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Assessing the Effectiveness of Legal Protection for Local Communities in Agrarian Disputes Against Corporations in West Bangka Regency

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Abstract: This study aims to analyze the effectiveness of legal protection for local communities in agrarian disputes with corporations in West Bangka Regency, as well as to identify both legal and non-legal barriers faced by these communities in securing their land rights. The research is based on the Landbow land dispute case in Kelapa Subdistrict, West Bangka, which was won by the local community through a decision by the Administrative Court (PTUN) of Pangkalpinang, Case Number 16/G/PTUN.PGP/2025. The research adopts normative and empirical juridical methods, utilizing statute and case approaches along with interviews with relevant stakeholders. The findings reveal that while normative legal protection exists through national legal instruments, its effectiveness at the implementation level remains weak. Communities frequently encounter obstacles such as delayed responses from local authorities, lack of legal literacy, and corporate dominance. The study recommends strengthening access to legal aid, improving community advocacy capacity, and enhancing local government commitment to agrarian justice.

Keyword: Legal Protection, Agrarian Dispute, Local Community

INTRODUCTION

Agrarian conflicts between local communities and corporate entities constitute a persistent and increasingly complex legal phenomenon across various regions in Indonesia, including West Bangka Regency. (Ardiansyah et al., 2022) A notable case that has attracted considerable public attention is the Landbow land dispute in Kelapa Urban Village, Kelapa District, which reflects a significant asymmetry in legal relations between the local populace—as rightful holders of land rights and corporations that assert control through administrative claims. The dispute culminated in a legal challenge before the Pangkalpinang Administrative Court (PTUN), resulting in a ruling favorable to the community. In Decision Number 16/G/PTUN.PGP/2025, the court declared the invalidity of an asset statement letter concerning approximately 113 hectares of land that had previously been claimed as state property.

The court's decision underscores that, normatively, local communities possess a strong legal foundation in asserting their land rights. (Atikah, 2022) However, the legal challenges

extend beyond the formal validity of administrative documents to encompass the broader issue of the effectiveness of legal protection for communities facing pressure from corporate power and the lack of institutional impartiality on the part of the state. In many similar cases, despite court rulings in favor of local communities, the implementation of such decisions often encounters significant obstacles. These include administrative resistance, political-economic conflicts of interest at the local level, and limited community access to legal information and legal aid. (Rohmah, 2022)

The Landbow case in West Bangka serves as concrete evidence that the existence of legal protection for local communities in the agrarian sector does not yet fully guarantee substantive justice. When large corporations or even state institutions assert control over land based on questionable administrative grounds, local communities often find themselves in a vulnerable position. This vulnerability is further exacerbated by the lack of swift and community-oriented preventive legal protection mechanisms, which are essential to safeguarding the rights of those who occupy a structurally weaker position in the power hierarchy. (Indra Devi et al., 2023)

Agrarian disputes in Indonesia, (Koeswahyono & Maharani, 2022) in a broader context, are the result of overlapping regulations, the weakness of agrarian reform, and the lack of adequate recognition of the rights of indigenous and local communities over land they have cultivated for generations. The Basic Agrarian Law (UUPA) No. 5 of 1960 explicitly states that land rights must be regulated with due regard to the interests of the broader population. However, in practice, land policy orientation tends to favor corporate investment, particularly in the sectors of plantations, mining, and infrastructure development. This has led to a structural legal imbalance between corporate actors and local communities.

Legal protection, as a concept, does not merely refer to the existence of legal rules that regulate rights and obligations, but also encompasses the extent to which these rules are effectively enforced and accessible to citizens—particularly those in structurally disadvantaged positions. Satjipto Rahardjo (2006) asserts that law is not merely a system of norms, but also a system of values and an instrument for achieving social justice. Accordingly, the law must take the side of the oppressed, or those who are unable to effectively articulate their interests before the state and the market. (Husna et al., n.d.)

The effectiveness of legal protection in this context must be examined through three key dimensions: legal substance (the existing rules), legal structure (law enforcement institutions), and legal culture (the legal awareness of both the public and law enforcement actors), as proposed by Lawrence M. Friedman. In the context of the Landbow case, the legal substance has supported the community's claim; however, the legal structure and culture often fail to facilitate the full realization of justice. (Nashir et al., 2024) A court decision may indeed favor the community, but in the absence of political will from local governments or without strong implementation mechanisms, such a decision may become factually meaningless.

Moreover, from a human rights perspective, land rights constitute an integral part of economic, social, and cultural rights, which are guaranteed under various international and domestic legal instruments. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) emphasizes the importance of recognizing land rights for local and indigenous communities as essential to their identity, livelihood, and cultural survival. Therefore, land disputes should not be viewed merely as administrative conflicts, but rather as broader human rights issues (Prasetyo & Herawati, 2022)

Furthermore, the involvement of the Millennial Legal Aid Institute of Central Bangka (LBH Milenial Bangka Tengah) as legal counsel for the community highlights the crucial role of non-state actors in supporting communities during litigation processes. This indicates that while communities possess a growing capacity for resistance, they do not necessarily have structural access to adequate legal protection. This reinforces the importance of this study in

assessing the extent to which the law can function effectively within an imbalanced social structure.

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Therefore, this study aims to address two main research questions: (1) How effective is legal protection for local communities in agrarian disputes with corporations based on the Administrative Court Decision Number 16/G/PTUN.PGP/2025 in West Bangka Regency; and (2) What legal and non-legal obstacles do communities face in obtaining justice for their land rights? The results of this study are expected not only to contribute academically but also to provide policy recommendations that promote improvements in agrarian legal governance and legal protection based on social justice.

METHOD

This study employs empirical legal research, which examines how law operates within society by focusing on the effectiveness of legal norms in practice, particularly in the context of agrarian disputes between local communities and corporations in West Bangka Regency. The methodological approach used is a combination of normative juridical and empirical juridical approaches conducted simultaneously. The normative juridical approach involves the examination of relevant legislation such as the Basic Agrarian Law (UUPA) No. 5 of 1960, the Administrative Governance Law, and the Administrative Court (PTUN) Pangkalpinang Decision Number 16/G/PTUN.PGP/2025. The empirical juridical approach is conducted through field studies involving affected communities and relevant institutions.

The data sources consist of primary and secondary data. Primary data were collected directly through interviews with residents of Kelapa Urban Village, advocates from the Millennial Legal Aid Institute of Central Bangka, and local government officials. Secondary data comprise primary legal materials (legislation and court decisions), secondary legal materials (legal literature and academic journals), and tertiary legal materials (legal dictionaries and encyclopedias).

Data collection methods include semi-structured interviews, document studies, and direct observation at the agrarian conflict site. The data analysis method employed is descriptive qualitative analysis, which interprets the data in depth to understand the extent to which legal protection is effective in reality, as well as to identify both legal and non-legal obstacles encountered.

RESULTS AND DISCUSSION

How effective is the legal protection for local communities in agrarian disputes with corporations based on Administrative Court Decision Number 16/G/PTUN.PGP/2025 in West Bangka Regency?

The agrarian conflict between the local community of Kelapa Village, Kelapa District, West Bangka Regency, and the corporation or entity claiming ownership over approximately 113 hectares of Landbow land represents a concrete manifestation of the structural legal issues faced by grassroots communities. The Administrative Court (PTUN) Pangkalpinang Decision Number 16/G/PTUN.PGP/2025 marked a crucial legal victory for the community after a prolonged and high-risk legal process. However, a formal win in court does not necessarily reflect substantive legal effectiveness. Therefore, this study examines the effectiveness of legal

protection not only through the existence of regulations or court decisions but also based on the implementation of those decisions and the extent to which legal protection reaches the community.(Riswandie, 2023)

Conceptually, the effectiveness of law is measured not only by the existence of sound norms but also by the extent to which those norms can be applied and complied with in social reality. Lawrence M. Friedman posits that the functionality of law is determined by three main components: legal substance, legal structure, and legal culture. These three components will be employed as an analytical framework to assess the extent to which legal protection for the community of Kelapa Village can be considered effective based on the aforementioned Administrative Court decision.(Ahmad et al., 2024)

Firstly, from the perspective of legal substance, Indonesia possesses a relatively adequate legal framework to protect community land rights. The Basic Agrarian Law (UUPA) No. 5 of 1960 explicitly emphasizes the importance of recognizing the rights of communities over land that has been traditionally controlled, based on the principle that land has a social function. Furthermore, administrative legal protection is guaranteed under Law No. 30 of 2014 concerning Government Administration, which states that every state administrative action must be based on principles of justice, transparency, and accountability. In the Landbow case, this legal substance was evident when the community challenged the validity of an administrative document, namely Asset Declaration Letter No. 560/220.4.1.3.1/2017, which formed the basis of the opposing party's claim. By granting the community's lawsuit in its entirety, the Administrative Court of Pangkalpinang declared the letter invalid and ordered its revocation. Normatively, this reflects that the law sides with the community regarding the invalidity of legally flawed administrative documents.(Yuliana, 2023)

However, the success of legal substance alone does not guarantee effectiveness without the support of a strong legal structure.(Rosmidah et al., 2023) Secondly, regarding the legal structure, which refers to institutions authorized to enforce and implement the law, there are significant challenges. While the administrative court has performed its functions adequately, the legal structure extends beyond the judiciary. The regional government, as the administrative executor, plays a key role in following up on court decisions. In practice, the regional government's response to court rulings is often slow or ambiguous. There is a tendency for local bureaucratic structures to resist compliance with decisions that undermine their interests, especially when significant economic stakes are involved in land control. When the regional government fails to promptly revoke or act on the annulment of the asset declaration letter, the community, despite winning legally, continues to face threats of eviction or intimidation in reality.(Lailasari et al., 2023)

In many other agrarian cases, court decisions are often not executed promptly or are even disregarded, especially when not accompanied by strong political pressure or support from civil society. Therefore, the effectiveness of legal protection heavily depends on the political will of local governments and the integrity of bureaucratic officials.(Fitri Hayani et al., 2024) In the context of West Bangka Regency, further investigation is needed to determine whether the government has actually revoked the document declared invalid by the Administrative Court decision or has remained passive. Initial interviews conducted with the Millennial Legal Aid Institute of Central Bangka, representing the community, revealed a strong hope that the government would accept the ruling gracefully and not legally oppose it. This indicates that the community itself is aware of the disparity between legal decisions and the reality of their implementation.

Thirdly, the aspect of legal culture also serves as a determinant of legal effectiveness. In the Landbow case, the community's involvement in asserting their rights through litigation demonstrates a relatively high level of legal awareness. The role of the Millennial Legal Aid Institute of Central Bangka is also crucial in building the community's legal capacity. However,

it must be acknowledged that this legal awareness is neither uniform nor sustained. Many community members lack understanding of legal processes, have limited access to legal assistance, and feel intimidated to challenge corporations or government authorities. (Sihombing & Akbar, 2022) Fear of repression, intimidation, or loss of livelihood often becomes a significant barrier to utilizing legal channels.

In this context, effective legal protection extends beyond norms and institutions to include the empowerment of communities to recognize their rights and access justice. Without improved legal literacy and robust legal assistance, legal protection remains merely symbolic. Therefore, the cultural aspect constitutes a significant challenge in enhancing the effectiveness of legal protection at the local level.

In addition to the three aforementioned elements, there are external factors influencing the effectiveness of the law, namely the economic and political power of corporate entities. In many agrarian disputes in Indonesia, corporations possess the capacity to mobilize legal, economic, and even political resources to maintain their land claims. This presents a serious challenge to the principle of equality before the law. The disparity in legal resources between communities and corporations renders legal protection problematic. It is precisely in this context that the state should act as a balancing force by providing access and favoring vulnerable groups.

The Administrative Court Decision No. 16/G/PTUN.PGP/2025 represents a significant precedent demonstrating that in administrative disputes, communities have a viable chance of prevailing. However, this opportunity becomes null and void without an effective mechanism to monitor the implementation of the ruling. Therefore, evaluating effectiveness cannot be limited to whether the community wins in court, but must also consider whether their land rights are genuinely recognized and protected following the decision. The effectiveness of the law should be measured by the tangible outcomes experienced by the community, rather than solely by formal procedural success. (Kawaibi et al., 2023)

In conclusion, the legal protection afforded to local communities in the Landbow agrarian dispute in West Bangka demonstrates that the law can provide formal channels for conflict resolution. However, its effectiveness largely depends on the responsiveness of local government, the capacity of communities to access legal remedies, and the influence of economic-political power dynamics on the ground. To enhance this effectiveness, there is a need for a robust monitoring system for the implementation of court decisions, bureaucratic reforms in land administration, and strengthened advocacy support for affected communities. Thus, agrarian justice should not merely reside within judicial rulings but must be realized tangibly within the lives of the people.

Legal and Non-Legal Barriers in the Fulfillment of Land Rights by Local Communities

Agrarian conflicts in Indonesia such as the Landbow case in West Bangka Regency do not merely reflect disputes over land ownership, but also open a critical space to examine the deeper structural imbalance in access to justice between local communities and institutional or corporate powers. One of the most fundamental issues emerging from this case is the reality that the struggle of local people to attain justice over lands they have occupied and cultivated for generations is confronted by a series of barriers both legal and non-legal in nature (including sociological, political, administrative, and cultural dimensions). These obstacles systematically weaken the bargaining position of communities in land disputes and give rise to structural and chronic inequality within the national land administration system. (Suhartati et al., 2023)

1. Legal Barriers: Inequality of Access and Regulatory Complexity

Normatively, communities are indeed protected by a range of legal instruments, including the Basic Agrarian Law (Law No. 5 of 1960), Government Regulations on Land Registration, and various sectoral regulations. However, in practice, the most apparent legal barrier is the inequality in access to the law. Most of the communities involved in land conflicts such as the Landbow farmers in Kelapa Sub-District lack sufficient legal knowledge. As a result, they are often unaware of how to formulate legal claims, prove ownership rights, or respond to administrative documents issued by corporate entities. They tend to have limited understanding of key legal concepts such as ownership rights, cultivation rights (Hak Guna Usaha), land certificates, underlying legal titles (alas hak), and formal legality despite the fact that these elements frequently serve as the basis for corporate legal claims against them. (Maulida & Chumaida, n.d.)

Another legal obstacle lies in the complexity of land regulations, which are not accompanied by adequate harmonization across different laws and regulations. National and regional regulations often contradict one another, and various government institutions possess overlapping authorities in issuing permits or recognizing land rights. In the context of the Landbow conflict, the asset declaration letter issued by a regional agency in 2017 was later declared invalid by the Administrative Court (PTUN). This highlights a systemic weakness in administrative oversight, which allows for the emergence of unlawful land claims. Ironically, although the local community has exercised physical control over the land for decades, such occupation is often not legally recognized in the absence of formal certificates or legal documentation.

Furthermore, local communities also face significant litigation barriers, particularly in terms of limited resources to access legal processes. Court fees, the need for legal representation, and the prolonged duration of court proceedings often discourage many community groups from pursuing justice through litigation. In the Landbow case, the involvement of LBH Milenial Bangka Tengah serves as a positive exception; however, in many other regions, such access to legal aid is not available. Communities are frequently forced to navigate complex legal processes with minimal resources, while contending with corporate entities that possess substantial financial power, professional legal counsel, and privileged access to state institutions.

In addition, the lack of recognition for customary law or local land tenure practices constitutes a significant barrier. Although land ownership by local communities often extends over generations and is grounded in customary systems or community consensus, Indonesia's formal legal system has yet to fully accommodate such forms of tenure—except through formal land certification processes. As a result, communities are frequently regarded as lacking a strong legal basis, even though they are, in fact, legitimate social owners of the land. Without progressive policies that provide for collective recognition or communal certification, local communities will continue to occupy a subordinate position in agrarian disputes.

2. Non-Legal Barriers: Political, Economic, Social, and Cultural

The non-legal barriers faced by local communities are no less serious. In practice, many agrarian conflicts arise due to power coalitions between corporations and local bureaucracies. Local governments, which ideally should act as neutral arbitrators or protectors of the people, often occupy an ambiguous position—or even side with corporate interests—due to economic, political, or investment-related considerations. In several instances, local government actors are, in fact, the ones who issue the administrative documents that become the source of land disputes, as evidenced by the issuance of the Landbow asset declaration. When short-term economic interests prevail over the principles

of social justice, legal justice becomes increasingly difficult to achieve, even in the presence of a court decision.

Pressure and intimidation against local communities also constitute a frequently overlooked form of non-legal barrier. Many villagers are reluctant to assert their rights for fear of facing threats, criminalization, or social stigma from their surroundings and authorities. In other instances, farmers or community leaders who spearhead resistance against eviction have been charged with criminal offenses such as property damage, land encroachment, or public order violations. This demonstrates that, normatively, legal protection still fails to encompass the repressive socio-political realities on the ground. (Subowo & Wahyudi, 2023)

The community's economic dependence on the disputed land also constitutes a significant barrier. Local residents particularly farmers rely on the contested land as their primary source of livelihood. When land tenure is uncertain or when they face the threat of eviction, economic and social insecurity becomes a tangible and pressing concern. This uncertainty often compels communities to submit or compromise with corporate entities merely to ensure day-to-day survival, despite being aware of the strength of their legal position. In the Landbow case, residents of Kelurahan Kelapa explicitly asserted that the land provides sustenance for more than 100 households. If the local government fails to promptly implement the court's ruling by revoking the asset declaration letter, ongoing tension will persist, leaving the community to live under the constant shadow of uncertainty.

Equally significant is the weakness of the community's own legal culture, particularly in terms of its capacity to organize collective and consistent legal resistance. Low levels of legal literacy, unfamiliarity with legal procedures, and the lack of practical legal education often lead to a deep seated skepticism among community members about the ability of legal channels to defend their rights. This distrust is further exacerbated by repeated past experiences where the law appeared to favor the powerful rather than the just. As a result, communities tend to avoid engaging in legal disputes or become heavily reliant on external actors such as NGOs and public interest lawyers to act on their behalf.

On the other hand, it must also be acknowledged that communities face significant barriers in accessing information. Many are unaware that a court ruling has ruled in their favor or are unsure of the subsequent legal steps they can pursue. Transparency on the part of local governments and corporations in conveying relevant information to the public is often lacking. Information concerning the legal status of land, ownership documents, and ongoing legal processes is frequently handled in a non-transparent and unaccountable manner. This lack of accessible information results in an asymmetrical power dynamic between the local communities and opposing parties in the dispute.

3. The Synergy of Legal and Non-Legal Barriers: The Devil's Circle of Agrarian Injustice

The combination of legal and non-legal barriers creates a vicious cycle of agrarian injustice. (Aksnudin, 2023) When communities lack legal empowerment, possess limited knowledge, receive no bureaucratic support, and are discouraged from resisting, legal justice becomes illusory. Even when they achieve a formal victory in court, as seen in the Landbow case, there remains a strong possibility that such a victory will not yield lasting impact without firm and proactive measures from local authorities.

To break this vicious cycle, a holistic approach is required—one that goes beyond normative legal reform and encompasses community empowerment, oversight of local bureaucracies, and structural reform of land tenure systems and agrarian conflict management. The state must not merely act as a neutral arbitrator, but as a protector of vulnerable communities. Without substantive and systemic legal alignment in favor of the marginalized, justice will remain an illusion confined to the rhetoric of formal law.

CONCLUSION

Based on the analysis described above, there are two important conclusions in this study, namely:

First, the effectiveness of legal protection for local communities in agrarian disputes with corporations in West Bangka Regency, as reflected in the Administrative Court Decision No. 16/G/PTUN.PGP/2025, demonstrates that normatively, the Indonesian legal system has provided legal instruments enabling communities to seek justice through litigation. The ruling affirms the law's alignment with the community by annulling an unlawful administrative document. However, this effectiveness has not been fully realized in practice, given the weak implementation of the court's decision by the local government and the absence of a robust oversight mechanism to ensure the concrete enforcement of legal protection. A judicial victory does not necessarily translate into fair implementation; as such, legal justice remains partial and has yet to comprehensively address the welfare of the affected communities.

Second, in the pursuit of justice over land rights, communities face a range of both legal and non-legal barriers. Legal obstacles include limited access to legal aid, the complexity of land regulations, and the weak recognition of communal and customary rights. Meanwhile, non-legal challenges such as socio-political pressure, economic power imbalances, low legal literacy, and the lack of responsiveness from local governments in implementing court decisions constitute major impediments to the fair realization of land rights. The synergy between these legal and non-legal barriers creates a complex structure of injustice that demands policy interventions which are pro-people, participatory, and sustainable.

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