

ADALAH

Buletin Hukum & Keadilan

Examining the Role of Village Officials in Land Mafia Crimes (Case Study: Land Plot Sale and Purchase in Sidokerto Village, Buduran District, Sidoarjo Regency)

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Abstract:

This study examines the legal relationship between village government and land affairs, as well as the involvement of village officials in land mafia crimes. As the lowest administrative unit, villages hold the authority to issue land documents such as Land Ownership Certificates (SKT), which play a crucial role in the land registration process. However, this authority is often misused by corrupt officials who manipulate documents to serve the interests of land mafias. A case study conducted in Sidokerto Village reveals that illegally issued SKTs are used to legitimize unlawful land transactions. This research adopts a socio-legal (empirical) method with a case study approach. It considers law as both a normative system and a social reality. Primary data were obtained through in-depth interviews with affected residents, village officials, notaries/PPAT, land office (BPN) personnel, and police officers, as well as field observation and legal document analysis. The data were analyzed qualitatively to interpret the gap between legal norms and their implementation, and to uncover patterns of land-related crimes involving village actors. The findings underscore the urgency of stricter oversight, digitalization of land administration at the village level, and policy reform to prevent abuse of authority.

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INTRODUCTION

In Indonesia, constitutionally, the issue of land as the surface of the earth is regulated in Article 33 paragraph (3) of the 1945 Constitution, which reads: The earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people". Article 33, paragraph (3) is closely related to the previous verses and their explanations; even if viewed from the perspective of the position, the Article is closely related to the welfare problem of the Indonesian nation. Article 33 paragraph (3) of the 1945 Constitution is described in laws and regulations, namely Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles, which is listed in the 1960 Statute Book Number 104 and better known as the Basic Agrarian Law (UUPA), is the implementing regulation of Article 33 paragraph (3) of the 1945 Constitution.

The Basic Agrarian Law (UUPA) stipulates the state's authority to control land, as stated in Article 2, paragraph (2). The provision provides a basis for the state to:

1. Regulating and organizing the arrangement, utilization, provision, and maintenance of resources in the form of land, water, and space;
2. Establish and regulate the legal relations between individuals or legal subjects with land, water, and space;

3. Establish and regulate legal relations between legal subjects and legal actions related to the use of land, water, and space¹.

The relationship between individuals and legal entities and land, as referred to in the second point of Article 2 paragraph (2), is formulated in the form of "rights", which are further regulated in Article 4 paragraph (1) of the UUPA. Based on the right of state control as stipulated in Article 2, various forms of rights to the earth's surface called land are determined, which can be transferred or given to certain parties owned by individuals either individually or jointly with other parties, and by legal entities²". Meanwhile, Article 4 paragraph (2) stipulates that: "The rights to land as referred to in paragraph (1) give the authority to use the land in question, including parts of the earth, water, and space thereon to the extent necessary for interests directly related to the use of such land, within the limits established by this law or other higher legal regulations³."

The provisions in Article 4 paragraph (2) of the UUPA are a real implementation of the principles stated in Article 9 paragraph (2) of the Basic Agrarian Law, which states that all Indonesian citizens, both men and women, have an equal position in obtaining land rights and utilizing the proceeds for personal and family interests. Furthermore, Article 16 of Law Number 5 of 1960 concerning the Basic Regulation of Agrarian Principles states that land rights as referred to in Article 4 paragraph (1) include: (a) property rights, (b) business use rights, (c)

¹ Urip Santoso, "The Authority of Local Governments on the Right of Ownership of Land," *Journal of Legal Dynamics* 12, no. 1 (2012): 186–96, <https://doi.org/10.20884/1.jdh.2012.12.1.115>.

² Santoso.

³ Santoso.

building use rights, (d) use rights, (e) lease rights, (f) land clearing rights, and (g) forest product collection rights.⁴

Other rights that are not listed above and will be further determined by law, as well as temporary rights as provided for in Article 53. Discussions about land ownership rights are very important because this type of right often triggers disputes and ownership disputes. In many cases, land disputes can trigger social conflicts or violence. This condition is also used by parties known as the group land mafia, who organically seize or control land belonging to others illegally⁵

The land mafia works in systematic and planned methods, using various modes of crime such as falsification of documents, occupation without rights, manipulation of legal cases, collusion with the authorities, and abuse of authority. Various other modus operandi include forgery of power of attorney in the management of land rights, the implementation of formal but illegal buying and selling, and the disappearance of land warrant documents. This last mode usually involves individuals in official institutions, such as the Ministry of ATR/BPN, who collaborate with land mafia networks⁶.

Land plots are quite familiar to the community, especially in housing development. A land plot refers to a piece of land that has been separated into certain parts to

⁴ Ahmad Muhamad et al., "The Legal Politics Related to Indonesian Land (Agrarian)," *Indonesian Law Journal* 2, no. 2 (2025), <https://ejournal.appihi.or.id/index.php/Majelis>.

⁵ Government The Republic Of Indonesia, "Law of Republic of Indonesia Number 5 of 1960 Concerning Basic Regulation for Agrarian Principle (Basic Agrarian Law)," no. 5 (1960): 1–34.

⁶ Andi Bustamin Daeng Kunu, "The Position of the Right to Control the State Over Land," *FIAT JUSTISIA: Journal of Legal Science* 6, no. 1 (2015), <https://doi.org/10.25041/fiatjustisia.v6no1.343>.

be sold individually in a residential area. Generally, this land division is carried out by land owners or property developers as a strategy to optimize land use and to meet the residential needs of the community. Provisions regarding land plot licensing are regulated in Article 26, paragraph (1) of Law Number 4. In Law Number 4 of 1992 concerning Housing and Settlements, it is emphasized that business entities engaged in housing and settlement development that build ready-to-live areas are not allowed to carry out buying and selling transactions on land without buildings⁷.

A land plot is a piece of land that has been divided into parts of a certain size and prepared for use, both as a residence and for other purposes⁸. Based on their location and characteristics, land plots are classified into the following types:

1. **Interior Lot.** This type of plot is also known as a *cluster*, which is a plot that is in the middle of a row of other plots in a block. Generally, it only has one access road, so it is relatively safer. However, the scenery available is usually uniform, and the air circulation is not optimal.
2. **Ass of Sac Lot.** This term comes from the French language, which refers to a plot located at the end of a dead end. It usually has a widened shape on the back. This location is suitable for individuals who want more privacy and to avoid noise, despite being in a relatively narrow area.

⁷ Sigid Suseno, "Criminal Law Enforcement Against Cyber Crimes," 2009, 25.

⁸ Mindo R Siallagan, "Juridical Analysis of the Legal Certainty of Kapling Land Ownership Related to Positive Law in Indonesia," 2018, <https://repository.uma.ac.id/handle/123456789/11944>.

3. **Key Lot.** This plot is among other plots and looks like it "locks" the position of the plot around it when viewed from above. This location is ideal for large vehicle owners because it has a fairly large parking area. However, it only has one direction of view, and the air circulation tends to be less than optimal.
4. **A lot of flags.** Having a shape resembling the letter "L", this type of plot is not commonly found in cluster areas. The main advantage of the Flag Lot is its high level of security. However, access to the main road is often quite limited.
5. **T-Intersection Lot.** Also known as the "Tusuk Sate" plot, because it is located right at the end of the T-shaped road confluence. However, the downside is the intensity of light from vehicle lights that can lead directly to the house, especially at night⁹.

Broadly speaking, land plots are land that has been planned and divided into several parts with a certain area, which are ready to be used according to their function or purpose. Public interest in buying land plots is often based on various types and strategic positions of the plots. However, this high interest is often used by irresponsible parties, including the land mafia, to carry out illegal practices. One of the modes that is often done is to prepare a double-site *plan* on the same land, thus causing overlapping ownership claims. Cases like this have occurred in Buduran Village, Sidoarjo District.

This phenomenon is usually inseparable from the involvement of village officials who have in-depth knowledge of the history and status of land in the area.

⁹ Mindo R Siallagan, "Juridical Analysis of the Legal Certainty of Kapling Land Ownership Related to Positive Law in Indonesia," 2018, <https://repository.uma.ac.id/handle/123456789/11944>.

Therefore, the author considers it important to raise this topic in this article, in order to provide a broader understanding to the public related to land mafia practices, especially in the context of buying and selling land plots. Therefore, this study aims to find out the extent of the role of Village Officials in Land Mafia Crimes in a Case Study in Sidokerto Village, Buduran District, Sidoarjo Regency.

RESEARCH METHODS

1. Research Methods

The method used is the sociological juridical law research method (Empirical). Several reasons for using this method: (1) Juridical: because you research legal norms and rules related to land, buying and selling plots, and the authority of village officials (e.g. UUPA, Village Law, Corruption Law, etc.); (2) Sociological/empirical: because you research legal practices in the community, focusing on the behavior of village officials and their impact on the community, as well as concrete cases in Sidokerto Village.

2. Types of Research

The type of research is empirical legal research or sociological juridical research that studies law as a social phenomenon and the real behavior of law actors in society.

3. Research Approach

The approach used is the Case Study Approach, a research conducted by in-depth tracing the case of buying and selling land plots that are indicated to involve the land mafia and village officials in a predetermined location.

4. Data Sources:

- 1) Primary Data: the results of interviews with affected communities, village officials, notaries/PPAT, BPN, and the police.

- 2) Secondary Data: legal documents (Law No. 5 of 1960, Village Law, Criminal Code, etc.), court decisions, land archives, site plans, and other supporting documents.

2. Data Collection Techniques:

- 1) In-depth interview
- 2) Field observation
- 3) Document study

3. Data Analysis:

Qualitative analysis to interpret the relationship between legal norms and their implementation, as well as to uncover patterns of land crime that occur in the context of case studies.

RESULTS OF RESEARCH AND DISCUSSION

Before we discuss further the role of Village Individuals in Land Mafia Crimes, it's a good idea to first understand the legal relationship between the village and land. As we all know, it is estimated that around 90% of Indonesian people live in more than 56000 villages. The position of the Village here is seen as the lowest State Government body in accordance with the Regional Government system. It is said to be more than 56000, because the number of villages is constantly changing and increasing with the expansion of villages in many districts. It should be stated that in the Municipality and DKI Jakarta alone, there are no villages. This is because the villages there have been abolished according to the law. So even the residents who live in the city, if the city is not a municipality, for example, the district capital, four of them live in the village. However, the life of the people in the city, in the form of municipalities and cities where there are

villages, is different, even seen from certain aspects, as opposed to the life of the village community¹⁰. Village government is the implementation of government functions and the management of the interests of local communities within the framework of the government system of the Unitary State of the Republic of Indonesia. The village-level government is led by a village head. The Village Government organizes the Village Administration. Administration here is, of course, in a narrow sense, because it only covers the field that is usually called administration or secretariat.¹¹

The Village Administration has 2 (two) functions, namely the first to take care of household affairs and the second to assist higher government agencies, especially those on the path of decentralization and deconstruction, and to other departments. In general, departmental institutions do not have an organizational structure that extends to the village level, and most only operate up to the district level. In the end, various forms of authority, both decentralized, deconcentration, and vertical relationships, boil down to the village government level. Therefore, village household affairs have a broader meaning but in a narrower scope when compared to autonomy in Level II Regions.¹²

¹⁰ Suhardiman Syamsu, "Understanding the Development of Villages in Indonesia," *Government: Journal of Government Science* 1, no. 1 (2008): 77–88,

<https://journal.unhas.ac.id/index.php/government/article/view/1118>.

¹¹ Ahmad Maula Hadi, "Analysis of Village Institutions in the Constitutional System of the Republic of Indonesia," *Multidisciplinary Treasures* 1, no. 1 (2020): 46–60, <https://doi.org/10.15575/km.v1i1.9698>.

¹² KIKI ENDAH, "THE IMPLEMENTATION OF DSA GOVERNMENT ACCORDING TO LAW NUMBER 6 OF 2014 CONCERNING KIKI VILLAGE," *Scientific Journal of State Administration* Vol 5 No. 1, no. 150 (2018): 76.

Village government, according to Law of the Republic of Indonesia Number 6 of 2014, in Chapter I Article 1, emphasizes that the village government, or what is called by other names, is the village head and village apparatus as an element of the village government organizer.

- a. Village Head The village head is directly under the guidance of the regent/mayor. The village head has the task of organizing government, development, and community affairs. The duties and obligations of the village head in leading the implementation of village government are further regulated by regional regulations based on government regulations.
- b. Village Apparatus The village apparatus is responsible to the village head. The village apparatus consists of the village secretary and other village officials. The other village apparatus is appointed by the village head from the residents concerned.¹³

The portion of the village apparatus must be ideal, adjusted to the needs and socio-cultural conditions of the local community. According to Government Regulation of the Republic of Indonesia Number 72 of 2005, village authority consists of:

- a) The authority owned by the village is based on the right of origin derived from local traditions or wisdom that has been applied for generations.
- b) Government affairs are the responsibility of the district/city, but the implementation is delegated to the village government.
- c) Delegation of duties from the central, provincial, or district/city government to villages to carry out certain government functions.

¹³ AMAZING.

d) Other government affairs that are legally handed over to the village through the provisions in the applicable laws and regulations.¹⁴

Village and Village Government is a service unit for public service providers whose duties and authorities have been regulated, which has three functions, namely: (1) providing services to the community (public services); (2) carrying out development (development services); and (3) creating peace, order, and public security (protection services). One of the tasks included in the service task is land services in the context of orderly community land administration. One form of administrative order in the land sector is the issuance of land ownership papers to ensure that the land is legally owned in accordance with the applicable legal provisions. Orderly land administration is a condition in which each plot of land has been equipped with data on physical size, status of possession and use, types of inherent rights, and legal certainty, all of which are managed through a land information system.¹⁵

In Indonesia, land rights certificates are valid as strong evidence, as affirmed in Article 11 paragraph (3) of Government Regulation Number 10 of 1961 concerning Land Registration, which has now been revoked and reaffirmed in Government Regulation Number 24 of 1997. The state has full responsibility for ensuring the

¹⁴ Rozali Abdullah, "The Implementation of Broad Autonomy with Direct Election of Regional Heads.," *Jakarta : Raja Grafindo Persada* 2005 (2005): 170–71.

¹⁵ R Handoko, "Criminal Liability for the Forgery of Sub-district Certificate Giving Birth to Property Rights Certificates Handled by the Belawan Port Police," 2020, <https://repositori.uma.ac.id/handle/123456789/15648%0Ahttps://repositori.uma.ac.id/bitstream/123456789/15648/2/181803027> - Rudi Handoko - Fulltext.pdf.

registration and issuance of valid land certificates, as well as for ensuring that the process is free of elements of counterfeiting. In addition, the state is also obliged to provide compensation to landowners who suffer losses or damages as a result of errors in the land registration process due to fraud, fraud, or forgery of signatures. Therefore, the accuracy of land registration is based on land surveys of the applicants who registered the land. If there are reasonable and appropriate claims in the registration, they cannot be registered. If the land has been registered, then it has been guaranteed ownership by the state, and the right cannot be canceled because it is guaranteed by law¹⁶.

In the provisions of Article 24, paragraph 2 of Government Regulation Number 24 of 1997 concerning Land Registration, it is stated that for registration of rights, land rights derived from the conversion of old rights are evidenced by evidence regarding the existence of these rights in the form of written evidence and information whose level of truth is assessed by the adjudication committee in land registration. The composition of the Adjudication Committee includes the Head of the Village/Village concerned and/or a Village/Village Head appointed by him. The role of villages or sub-districts in land administration is interpreted as involvement in issuing initial land documents, which is the basis for assessing the certainty of juridical data on land plots in their administrative area.

The authority of the village government in the field of land administration is a form of delegation of affairs from the district or city government, as is usual with the

¹⁶ D. P. (2014). Azaria, "No Title No Title," *Paper Knowledge. Toward a Media History of Documents* 7, no. 2 (2014): 107–15.

mechanism for implementing decentralization. In this case, the village government has the authority to carry out activities such as land registration, installation of boundary marks or land markers, and record various matters related to land administration. Village services in order to support the orderly administration of land include recording the amount of land owned by villages and residents, providing land agenda registration numbers, legalizing land letter documents, collecting data on land ownership document numbers, and participating in administrative procedures related to land tax payments.¹⁷

Article 1, paragraph 2 of Government Regulation of the Republic of Indonesia Number 43 of 2014 concerning Implementation Regulation of Law Number 6 of 2014 concerning Villages states that the Village Government is the implementation of government affairs and the interests of the local community in the government system. Furthermore, in paragraph 3, it is stated that the Village Government consists of a village head or other equivalent designation who, in the implementation of their duties, is assisted by the village apparatus as part of the elements of government administration at the village level. This conception of the authority of the Village Government is that the authorities in terms of organizing government and administration are attached to the village head, so that there are several authorities that can be carried out by the

¹⁷ Malawi Government, "No Title," *Modern at Large: Cultural Dimensions of Globalization* pp. 1980 (1997): 3–41, <http://dx.doi.org/10.1016/j.cirp.2016.06.001> <http://dx.doi.org/10.1016/j.powtec.2016.12.055> <https://doi.org/10.1016/j.ijfatigue.2019.02.006> <https://doi.org/10.1016/j.matlet.2019.04.024> <https://doi.org/10.1016/j.matlet.2019.127252> <http://dx.doi.o>

village head, one of which is issuing a Land Certificate (SKT).¹⁸

A land certificate serves as preliminary evidence that shows the existence of a legal relationship between the applicant and the right to a plot of land¹⁹. Therefore, this document must clearly contain the legal relationship between the legal subject (both individuals and legal entities) and the object of rights (one or more plots of land) that are controlled. In the letter of the basis of rights, it is necessary to explain in detail and chronologically how the process of land ownership occurred, so that the history of ownership can be clearly understood. Even though it is classified as written evidence under hand, the evidentiary power of a land certificate still has an important value, although it is not as strong as an authentic deed. Therefore, this document is an essential component in the process of registering and issuing land rights certificates.²⁰

In discussing the role of village officials in land mafia crimes, it can be emphasized that land mafia practices are impossible to occur without the involvement of the village officials themselves. This is proven in the case of buying and selling land plots that occurred in the Randu area, Buduran Village, Sidoarjo District. The involvement of village people in this case is evident through the Land Certificate issued by the village. In the letter, three plots of

¹⁸ Pradana Setialana, "No Title," *Pontifical Catholic University of Peru* 8, no. 33 (2014): 44.

¹⁹ Yosep Surya Ditama Sibarani and Maarthen Youseph Tampanguma Susan Lawotjo, "Legal Study of Land Certificates Issued by the Village Head as Initial Evidence of Land Ownership," *Lex Privatum* 11, no. 4 (2023): 1–8.

²⁰ Noor Atikah, "The Position of Land Certificates as Proof of Ownership," *Notary Law Journal Vol 1*, no. 3 (2022): 263–89, <https://notarylawjournal.ulm.ac.id/index.php/nolaj>.

land, namely Block B Plot Number 1, Number 2, and Number 3, were declared not in dispute status and were not being pledged to the bank.

CONCLUSIONS

- a. The position of the village in village government is the smallest government unit in the Indonesian government system that has a strategic role in public services, development, and community protection, including in land administration matters.
- b. Village authority in land: the village government has administrative authority related to land, such as the issuance of Land Certificates (SKT), the recording of boundaries and land ownership, and the filing of supporting documents for the registration of land rights. This authority comes from the delegation of district/city government duties, both through decentralization mechanisms and direct assignments.
- c. The role of the village head and his apparatus: the village head has a great responsibility in the implementation of government affairs, including land affairs. However, this authority is vulnerable to abuse when internal and external oversight is weak.
- d. The potential for irregularities and land mafia involvement of village officials in the land mafia case is proven through the manipulation of official documents, such as the SKT, which should be the initial evidence of the legality of land rights. The absence of a strict verification system opens up opportunities for the practice of buying and selling land illegally, as an example of the case in Buduran Village, Sidoarjo.

Suggestions

- a. Strengthening the capacity and integrity of village apparatus requires periodic training and legal education for village heads and their apparatus to understand in depth the legal consequences of administrative actions related to land.
- b. Digitization of the village land administration system. The implementation of a digital information system integrated with the National Land Agency (BPN) can minimize document manipulation practices and increase the accuracy and transparency of land data.
- c. Increasing Layered Supervision The local government needs to establish a supervisory task force that focuses on auditing village land administration and following up on every community report quickly and objectively.

Policy Recommendations

- a. The reformulation of village authority in the central government's land administration through the Ministry of Home Affairs and ATR/BPN needs to review the restrictions or regulations in more detail on village authority in issuing land documents, such as SKT, so as not to overlap and open corruption gaps.
- b. The implementation of a NIK-based and geospatial verification system for each issuance of SKT and other land documents needs to be verified using the Population Identification Number (NIK) and a geospatial information system that can ensure the authenticity of land law subjects and objects in real time.
- c. Strict sanctions against village officials require special regulations that provide a deterrent effect in the form of strict administrative and criminal sanctions against

village officials involved in land mafia practices, as a form of protection for community land rights.

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