

THE CONSTITUTIONAL COURT'S INTERPRETATION OF THE PHRASE "PEOPLE'S PROSPERITY" AS A PARAMETER FOR EVALUATING AGRARIAN REFORM ACCESS ARRANGEMENT POLICY IN WERU DISTRICT, SUKOHARJO REGENCY

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Abstract

This study discusses the access arrangement program in agrarian reform. The study aims to analyze the implementation of access arrangement in Weru District, Sukoharjo Regency. In the study, the author links it with the Constitutional Court's interpretation of the phrase "people's prosperity" contained in Article 33 paragraph (3) of the 1945 Constitution. This is to determine whether the implementation of access arrangement in Weru District has succeeded in realizing the goal of agrarian reform, namely realizing people's prosperity. The study is an empirical juridical study. Data collection was carried out through interviews. The research approach used is socio-legal. The parameters of people's prosperity used in the study are based on the interpretation of the Constitutional Court, namely benefit, equity, participation, and sustainability. The results of the study indicate that the implementation of access arrangement in agrarian reform in Karangtengah Village, Weru District has not fully demonstrated the maximum level of people's prosperity, seen from the parameters of the Constitutional Court's interpretation.

Keywords: people's prosperity, access management, agrarian reform, interpretation of the Constitutional Court

INTRODUCTION

Indonesia's national development is essentially aimed at realizing general welfare in accordance with the mandate of the 1945 Constitution of the Republic of Indonesia. Agrarian reform is one of the state's strategic instruments for realizing these constitutional goals. Agrarian reform is a key pillar in realizing social justice and restructuring land ownership structures in Indonesia. Historically, inequality in agrarian asset ownership in Indonesia is rooted in an exploitative colonial legacy. The Indonesian government then enacted Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA) as a corrective response. This UUPA became the foundation of national land reform, aiming to overhaul colonial agrarian law into a national agrarian law that is populist, just, and pro-community, particularly smallholder farmers.

The highest philosophical and legal basis for the implementation of Agrarian Reform and the UUPA is based on Article 33 paragraph (3) which states that "the land, water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people." The derivative of this constitutional mandate is stated in Article 2 of the UUPA, which formulates the concept of the State's Right to Control (HMN). The position of society cannot be subordinated to the state in the principle of "state control" in the relationship between the state and society. This is because the state actually receives power from the community in terms of regulating the allocation, supply and use of land. The state also receives power related to legal relations from legal acts related to land (Sumardjono, 2009). The basis of the State's Right to Control does not mean that the state acts as an owner, but rather the state acts as an organization of power over all the people who are given public authority to regulate, manage and supervise agrarian resources for the general welfare.

The state as the main figure responsible for managing agrarian resources in order to achieve social justice and public welfare. State control over agrarian resources is the implementation of Article 33 paragraph (3) of the 1945 Constitution, and the granting of such power to control agrarian resources for the benefit of the Indonesian people (Zakie, 2005). The state does not only play a role as a law maker (regulator), but must also actively ensure that the management of agrarian resources will provide real benefits for the general public. State authority must be

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based on legal principles derived from Pancasila, namely: the principle of land utilization, the principle of land maintenance, the principle of appropriateness, and the principle of balance in releasing ownership of land rights (Erwiningsih, 2009). Agrarian reform includes asset reform, in the form of land redistribution and legalization, and access reform. Access reform aims to improve communities' ability to utilize land productively. In practice, the implementation of agrarian reform in Indonesia still tends to focus on asset management. Land redistribution is often not accompanied by adequate access management, so the land allocated to the community has not been optimized to improve welfare. This situation prevents agrarian reform from achieving its primary goal of realizing public prosperity as stipulated in the constitution.

The state has the authority and is given the freedom to regulate, make policies, manage and supervise the use of land and water and the natural resources contained therein with constitutional standards, namely "for the greatest prosperity of the people". Based on the provisions of Article 33 paragraph (3) of the 1945 Constitution, "the state's freedom to regulate and make policies regarding land and water and the natural resources contained therein is limited by standards for the greatest prosperity of the people".

Through various monumental decisions, such as Constitutional Court Decision Number 001-021-022/PUU-I/2003, Decision Number 3/PUU-VIII/2010, and Decision Number 85/PUU-XI/2023, the Constitutional Court interpreted four constitutional parameters to test whether the policy of arranging access to agrarian reform has fulfilled the principle of people's prosperity.

Much research has been conducted on Article 33 of the 1945 Constitution and the Constitutional Court's interpretation of it, but most of it remains normative and has not yet examined its implementation in concrete policies. Studies on agrarian reform also tend to focus on asset management, while studies on access management as a crucial instrument in realizing public prosperity have received little attention. This study attempts to fill this gap by examining the implementation of access management in agrarian reform based on the Constitutional Court's constitutional interpretation.

METHOD

This research is an empirical legal research. Empirical legal research is a method of "legal research that examines applicable legal provisions and what happens in reality in society, with the aim of finding facts that can be used as references as research data that ultimately lead to problem solving" (Waluyo, 2002). The empirical legal research method is guided by primary data, namely data obtained directly, which is done either through observation, through interviews, or the distribution of questionnaires (Effendi, 2018). Field studies or field research is a research method by going directly into the field, which is carried out through interviews. Interviews consist of asking questions to parties involved in resolving the case, which is the object of research. Interviews are conducted in a structured and organized manner and have valid and reliable values (Aminuddin & Asikin, 2013). In this study, the author conducted interviews at the National Land Agency Office of Sukoharjo Regency, in the mapping and arrangement section. The interview was conducted with Mr. Juniarto, S.SiT., MM as the First Land Arrangement Officer and Mr. Aditya Dwi Prasetyawan as the Community Self-Help Activist. The type of research is sociological juridical research. The research focuses on "identifying (recognizing) the actual laws that apply, which are implicitly applicable (fully) rather than explicitly (clear, firm, regulated) in legislation or described in the literature, and is also directed at the effectiveness (applicability) of the law in the life of society" (Raharjo, 2010).

The research approach used in this journal is a socio-legal approach. Socio-legal research is also known as non-doctrinal research. Non-doctrinal research places observations of social realities rather than being placed as general propositions. Non-doctrinal research seeks "patterns of consistency or patterns of relationships (correlations or causalities) between various phenomena that manifest the presence of law in reality" (Wignjosoebroto, 2013). This method is called non-doctrinal because it uses legal principles in social research, and these legal principles are essentially empirical (Fuad, 2020). The socio-legal approach will help discover and explain the relationship between law and society (Hakim, 2016). This research is related to the disciplines of law, social sciences, and economics. The socio-legal approach is used to describe how the Constitutional Court's interpretation is implemented through the policy of regulating access to agrarian reform, with a focus on the Weru District in Sukoharjo Regency. The data obtained by the author will be processed and discussed using qualitative descriptive methods. Qualitative descriptive methods are used to clearly describe, illustrate, and explain the characteristics of data, followed by in-depth analysis to understand the existing relationships.

RESULTS AND DISCUSSION

Agrarian Reform

Agrarian reform is a continuous process concerning the restructuring of land control, ownership, use, and utilization, implemented to achieve legal certainty and protection, as well as justice and prosperity for all Indonesian people. The main principle that must be upheld is that (Rachman & Setiawan, 2016):

1. Land is for those who actually work it (cultivators)
2. Land is not used as a commercial commodity, that is, it cannot be used as a commodity (buy and sell) which is only intended to generate profit)
3. Land has a social function and should not be monopolized

The principles of agrarian reform and natural resource management as stated in Article 4 of Decree MPR/IX/MPR/2001 are carried out with the following principles:

1. Maintaining and defending the integrity of the Unitary State of the Republic of Indonesia
2. Respect and uphold human rights
3. Respecting the supremacy of law by accommodating diversity in legal unification
4. Prosper the people, especially through improving the quality of Indonesia's human resources
5. Developing democracy, legal compliance, transparency and optimizing people's participation
6. Realizing justice including gender equality in the control, ownership, use, utilization and maintenance of agrarian resources/natural resources
7. Maintaining sustainability that can provide optimal benefits, both for the current generation and future generations, while still paying attention to the environmental capacity and carrying capacity.
8. Carrying out social functions, equality and ecological functions in accordance with local socio-cultural conditions
9. Improving integration and coordination between development sectors and between regions in implementing agrarian reform and natural resource management.
10. Recognize, respect and protect the rights of indigenous legal communities and the nation's cultural diversity over agrarian resources/natural resources
11. Striving for a balance of rights and obligations of the state, government (central, provincial, district/city and village or equivalent), society and individuals
12. Implementing decentralization in the form of division of authority at the national, provincial, district/city and village levels or equivalent levels

The principles of agrarian reform above are implemented for the greatest prosperity of the people.

The role of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) in implementing Agrarian Reform is implemented in two stages. The first stage is through asset management, which consists of land redistribution and asset legalization. The next stage is access management, which is implemented in order to increase the economic level, added value, and encourage entrepreneurial innovation among agrarian reform subjects. The implementation of Agrarian Reform not only ensures the legalization of land owned by the community, but also serves as a manifestation of the government's presence in order to realize the prosperity of the people.

Arranging Access in Agrarian Reform

Access management is an economic empowerment program for Agrarian Reform subjects aimed at improving welfare based on land utilization. The scope of access management is based on Presidential Regulation Number 62 of 2023 concerning the Acceleration of Agrarian Reform, which includes:

1. Access to capital
Provides a direct impact that can be implemented by beneficiaries to be able to access capital when the certificate is issued.
2. A list of land legalization and redistribution locations throughout Indonesia, down to the village level, for community land empowerment interventions. The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) is responsible for providing this list and submitting it to relevant stakeholders to implement economic empowerment interventions for agrarian reform subjects through direct assistance within their respective jurisdictions.
3. Other assistance includes social mapping and business mentoring. This assistance is an initiative of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) to enable agrarian reform subjects to be integrated into the larger economic ecosystem.

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Proper access management is essential. Access management is a series of interrelated activities, including (Tehupeiory, 2023)

1. Provision of infrastructure and production facilities
2. Technical guidance and development for beneficiaries
3. Capital support
4. Marketing distribution support and other support

People's Prosperity according to the Constitutional Court's Interpretation

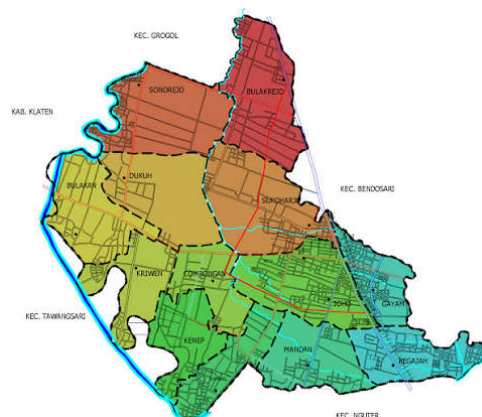
Based on the legal considerations of the Constitutional Court in various decisions, especially Decision Number 001-021-022/PUU-I/2003, Decision Number 3/PUU-VIII/2010, and Decision Number 85/PUU-XI/2023, the Constitutional Court provides substantive parameters that can be summarized as a benchmark for the phrase "as much as possible for the prosperity of the people" in Article 33 of the 1945 Constitution. The benchmarks are:

1. Benefits of natural resources for the people
2. The level of equitable distribution of natural resource benefits for the people
3. Level of public participation
4. Sustainability or respect for the rights of the people from generation to generation in utilizing natural resources

Weru District, Sukoharjo Regency

Weru District is one of the areas actively implementing agrarian reform policies in Sukoharjo Regency. Weru District is one of 12 districts in Sukoharjo Regency, Central Java. Weru District covers an area of approximately 4,283 hectares or 42.83 km². Weru District is located in the lowlands with topography varying from flat to undulating. This area is dominated by fertile alluvial and grumusol soils, has a tropical climate, and consists of 13 villages, namely

1. Alasombo
2. Grogol
3. Jatingarang
4. Karakan
5. Karanganyar
6. Karangtengah
7. Krangwuni
8. Karangmojo
9. Krajan
10. Ngreco
11. Tawang
12. Tegalsari
13. Weru



Map of Weru District

DISCUSSION

1. Arrangement of Access to Agrarian Reform in Weru District, Sukoharjo Regency

Agrarian Reform Access Activities in Sukoharjo Regency began with several stages, namely:

1. determination of agrarian reform access locations
2. counseling
3. social mapping, in the form of measuring and collecting data, information, social needs and problems, and social technical matters
4. development of agrarian reform access model
5. compilation of data on recipients of access to agrarian reform

The stage of determining the location for agrarian reform access was carried out on March 21, 2024. The location determined was Karangtengah Village, Weru District, Sukoharjo Regency.

The extension stage was carried out on May 14, 2024. This stage aims to introduce agrarian reform access activities and provide information on activities that will be carried out at the agrarian reform access location.

The social mapping phase was conducted from May 27 to July 25, 2024. Social mapping is a series of processes to understand community conditions. Potential MSMEs in Karangtengah Village include household-scale production of tempeh chips and banana chips, traders, and patchwork sewing.

In Phase 1, a Banana Chip Makers group, called the Mantap Jaya Joint Business Group (KUB), was formed. The challenge faced was limited raw bananas. To address this issue, the Sukoharjo Regional Government and Bank Jateng Sukoharjo collaborated to provide banana seedlings to residents.

The implementation of Access arrangement was carried out through the socialization of Agrarian Reform Access (ARA) which was held on July 3, 2025. This socialization was attended by business actors in Karangtengah Village with the following speakers:

1. Head of the Arrangement and Empowerment Section of the Sukoharjo Regency Land Office
2. Head of Karangtengah Village
3. Village Apparatus Organizations (OPD) in Sukoharjo Regency which are members of the Access Arrangement Team of the Sukoharjo Regency Agrarian Reform Task Force.

The socialization activity aims to provide information and understanding to the community regarding various assistance schemes that can help optimize the use of land productively and sustainably as an initial step to encourage economic independence and improve the welfare of Agrarian Reform subjects in Karangtengah Village.

On July 30, 2025, the Sukoharjo Regency Land Office held an Entrepreneurship and Business Development Assistance for Access to Agrarian Reform Phase 2 of 2025, which was held at the Karangtengah Village Hall, Weru District, Sukoharjo Regency. The activity was held in collaboration between the Sukoharjo Land Office and the Sukoharjo Regency Trade, Cooperatives, and Small and Medium Enterprises Office. This business assistance presented speakers from local MSME practitioners who shared experiences and business development strategies. This activity was attended by 100 heads of families. In this training, residents were able to learn how to manage capital and sell agricultural products better, and residents became more prosperous.

This mentoring program aims to explore and develop village business potential, promote economic independence, and improve the welfare of Agrarian Reform participants in the Karangtengah region. Through this business mentoring, participants are expected to gain insights and practical skills that can be directly applied to their business development, while also strengthening the implementation of Agrarian Reform based on community economic empowerment (Sukoharjo Regency Land Office, 2025).

On September 3, 2025, the Facilitation Assistance for Marketing Access and Supporting Facilities for Agrarian Reform Access Phase 2 of 2025 was carried out. This activity was organized by the Sukoharjo Regency Land Office in collaboration with the Department of Trade, Cooperatives, Small and Medium Enterprises of Sukoharjo Regency, and the Department of Industry and Manpower of Sukoharjo Regency. In this activity, speakers from MSME practitioners, content creator practitioners, and representatives from Shopee, one of the online store platforms in Indonesia which is a large forum for Micro, Small and Medium Enterprises. This activity is intended so that business actors in Karangtengah Village are able to develop their potential, expand market access, and make their businesses a pillar of the family and village economy as a whole. In this activity, there are 5 Joint Business Groups (KUB) who are the beneficiaries of Agrarian Reform Access, namely:

- a. KUB Manntab Jaya
- b. KUB Mekar Jaya
- c. KUB Barokah
- d. KUB Jaya Abadi

- e. KUB Source of Fortune

The training activities provided include:

- a. digital marketing training that includes packaging and marketing through Shopee
- b. assistance and creation of Business Identification Number
- c. entrepreneurship mentoring and business development
- d. providing opportunities for cooperation and marketing through modern shops and souvenir centers
- e. marketing training by utilizing social media content
- f. provision of banana seed assistance

2. Analysis of the Conformity of Access Arrangement Implementation with People's Prosperity Indicators

Based on the Constitutional Court's interpretation, this study reconstructs four indicators of people's prosperity: benefit, equity, participation, and sustainability. These four indicators will be used as analytical parameters to evaluate the implementation of agrarian reform access management policies in Weru District, Sukoharjo Regency.

a. Benefits

According to the Constitutional Court's interpretation, state control over sectors of production vital to the nation must be directed toward maximizing benefits for the people. This demonstrates that the concept of people's prosperity embodies the principle of utility, namely the tangible results of state policies that can improve the people's welfare.

With regard to the policy of managing access to agrarian reform, the principle of utility requires that the program implemented not only provides administrative facilities but also generates tangible economic and social benefits for the beneficiary community. Therefore, the success of access management must be measured by increased business productivity, revenue generation, and the community's ability to utilize land sustainably.

Research in Karangtengah Village, Weru District, shows that the agrarian reform access management program has provided tangible benefits to the community. They have gained additional knowledge about access to capital and markets. In terms of capital access, Bank Rakyat Indonesia has provided counseling and credit services to the community during the business mentoring program. Shopee also supports the access management program in Karangtengah Village, through counseling and training on creating Shopee accounts and marketing products through Shopee, one of Indonesia's e-commerce platforms. This platform will connect millions of consumers with products from beneficiaries of the agrarian reform access management program.

b. Equality

Improving welfare is based on the principle of equitable distribution of benefits and access. Public prosperity cannot be considered achievable if the benefits of natural resource management are enjoyed only by some groups in society, while others are denied equal access to these resources. State control over natural resources must be realized through policies that ensure a fair and proportional distribution of benefits.

The principle of equality in agrarian reform is not only realized through the redistribution of land ownership (asset reform), but also through equal access to various supporting resources, such as capital, training, network technology, marketing networks, and business assistance.

The implementation of the agrarian reform access management policy in Weru District has provided equitable access to business assistance, capital access, training, and market networks for the community. Training is provided to all business actors in the form of business development. However, this program has not yet reached the other 12 villages in Weru District. This indicates that the principle of equitable access to the agrarian reform program has not yet been fully realized.

c. Participation

Based on the Constitutional Court's interpretation, the people's prosperity is also influenced by the implementation process. Management of "natural resources aimed at maximizing the people's prosperity" must provide space for public participation in policy planning, implementation, and oversight. Public participation is a manifestation of economic democracy that positions the people as subjects, not merely objects, of development.

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In the context of agrarian reform, participation is realized through community involvement, from the identification of potential, development of access planning, program implementation, and evaluation of activity results. Access planning will not achieve empowerment goals if communities are positioned solely as beneficiaries, without involvement in decision-making processes related to their needs and business development.

Prior to the agrarian reform access planning activity in Weru District, a survey was conducted by the Sukoharjo Regency ATR/BPN Office to identify obstacles and needs in Karangtengah Village. The majority of participants enthusiastically participated in the business mentoring program.

d. Sustainability

According to the Constitutional Court's interpretation, natural resource management must ensure their continued use for future generations. The state is obligated to implement policies that provide continuous benefits without compromising the carrying capacity of natural resources or the sustainability of community life.

The principle of sustainability in managing access to agrarian reform is not simply achieved through providing initial access to communities; it also requires policies that ensure the continuity of program benefits. Access management must be accompanied by business mentoring, institutional strengthening, sustainable access to financing, and the development of marketing networks to enable communities to maintain and increase their business productivity in the long term. Without such support, the benefits of agrarian reform are potentially temporary and unable to achieve sustainable prosperity for the people.

Although the access improvement program has provided economic benefits for some communities, its implementation has not fully met the indicators of people's prosperity as interpreted by the Constitutional Court. This is evident in the lack of a sustainable mentoring mechanism. The agrarian reform access improvement program in Karangtengah Village will run for two years, from 2024 to the end of 2025. At the end of 2025, the National Land Agency Office of Sukoharjo Regency will provide final monitoring as a final report submitted to the Central Java BPN Office. The program, which only lasted two years, and without sustainable business mentoring, means that the program in Weru District has not been implemented effectively and has not fully guaranteed an increase in the welfare of agrarian reform beneficiaries.

CONCLUSION

The implementation of the Agrarian Reform Access Arrangement policy in Weru District, Sukoharjo Regency, focused on Karangtengah Village. The Agrarian Reform Access Arrangement program has been implemented through a community economic empowerment program. Based on indicators of people's prosperity derived from the Constitutional Court's interpretation, the policy has met the aspects of community benefit and participation. However, aspects of equity and sustainability still require strengthening, so the constitutional goal of "maximizing the people's prosperity" as mandated by Article 33 of the 1945 Constitution has not been fully met.

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