

The Role Of Land Deed Making Officials (PPAT) To Prevent Agricultural Land Conversion For Food Security In Madiun Regency

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Abstract.

To find out the role of land deed making officials (PPAT) in agricultural land conversion policies in Madiun Regency and find out the factors that cause agricultural land conversion in Madiun Regency and what are the legal consequences. This research uses an empirical juridical approach or Socio Legal Research. The research approach used in socio-legal research uses an interdisciplinary approach. The research specification that the author uses is the descriptive research specification of the analysis. The results of the research obtained are that the role of Land Deed Making Officials (PPAT) in providing assistance in managing agricultural land conversion is an implementation of the provisions of Article 7 paragraph (1) of Government Regulation Number 24 of 2016 amending Government Regulation Number 37 of 1998 concerning Regulations of Land Deed Making Officials. In the provisions of the article, it is explained that the Land Deed Making Officer (PPAT) is guided by the Regulation of the Head of the National Land Agency Number 2 of 2011 concerning Guidelines for Land Technical Considerations in the Issuance of Location Permits, Implementation of Location Permits, and Land Use Change Permits and other related laws and regulations. Factors that cause agricultural land conversion in Madiun Regency and its significant legal consequences are factors such as the age of farmers and the level of dependence of farmers on food agricultural land have not significantly affected the level of conversion of agricultural food land in Madiun Regency. Asee the function of agricultural to non-agricultural land in the Madiun Regency area.

Keywords: PPAT Function, Land Function Conversion and Food Security.

I. INTRODUCTION

Food is a basic human need to fulfill their lives, therefore food is often referred to as an eternal need throughout human civilization because without food, humans will not be able to meet their needs and will not be able to sustain their lives. Land is a valuable asset and plays an important role in human life. This is because humans are very dependent on land to meet their needs, especially for shelter. From an economic point of view, land has a high economic value; Because soil has fixed properties and can be used in the future. From time to time, people's needs for land are increasing; in line with development, economic growth, and population density. There is also an increasing need for support in the form of legal certainty guarantees in the land sector. Human life is almost largely dependent on land, both for livelihood, clothing needs, shelter, food and other needs of a religious nature. Everyone who has the right to land will always try to defend an inch of land. [1] The rights by the state referred to here are related to the right to legal certainty that citizens are entitled to. Every land sale and purchase transaction carried out between two parties of the seller and the buyer, then it must be followed by making a deed of purchase before the land deed making official, and then a certificate renewal is carried out at the office of the National Land Agency. Land conversion or conversion of agricultural land is actually not a new problem. Population growth and economic growth demand that infrastructure development in the form of roads, industrial buildings and settlements. This, of course, must be supported by land availability. Conversion of agricultural land is usually carried out directly by land owners or indirectly by other parties which previously began with a sale and purchase transaction of agricultural land. Many factors influence landowners to convert land or sell their agricultural land, including land prices, income proportions, land area, land productivity, land status and government policies.

Population density and population growth in Madiun Regency should be a serious concern, especially related to proportionality of land use for food agriculture and also land use for housing development. Consideration of proportionality is very necessary considering that land is a limited natural resource. The imbalance of population in the area with the existing land supply and the socio-economic

structure of the pluralist community makes land problems in the region more complex.[2] The conversion of agricultural land, especially in Madiun Regency, has increased, initially the main purpose of changing the use of agricultural land was to improve the welfare of the community and the nation's economy. However, its implementation can threaten the certainty of food supply if it is not controlled. Even in the long run, such changes can result in social harm. Agricultural land is land or land that is intended or suitable for agricultural land to produce agricultural crops and for livestock. Included agricultural land are all plantation land, ponds for fisheries, land where cattle graze, former fields and forests that are places of livelihood for the rightful. The perpetrators of agricultural land conversion in Madiun Regency, usually they first come to the Land Deed Making Office (PPAT). They asked whether the converted land could be continued or not. The Conversion Perpetrator requested the rocks of the Land Deed Making Officer, especially in relation to recommendations from several relevant agencies. Related agencies or agencies that have the right to issue Recommendation Letters include Dpmpstsp, Perkim, Agriculture and Food Security, BPN, Public Works. The Land Deed Making Officer (PPAT) should be able to give answers as appropriate, telling how the demands and procedures that must be implemented in the process of agricultural land conversion.

Notify the applicable regulations in Madiun Regency related to the process of agricultural land conversion, and provide counseling and legal rules in Madiun Regency. In the preparation of this thesis, the author has explored sociological factors that become obstacles for Land Deed Making Officials (PPAT). When the factors that become obstacles are known, the function of the land deed making official (PPAT) in preventing the transfer of agricultural land functions is then the author analyzes the provisions of laws and regulations. Food security for the people of Madiun Regency is presented by the author so that the research in this thesis becomes more comprehensive. Disputes can arise due to the incompatibility of the interests of the parties, so that the existence of this authentic deed is expected to be used as the most accurate written evidence in resolving disputes. Meanwhile, if a legal deed is only done with a deed under hand, then the deed has no definite legal force, because the deed is only made by the giving party and the party receiving and signed by both parties without any connection with a general official who can prove the truth of the deed. The above also cannot be clearly determined the rights and obligations of both parties who sign the deed, it is not promised that it will not cause disputes because the deed is only known to both interested parties, while third parties who may have an interest in the object of the agreement do not know the legal acts that have occurred, so that it can cause disputes. The deed made by PPAT applies as an authentic deed, one of which is the deed of sale and purchase (AJB), which is a deed made if someone wants to sell their land to someone else. Therefore, the author is interested in examining how the Role of Land Deed Making Officials (PPAT) to Prevent the Conversion of Agricultural Land in order to Realize Food Security in Madiun Regency Derived from Buying and Selling is viewed from State Responsibility.

II. RESULT AND DISCUSSION

1. The Factors That Cause Agricultural Land Conversion Pertanian in Madiun Regency

Land can be owned by anyone, individual, community as a group or legal entity. The basic need for land is that land has a high position for human life, as a place where he was born, raised, built his life as a place to live, as a source of income, and also when he died later. Land for human life has a very important significance, because a large part of his life depends on the soil. Land is a gift from God Almighty to mankind on earth, from birth to death, humans need land for shelter and a source of life. In this case, soil has economic, social and ecological dimensions.[3] Factors that affect the conversion of agricultural land as above because income from agricultural products (especially rice) turns out to be less so it is very clear that farmers feel less results from their land. Agricultural products lose in terms of the amount of money to compete with others (especially non-agricultural businesses) such as industry and housing construction etc. This low agricultural output from the financial side encourages farmers and agricultural land owners to be interested in other businesses outside agriculture in the hope that their income will increase (although not necessarily increase because the majority of their skills or skills are still minimal) by replacing agricultural land (rice fields) to non-agricultural land, meaning that the utility of agricultural land is lower.

[4] Furthermore, Rawls also presents ideas that are in accordance with the theory of natural law in social contract theory. The idea is that people don't know what they're going to become. They won't know where their place in society will be. They will not know their class position or social status, nor will anyone know their fortune in distributing natural assets and abilities, intelligence, power, and the like. Thus, no one benefits or is harmed by the natural conditions possessed by a human being as a result of the laws of nature.[5] Development policies that are considered influential on land use change include the construction of highways and toll roads, airport construction, activation of railway lines, and the construction of tourist areas. Justice has always been the main virtue in the presence of social institutions. Even if there are laws and social institutions that run well and efficiently, if they do not bring justice, they must still be reformed or even abolished. The effort to bring about justice is a dynamic process that takes a lot of time.

According to Lestari (2009) [6] the process of converting agricultural land to non-agricultural use that occurs is caused by several factors. There are three important factors that cause the conversion of rice fields, namely:

1. External factors. Is a factor caused by the dynamics of urban, demographic and economic growth.
2. Internal factors. This factor looks more at the side caused by the socio-economic conditions of land-using agricultural households.
3. Policy Factors. Namely aspects of regulations issued by the central and regional governments related to changes in the function of agricultural land.

According to Rauf (2010) [7] land use change has an impact on economic conditions, social roles, cultural value orientation, social stratification, and employment opportunities and community business opportunities. Some of the changes reflected are the increase in the workforce moving outside the agricultural sector. Although it should be able to increase the economic level and income of farmers, the reality is not the case. It is evident that there has been an increase in seasonal labor workers. Development policies that are considered influential on land use change include the construction of highways and toll roads, airport construction, activation of railway lines, and the construction of tourist areas. When viewed in ordinal regression results, one of the subfactors that has a significant effect is road conditions. This explains that the better the access to an area seen from the road conditions, the higher the level of land use change in the area. This relates to the value of land rent which increases along with increased access to an area. People will prefer to convert land into shops, housing, or other service fields that generate greater profits when compared to agriculture. All human beings have the same basic rights and cannot be distinguished from one individual to another so that their dignity or honor must always be maintained and protected by every human being in the world. Furthermore, based on this, it is known that human rights are universal and their existence is not hindered by their place of validity and is not limited by space and time and cannot be separated and violated by anyone.[8]

Spatial planning is necessary to anticipate the negative impacts of land use change. If more detailed, the negative impacts of the conversion of agricultural land are:

- a. Reduced paddy fields resulting in decreased rice production, which disrupts the achievement of food self-sufficiency;
- b. The reduction in rice field area which results in a shift in employment from the agricultural to non-agricultural sectors, which if the existing local labor force is not fully absorbed will actually increase unemployment, this social impact will develop with increasing social jealousy of local people towards migrants which in turn has the potential to increase social conflicts;
- c. Government investment in the procurement of infrastructure and irrigation facilities is not optimally utilized;
- d. The failure of investors in carrying out housing and industrial development as a result of the economic crisis or due to miscalculation results in the unutilization of land that has been acquired so as to increase the area of sleeping land which in turn will cause social conflicts such as land looting.[9]

Protection of food agricultural land is an integral part of regional spatial planning. For this reason, the protection of food agricultural land needs to be done by determining agri-food areas that need to be protected. The first principle is referred to by Pan Mohammad Faiz (2009) as "*equal liberty principle*". According to Rawls, the basic freedoms that must be guaranteed are freedom of speech, freedom of assembly, freedom of politics (the right to vote and the right to be elected), freedom to own and control private property, and freedom from arbitrary arrest and detention. Treatment in guaranteeing these freedoms must be equal among citizens, because the prerequisite of a just society is to have equal basic rights (Rawls 1971). In the framework of sustainable agricultural development, land is a basic resource in agricultural business, especially in conditions where most of the business fields still depend on land-based agricultural patterns. Land is a scarce natural resource because the amount does not increase, but the need for land is always increasing.

2. The Role of Land Deed Making Officials in Agricultural Land Conversion

Indonesia's National Land Law which is fully regulated in Law Number 5 of 1960 concerning Agrarian Principles is a law imbued with customary law. This is because customary law in the process of buying and selling land in Indonesia has been in effect for a long time in Indonesian society. The concept of law in buying and selling has different applications, for example customary law adheres to the principle of "light and cash". It clearly means that the legal act of sale and purchase is carried out in the presence of an official who has the authority to witness the process of buying and selling land, so there is less possibility of land conflicts. While Cash is a direct delivery from the seller and buyer without any delay or distance in time. Regulations made by the government related to land conversion are considered ineffective because there are various ways to make changes to the physical condition of the land. The purpose of making regulations regarding land conversion in addition to prevention also serves as control, but the weakness of the regulation is due to several rules that are advisory or unclear sanctions given if there is a violation of the law. Land conservation itself is a decision made collectively (together) so it will be difficult to know the parties involved in this land conversion. [10] The Agrarian Law was promulgated in the State Gazette of the Republic of Indonesia Year 1960 Number 104 on September 24, 1960. The UUPA which contains the main provisions of the Land Law aims to eliminate things that have happened before, namely dualism in the field of Land Law, and is intended to organize legal unity in accordance with the wishes of the people as a unified nation and in accordance with economic interests. Menurut Soehadi, "jual beli tanah menurut hukum adat adalah perpindahan tetap tanah dengan menerima sejumlah uang yang dibayar tunai oleh pembeli dan pembeli memperoleh hak kepemilikan penuh atas tanah. Pembayaran tunai ini dilakukan di depan kepala desa sebagai saksi sahnya transaksi jual beli".

[11] In general, humans always interact, so as to create relationships between individuals and individuals. Relationships between individuals lead to relationships tailored to their needs, including their need for land. If the relationship between two persons or two persons is governed by law, that is, the relationship between persons governed by law and whose consequences are reserved by law, then the relationship is called a legal relationship. The sale and purchase of land based on customary law is still routinely carried out by some Indonesian people. Especially those who have a weak economic situation and a low level of education. This is due to the effect of customary law, which stipulates that the sale and purchase of land rights is legal if it is clear and meets cash requirements. In customary law there is a system used for buying and selling land rights known as Light and Cash. This means that the transfer of land rights from the seller to the buyer must be carried out simultaneously with payment before the Land Deed Making Officer. Based on the provisions of the Law on Agrarian Principles as the applicable law in Indonesia, the sale and purchase of land is not only a formal agreement but also a material agreement. Therefore, in addition to the agreement, there are forms and conditions that must be met in order for the agreement to be valid. One of the conditions that must be met is that the sale and purchase of land is carried out before the land deed making official and then registered with the land office. This is what makes buying and selling land legal. [12] Therefore, based on customary law and also the Law on Agrarian Principles which is the basis of national land law in Indonesia, the transfer of land rights is said to have legal force not when there is an agreement or signing by both parties, but when the land sale and purchase transaction is carried out in

cash or directly between the buyer and seller, carried out before the land deed making official, and finally registered with the land office or the National Defense Agency.

In the process, the land deed making official has the responsibility to investigate the land title and the identity of the parties. The land deed making official also has the responsibility to check whether the certificate is free from various legal problems such as disputes and others, and if it is found that the certificate is not problematic, then the land deed making official makes a sale and purchase certificate. The proceedings will be attended by the parties and witnessed by a minimum of two witnesses. The Right to Control the State over land is a right of control based on a common basis; eternal and is the parent of other land tenure rights. The Law on Agrarian Principles has the main spirit to make "the declaration of land controlled by the Indonesian people as common land shows the existence of legal relations in the field of civil law". [13] The Right to Control the State describes legal institutions and concrete legal relations between the State and land throughout Indonesia. The relationship between the Right to Control the State and land throughout Indonesia is solely for the public. This public authority comes from the delegation of duties of the Indonesian nation to land throughout Indonesia. This is what distinguishes the occupation of land by the state during the reign of the Dutch East Indies, which at that time was known as what was called *domein verklaring*. This *domein* implies that all lands where the other party cannot prove its eigendom are declared state dominions. So, at that time the state was referred to as the owner of the land. This statement is necessary to legitimize the authority of the state in providing, selling or leasing land to those in need. With the enactment of the Law, all provisions regarding this *domein verklaring* are revoked. In General Explanation number II it is stated that "The Basic Agrarian Law departs from the establishment that to achieve what is specified in Article 33 paragraph 3 of the Basic Law it is unnecessary and out of place, that the nation or the State of Indonesia acts as the owner of the land.

It is more appropriate if the State as an organization of power of the whole people (nation) acts as a Government". From this understanding, it must be seen the understanding of the provisions of Article 2 paragraph 1 of the Law which reads "Earth, water and space, including the natural resources contained therein, at the highest level controlled by the State". In accordance with the root above, the word "controlled" in this article does not mean "owned", but what is meant is to give power to the State, as the organization of power of the Indonesian nation at the highest level. At the time of the amendment of the 1945 Constitution, the word "controlled by the state" contained in Article 33 paragraph (3) of the 1945 Constitution, was proposed to be changed to "controlled and/or regulated by the State". With these two words shows that there is a difference in understanding between 'dikuasai' and 'regulated'. The term 'dikuasai' signifies civil relations, while the word is regulated to indicate public relations. Meanwhile, so far the UUPA and several other laws and regulations interpret the word 'controlled' including the authority to regulate. The provisions of the main duties and authority of the Land Deed Making Officer (PPAT) are further regulated in Government Regulation number 37 of 1999. Since the issuance of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (hereinafter abbreviated as UUPA) a Government Regulation Number 37 of 1998 concerning the Regulation of the Position of Land Deed Making Officer (PPAT) (hereinafter abbreviated as PP No. 37 of 1998), as a complement to the Government Regulation on Land Registration and has been promised in Government Regulation Number 24 of 1997 concerning Land Registration (hereinafter abbreviated as PP No. 24 Year 1997) Article 7 then the duties and scope of the PPAT position are clearer and more detailed.

The sale and purchase of land is regulated in the UUPA, which is further regulated in Government Regulation No. 10 of 1961 concerning the Implementation Regulations of the UUPA, in Article 19 specifies that the sale and purchase of land must be proven by a deed made by and before the Land Deed Making Officer (PPAT). Given the importance of the duties and functions of the Land Deed Making Officer (PPAT) in the lives of people in Indonesia today, the government also sets the criteria and requirements of the Land Deed Making Officer. Meanwhile, persons who can be appointed as PPAT according to Article 11 of the Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 1 of 2006 concerning Provisions for the Implementation of PP Number 37/1998 concerning the Regulation of the Position of Land Deed Making Officials are:

1. PPAT is appointed by the Head of the National Land Agency.
2. To be appointed as PPAT concerned, they must pass the PPAT exam organized by the National Land Agency of the Republic of Indonesia.
3. The PPAT exam is held to fill in the PPAT formation in districts / cities whose PPAT formation has not been met.

Generally, concrete state land tenure can be found in Law Number 12 of 2012 concerning Land Acquisition for Development in the Public Interest, which allows the government to relocate affected communities accompanied by proper compensation. However, there are several accompanying problems as quoted by Sudarwanto and Handayani (2019), namely:

1. Problems with land certificates and/or traditional proof of ownership that cause double certificates;
2. The absence of disputed land boundaries; and
3. Conflicts of interest between affected communities and government plans generally disagree on what compensation will be given.

The law must be able to bridge conflicts between the above interests into harmony, because conflicts of interest must be placed in the same field, namely social interests related to safety guarantees, health insurance, security and order. [14] The concept of land tenure by the state in Law Number 12 of 2012 actually puts the interests of the wider community or social interests, compared to affected communities which can be categorized as public interests.

3. Analysis of the Role of Land Deed Making Officials in Agricultural Land Conversion

Previously, the author explained that the transfer of agricultural land has a fairly broad impact, so its implementation must pay attention to the provisions of applicable laws and regulations, especially in Madiun Regency. The author argues that the conversion of agricultural land under the pretext of public interest, sometimes misused because the use of land that is converted is not according to the original plan, even tends to give birth to misery of the community of former rights holders, not infrequently under the pretext of public grogginess, community land is used for these needs, for example the needs of industrial development, the construction of shopping centers (malls) that will only be used by a group of people. Similarly, it is not uncommon for land expropriation to leave legal problems. The authors argue that the disruption of food security resulting from many conversions is significant. Many areas that were previously rice-producing areas have now become areas that import rice from other regions. This food security problem not only reduces rice production but also interferes with economic, social, and political stability.

The author argues that in accordance with the Regional Regulation of Madiun Regency Number 9 of 2011 concerning the Regional Spatial Plan of Madiun Regency for 2009-2029 that agricultural land used as a settlement must meet the requirements as stated in the Regional Regulation. The Regional Spatial Plan of Madiun Regency for 2009-2029 states that strict control of sustainable agri-food areas with strategies include:

1. Sustaining sustainable food agricultural land;
2. Developing new rice fields in potential areas; and
3. Provide incentives and disincentives on land that has been designated as sustainable food agricultural land.

The author argues that the conversion of functions has an impact on the number of agricultural lands sold and converted into agricultural land because no one works on agricultural land anymore after the farmers are old. The process of agricultural production that is not balanced with the results obtained from agricultural production is carried out through a long process from cultivating the land, planting seedlings, care to harvesting. This long process requires production costs that are not small. The production process requires various costs such as the cost of rice field cultivation labor, fertilizer and pest eradication costs, and transportation costs. High costs sometimes do not achieve the expected results. Often the net yield received by farmers is less than the production costs incurred. Low agricultural production can be caused by several factors such as natural and weather factors, pest factors and market price factors that are unstable or tend to be low. Conditions like this make farmers feel that the agricultural products obtained often cannot cover production costs so that they cannot meet the needs of farming families.

The author argues that the conversion of agricultural land greatly affects rice food security, the conversion of agricultural land to non-agricultural land has an impact on decreasing rice production rates. This will certainly have an impact on decreasing food security. This requires the seriousness of the Madiun Regency Government to anticipate the decreasing amount of rice production as a result of land use change. The socio-cultural impact has also begun to appear in the people of Madiun Regency with increasing land use change from year to year. The social impact is the shifting pattern of life of the people of Madiun Regency, especially the agricultural porence area which previously the local community was an agrarian community and the merchant community began to turn into an industrial society.

III. CONCLUSION

The function of the Land Deed Making Officer in Land Registration (PPAT) is that the Land Deed Making Officer has a role as an official who has the function and duty to carry out certain activities according to the relevant laws and regulations (making sale and purchase deeds, exchanges, grants, income into companies (inbrenng), distribution of joint rights, granting building use rights, land use rights, property rights, granting dependent rights).The function of PPAT in land use change is not optimal due to the lack of knowledge and information of PPAT on the rules and procedures and the order of transfer of agricultural land functions carried out to the community, most of which carry out the transfer of functions because the community believes that PPAT is more efficient and faster than the community managing the conversion of agricultural land to non-agricultural itself. Land stewardship is often used as a subsystem of spatial planning whose emphasis is on aspects of legality and physical conditions of the land is easily engineered, so that land use change can take place without violating applicable regulations, existing regulations tend to be advisory and not equipped with clear sanctions so that many PPAT violate by engineering field conditions. Practice in the field shows that land use change will continue to occur even though the Law on the Protection of Sustainable Food Agricultural Land has long been established. The implementation of the law depends largely on the commitment of the regional government. The trend shows that after the spatial plan is established, the area of food crops in a number of districts actually decreases. This is because Regional Heads are more interested in short-term non-agricultural investments.

The central government also helped shrink fertile land by building infrastructure such as toll roads in Java that pass through irrigated rice fields. Agricultural land objects that are protected from the conversion process should be determined based on the zoning determination of agricultural land that cannot be changed even though the agricultural land has been drained at this time the object is protected based on the physical condition of the land, even though the physical condition of the land is relatively easy to engineer, so that land conversion can take place without violating applicable regulations, existing regulations tend to be advisory and not equipped with sanctions that Obviously, both regarding dimensions and those sanctioned. In order to avoid the acceleration of agricultural land conversion on wasteland by developing land-saving principles for industry, housing and trade, limiting the conversion of productive agricultural land, absorbing labor, directing conversion to less productive land, limiting the area of conversion with reference to independent food provision in the district, establishing perennial food areas with incentives for landowners and local governments. The acceleration of agricultural land conversion is caused because the Government seems to allow the conversion of agricultural land, population growth, community needs for settlement, high costs for agricultural operators, unstable agricultural prices, lack of interest of the younger generation in managing agricultural land, change to sectors that are considered more promising, weak regulations on land use change control, low land rental value, weak regulations made and is not assertive by relevant institutions. The impact of agricultural land conversion is the reduction of agricultural land that changes its function so that there is no longer the sustainability of rice fields resulting in a decrease in national food production, threatening the balance of the ecosystem, agricultural infrastructure facilities become unused, many agricultural workers lose their jobs, food prices are getting more expensive, high rates of urbanization.

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