Commission II of the DPR RI, the Indonesian Ministry of Defense and BPN RI in Jakarta with the recommendation of the cabinet secretary coordinating the resolution of the Sarirejo case with the Coordinating Minister for Political, Legal and Security Affairs, Agrarian & Spatial Planning, TNI Commander, ⁴ Minister of Home Affairs, Minister of State-Owned Enterprises and Minister of Finance with due observance of incraht decisions by the Supreme Court.

The Indonesian Regional Representative Council of North Sumatra also recommended that the Minister of Defense rectify the boundaries of the land mentioned in register number 50506001 because the 260 ha land was never controlled by the Indonesian Air Force and that the Indonesian ¹⁰ National Land Agency (BPN RI) issue a certificate of land

rights to the Sarirejo community for the welfare of the community. . Efforts made by the Sarirejo community through political or non-litigation channels are carried out by building a group that organizes the entire Sarirejo community. Hearing and lobbying policy makers are not only held once or twice. Even many times to the national level.

In fighting for land rights, the people of Sarirejo experienced persecution against the chairman of the Sarirejo Community Forum and a mother who was allegedly committed by the Indonesian Air Force Paskhas. This incident occurred on May 3, 2015, when the Paskhas elements carried out the persecution accompanied by threatening words that were racist in tone. For this action, the head of the Sarirejo Community Forum made a complaint to Komnas HAM, the Witness and Victim Protection Agency (LPSK), and to the TNI-AU Military Police.

IV. CONCLUSION

The land conflict that occurred in Sarirejo Sub-District, Medan Polonia, is one of the land conflicts that occurred in Indonesia, especially in North Sumatra which has a long resolution. As a living space, land for the community has a very important value. The success of the Sarirejo community in fighting for land from the claim of the TNI - AU c / q state is a motivation and learning for people who are fighting for rights to land anywhere.

Organizational strategies and advocacy strategies through legal processes that are carried out to win the state over land can be a source of inspiration as well as a sign for many groups of takyat groups who are still struggling to defend their rights back.

Alternative land conflict resolution, especially land earmarked for infrastructure, should be done so that neither party feels guilty, first of all the people who have lived for decades or even hundreds of years have inhabited the area. The state must provide as much space as possible for people to live comfortably and safely because land is their living space.

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