

**AN INTEGRATIVE MODEL FOR RESOLVING LAND TENURE
CONFLICTS IN PROTECTED FOREST AREAS**

***MODEL INTEGRATIF PENYELESAIAN KONFLIK PENGUASAAN
TANAH DALAM KAWASAN HUTAN LINDUNG***

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ABSTRACT

Land tenure conflicts in protected forest areas are one of the most complex agrarian issues that remain unresolved to this day. This phenomenon occurs due to the imbalance between the state's legal claims through forestry policies and the socio-economic realities of communities that have long lived and worked on land within forest areas. One concrete case is found in the Protected Forest Area Register 45B Pekon Sukapura, West Lampung Regency. The community in this area faces legal uncertainty, criminalisation, and limited economic and social access due to the lack of legal recognition of their existence. This study aims to formulate an integrative conflict resolution model, taking into account the legal, social, and ecological dimensions in a holistic and contextual manner. This study uses a legal-sociological approach with descriptive-qualitative methods. Data was collected through in-depth interviews with the head of the land office, village chief, traditional leaders, and community members, as well as through document analysis of regulations, institutional reports, and academic studies. Analysis was conducted thematically, linking findings to Rawls' theory of social justice and Chambliss & Seidman's theory of how law works. The results of the study indicate that conflict resolution in the Register 45B area requires an integrative policy model, namely a model that combines the legalisation of community rights through TORA-based agrarian reform mechanisms, active community participation to achieve social justice, and efforts to maintain the ecological protection function of the area. This integrative model is expected

to serve as an applicable policy framework for resolving agrarian conflicts in protected forest areas in a fair, sustainable, and inclusive manner.

Keywords : Agrarian Conflict, PROTECTED Forest Areas, Integrative Model, Sosial Justice, TORA.

ABSTRAK

Konflik penguasaan tanah dalam kawasan hutan lindung merupakan salah satu persoalan agraria yang kompleks dan belum terselesaikan secara adil hingga saat ini. Fenomena ini terjadi akibat ketimpangan antara klaim legal negara melalui kebijakan kehutanan dengan realitas sosial-ekonomi masyarakat yang telah lama bermukim dan menggarap lahan di dalam kawasan hutan. Salah satu kasus konkret terdapat di kawasan Hutan Lindung Register 45B Pekon Sukapura, Kabupaten Lampung Barat. Masyarakat di kawasan ini menghadapi ketidakpastian hukum, kriminalisasi, serta keterbatasan akses ekonomi dan sosial akibat tidak diakuinya keberadaan mereka secara legal. Penelitian ini bertujuan untuk merumuskan model penyelesaian konflik yang integratif, dengan mempertimbangkan dimensi yuridis, sosial, dan ekologis secara utuh dan kontekstual. Penelitian ini menggunakan pendekatan yuridis-sosiologis dengan metode deskriptif-kualitatif. Data diperoleh melalui wawancara mendalam dengan kepala kantor pertanahan, kepala pekon, tokoh adat, serta masyarakat penggarap, dan melalui studi dokumen terhadap peraturan perundang-undangan, laporan lembaga, dan hasil kajian akademik. Analisis dilakukan secara tematik dengan mengaitkan temuan pada teori keadilan sosial Rawls dan teori bekerjanya hukum Chambliss & Seidman. Hasil penelitian menunjukkan bahwa penyelesaian konflik di kawasan Register 45B memerlukan model kebijakan yang integratif, yaitu model yang memadukan legalisasi hak masyarakat melalui mekanisme reforma agraria berbasis TORA, partisipasi aktif masyarakat untuk mewujudkan keadilan sosial, serta upaya menjaga fungsi lindung kawasan secara ekologis. Model integratif ini diharapkan menjadi kerangka kebijakan yang aplikatif untuk penyelesaian konflik agraria di kawasan hutan lindung secara berkeadilan, lestari, dan inklusif.

Kata Kunci : Konflik Agraria, Kawasan Hutan Lindung, Model Integratif, Keadilan Sosial, TORA.

I. INTRODUCTION

Agrarian conflicts in Indonesia are ongoing structural problems that pose serious challenges to national development, particularly in relation to land ownership and use in protected forest areas. From the colonial era to the post-reform era, the relationship between the state and the community in terms of

access to land has often been characterized by injustice.¹ In this case, the state, through forestry regulations and development policies, often unilaterally designates forest areas without considering the existence of communities that have long lived and depended on the land for their survival.

Conflicts over land use arising from unilateral claims to state forest areas and forestry concessions occurred in 17 (seventeen) incidents, covering an area of 77,487 hectares and affecting 10,900 households in 28 villages in various regions. According to data from the Agrarian Reform Consortium (hereinafter referred to as KPA) in 2023, there were at least 7 (seven) cases of conflict directly related to overlapping claims of protected forest areas with local and customary community settlements. The conflicts in protected forest areas cover an area of 6,605 hectares (ha) with 6,703 affected households².

The outbreak of these conflicts is essentially a form of resistance by communities against the land grabbing they are experiencing. Such land grabbing often disregards the land tenure systems that have been recognized and practiced by communities for decades.³ This condition confirms the state's dominance over living spaces that have sociologically become the domain of the people.⁴

Even more ironic, KPA records show that over the past decade there has been no real success in resolving agrarian conflicts arising from unilateral claims to state forest areas (i.e., zero hectares) that remain unresolved.⁵ On the other hand, data from the Ministry of Environment (hereinafter referred to as KLHK) reveals that more than 25,000 villages are currently still within forest areas, without certainty of rights or legal access to land.⁶ This is the main cause of recurring agrarian conflicts that have systemic impacts, ranging from the criminalization of communities, loss of access to education and health care, to fragile socio-economic conditions due to the constant threat of eviction.

In order to gain a deeper understanding of the dimensions of this conflict, it is necessary to view it from a broader perspective, namely that land tenure conflicts in protected forest areas are complex and multidimensional agrarian

¹ Tridakusumah, A. C., Soetarto, E., Adiwibowo, S., & Sriwahyuni, E. (2019). Senjakala Agraria Di Pedesaan Jawa Barat: Dari Akumulasi Ke Eksklusi. *Sodality: Jurnal Sosiologi Pedesaan*, 7(1), 78-95.

² Agraria, K. P. (2023). Dekade Krisis Agraria: Warisan Nawacita dan Masa Depan Reforma Agraria Pasca Perubahan Politik 2024. *Edisi Peluncuran: Laporan Situasi dan Kebijakan Agraria di Ujung Periode Kedua Pemerintahan Presiden Joko Widodo*, p. 10-12.

³ *Ibid*, p. 31.

⁴ *Ibid*, p. 15.

⁵ *Ibid*, p. 15.

⁶ Pusat Data dan Informasi Kementerian Lingkungan Hidup dan Kehutanan. (2023), *Statistik Kementerian Lingkungan Hidup dan Kehutanan 2023, Volume IX Tahun 2023*. ISSN : 3063 – 8399, accessed on Saturday, June 21, 2025, at 11:56 a.m. WIB can also be accessed in https://statistik.menlhk.go.id/sisklhkX/assets/publikasi/file/Statistik_2023_FIX-dikompresi1.pdf

issues. This issue is not only about legality or administrative claims, but also directly relates to issues of ecological sustainability, social justice, and the effectiveness of state policies in managing agrarian resources. Therefore, a partial and sectoral approach is no longer adequate. In this case, a comprehensive and contextual framework for solutions or resolutions is needed.

One example of this complexity can be seen in the case of Protected Forest Area Register 45B, specifically in Pekon Sukapura, Sumberjaya Subdistrict, West Lampung Regency. This area has become a symbol of the tension between state legality and community social legitimacy. A long-standing conflict exists between the state (through the Ministry of Environment and Forestry) and the community, which has long lived and managed the land in this area for generations. The discrepancy between the state's legal claim as the authority over the forest area and the social reality of the community, which lives off the land, is the main source of social tension, ecological vulnerability, and stagnation in the agrarian reform agenda.⁷

Land ownership conflicts in the area began to emerge after the Forest Use Agreement (hereinafter referred to as TGHK) policy was introduced in 1991.⁸ The policy decision caused tension between the state and the community, which referred to two important aspects. First, the community had lived in and managed the area for more than five decades. Second, the process of determining the area did not involve consultation or participation from the local community.⁹

The agrarian conflict in Register 45B also highlights the state's failure to fulfill its promise of fair land redistribution. Based on the Year-End Report compiled by KPA 2023, the implementation of the agrarian reform agenda has actually shown stagnation and an accumulation of new conflicts. The eruption of both old and new agrarian conflicts has become increasingly prominent, driven by investment and development policies that are "land hungry" or encroach on areas that have been occupied by communities for a long time.¹⁰

To that end, the resolution of agrarian conflicts in protected forest areas needs to be placed within a social framework as proposed by John Rawls, who emphasizes the importance of the fair distribution of resources through the

⁷ Interview with the Head of Sukapura Village, Sumberjaya Subdistrict, West Lampung Regency, Friday, February 21, 2025.

⁸ Pasya, Gamal. 2017. *Penanganan Konflik Lingkungan Kasus Pengelolaan Kawasan Hutan Lindung Bukit Rgis Lampung*. Jakarta: PT. Gramedia Pustaka Utama, p. 62.

⁹ Alat Bantu, S, dan Dasar RaTa. t.thn. "RaTa: Sebuah Alat Bantu BAB II." Cifor Icrاف. Accessed April 14, 2025. https://www.ciforicraf.org/publications/sea/Publications/files/book/BK0112_07/BK0112-07-2.pdf.

¹⁰ *Op Cit*, Dekade Krisis Agraria..., p. 30.

principles of difference and equal liberties. Rawls asserts that justice can only be facilitated by obtaining equal rights.¹¹ In this context, the state should be present to realize distributive justice through land redistribution policies, especially for tenant farmers who have long depended on the land in protected forest areas for their livelihoods.

However, social justice is not enough if it is not supported by the effectiveness of the law. Therefore, it is important to examine the theoretical framework of how the law works from William J. Chambliss and Robert B. Seidman, who state that the law does not work effectively if it is not based on existing social realities.¹² This means that laws that do not take into account the social structure, local values, and historical context of a community will only give rise to resistance and mistrust. In the case of Register 45B, this can be seen in forestry policies that ignore the social existence of communities and continue to uphold administrative claims without any room for dialogue.

Meanwhile, the ecological dimension should not be overlooked. Protected forest areas have strategic value as ecological buffers and long-term environmental system preservers. Conflict resolution must not violate the principle of ecological sustainability. Therefore, the ideal approach to conflict resolution must be integrative, combining legal (legality and legal legitimacy), sociological (participation and social justice), and ecological (area protection functions) approaches in a holistic and contextual manner.

Based on this framework, this article aims to formulate an Integrative Model for Resolving Land Tenure Conflicts in Protected Forest Areas, with a case study in the Register 45B area. This model is designed within the framework of agrarian reform policy based on Land for Agrarian Reform (hereinafter referred to as TORA), which combines the legalization of land rights, recognition of community social participation, and protection of the ecological sustainability of the area. Thus, it is hoped that this model can become a policy solution that is not only legally valid, but also socially just and ecologically sustainable.

II. METHOD

This study uses a legal-sociological approach with descriptive-qualitative methods that aim to comprehensively examine land tenure conflicts in protected forest areas. The legal approach is carried out through a review of agrarian and forestry laws and regulations. This study aims to identify the legal framework and policy gaps that cause agrarian conflicts. Meanwhile, the

¹¹ Rawls, John. 1996. *Political Liberalism*. New York: Columbia University Press. Diakses juga dalam The Stanford Encyclopedia of Philosophy. 2021. *John Rawls*. Library of Congress Catalog Data: ISSN 1095-5054 <https://plato.stanford.edu/entries/rawls/> , The Metaphysics Research Lab: Department of Philosophy, Stanford University.

¹² Chambliss, William J, dan Robert B Seidman. 1971. *Law, Order, and Power*, Reading. Wesly: Mess Addison.

sociological approach is used to understand how the law is practiced, perceived, and dealt with by the community, especially the community in the 45B Register area.

Data collection was conducted through in-depth interviews with key informants such as the Head of the Land Office, the Head of the Village, and community members. In addition, other data was collected through document studies of regulations, reports, and academic studies related to land tenure conflicts. The analysis method was thematic in order to group the findings into patterns of conflict, the dynamics of the relationship between the state and the community, and policy inequalities.

III. ANALYSIS AND DISCUSSION

a. Development of Land Tenure Status in the 45B Protected Forest Area in West Lampung

The fact that more than 77% of West Lampung Regency is designated as forest area shows how spatial policy in this region is heavily dominated by the state's conservation approach.¹³ The limited space available to the community for productive activities has led to an expansion of living space into forest areas, including the Register 45B Protected Forest. In this context, pressure on limited cultivation land has become one of the factors driving de facto changes in land tenure by communities who need land for farming and settlement.

Register 45B, located in the Sukapura Village, Sumberjaya Subdistrict, is a clear example of how an area legally designated as a protected forest has developed into a residential and agricultural area due to the high demand for living space and farmland. The development of land tenure status in this area reflects the phenomenon of informal land tenure that has occurred as a result of an imbalance between conservation areas and cultivation areas in land use policy. This imbalance has given rise to land tenure practices without clear legal status, which has ultimately become the root cause of agrarian conflict between the state and the community in the Register 45B area.¹⁴

Based on the Decision of the National Reconstruction Bureau (BRN) Number: 1/D.R.N/1951 dated May 17, 1951, the Government of the Republic of Indonesia has carried out the transmigration of a group of people from the Tasikmalaya area of West Java Province who are former 45 fighters (veterans of 45) consisting of 98 families and placed in Sumber Jaya District, West Lampung Regency, Lampung Province.¹⁵

¹³ BPS Kabupaten Lampung Barat. 2025. Kabupaten Lampung Barat Dalam Angka. BPS Kabupaten Lampung Barat.

¹⁴ Pasya, G. (2017). *Penanganan Konflik Lingkungan*. Gramedia Pustaka Utama, p. 53-54.

¹⁵ Gunawan, Riadi, dan Budhi Santoso. 2023. ANTARA. 13 Agustus. Accessed March 18, 2024. <https://www.antaranews.com/berita/3678666/warga-desa-sukapura-terima-sk-pembebasan-hutan-dari-menteri-lhk>.

On November 14, 1952, the President of the Republic of Indonesia, Ir. Soekarno, inaugurated the BRN transmigration program, and in 1954, the transmigrants who were part of the BRN transmigration program named the area Sukapura, located in Sukapura Village, Sumber Jaya District.¹⁶

Sukapura Village, Sumberjaya Subdistrict, is a definitive village that was established in 1954. This village was born and developed from the BRN program, in which 250 families or around 680 people from West Java (Tasikmalaya Regency) were transmigrated to this area in 1951-1952. As it has developed, Sukapura Village is now home to around 679 families, or approximately 1,629 people. The inauguration of this transmigration settlement was carried out on November 14, 1952, by President Soekarno.¹⁷ Since then, the area has been officially known as Sumberjaya District.¹⁸

In the early days of the establishment of the new settlement, the village now known as Pekon Sukapura had a total area of approximately 1,350 hectares.¹⁹ The details of land use at that time included: 75 hectares for settlements, 630 hectares for plantations, 100 hectares for farming, 19.25 hectares for rice fields, 15 hectares (hectares) as fish ponds, and 6.50 hectares (ha) as village land. In addition, there were 504.75 hectares (ha) used as a forestry research site and 50 hectares (ha) of which were used for the development of the Way Besay Hydroelectric Power Plant (PLTA) housing facilities.²⁰

Then in 1991, the Minister of Forestry issued Decree No. 67/KPTS-II/1991, which stated that the BRN transmigration area was included in the Register 45B Protected Forest area, which referred to the designation made during the Dutch colonial period.²¹

Ecologically, the protected forest area in Lampung Province is one of the regions that has experienced significant land cover degradation. Based on spatial analysis, it is known that the total area of primary and secondary forests, which in 1990 was recorded at 62,922 hectares, has undergone a land use change of 14,881 hectares. This change includes conversion to scrubland covering an area of 5,804 hectares, open land covering an area of 182 hectares, and dryland agriculture covering an area of 8,825 hectares.²²

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ *Op Cit*, Penangan Konflik Lingkungan, p. 55.

¹⁹ *Ibid*, p. 204.

²⁰ *Op Cit*, Catatan Seminar Upaya.

²¹ *Ibid.*

²² Purwanto, Edi. 2017. Ragam Persoalan Tenurial di Kawasan Hutan Lindung dan Taman Hutan Raya. Naskah Akademik Panel 11 Konferensi Tenurial 2017 : Mewujudkan Hak-Hak Rakyat: Reformasi Penguasaan Tanah & Pengelolaan Hutan di Indonesia yang diselenggarakan di Jakarta, 25-27 Oktober 2017, Bogor: Tropenbos Indonesia, p. 14.

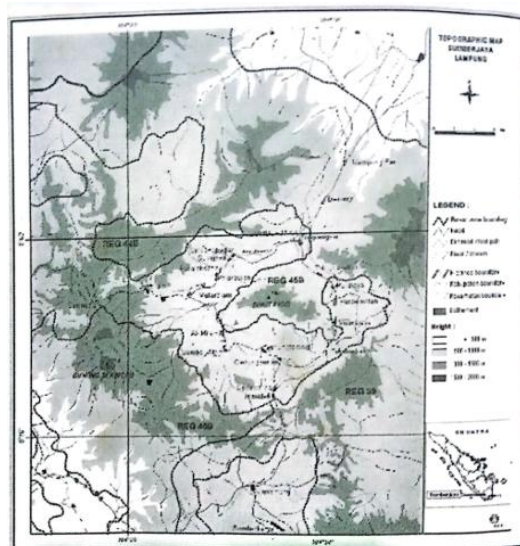


Figure 1 Map of Protected Forest Areas in Sumberjaya Subdistrict ²³

Changes in the status and area of state forest areas in Lampung Province have also undergone dynamics in line with the issuance of several ministerial decrees. Decree of the Minister of Forestry and Plantations No. 416/Kpts-II/1999 concerning the Designation of Forest Areas in the Province of Lampung stipulated that the area of forest was 1,144,512 hectares, or 34.66% of the total land area of Lampung Province. A year later, this decree was revised through Decree of the Minister of Forestry and Plantations No. 256/Kpts-II/2000 dated August 23, 2000 concerning the Designation of Forest and Water Areas in the Province of Lampung, which changed the area of forest area to 1,004,735 hectares or 30.43% of the land area of the Province of Lampung.²⁴

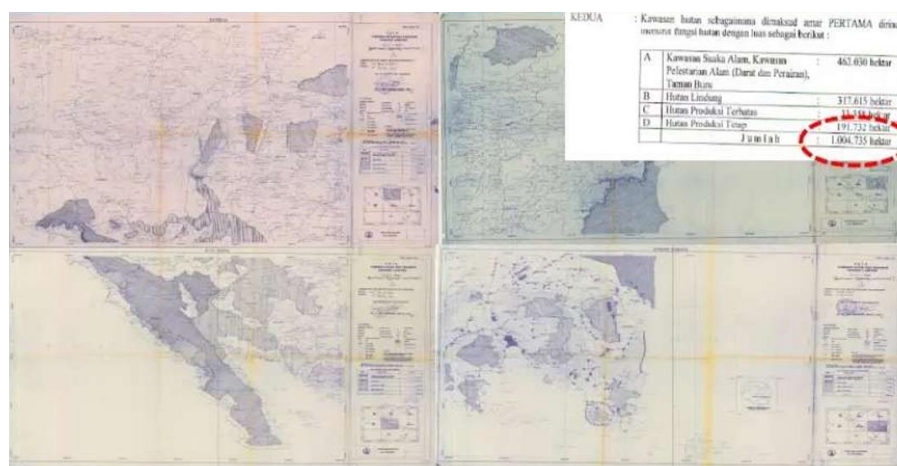


Figure 2 Map of Designated Forest and Water Areas in Lampung Province Based on the Appendix to the Decree of the Minister of Forestry and Plantations Number 256/Kpts-II/2000

²³ *Op Cit*, Penanganan Konflik Lingkungan.

²⁴ *Ibid*, p. 15.

This TGHK policy resulted in approximately 850 hectares of the Sukapura village area, including permanent settlements and various public infrastructure, being claimed as protected forest area.²⁵ Until 1997, forestry policy in Lampung Province still referred to Lampung Provincial Regulation No. 10 of 1993 concerning the Provincial Spatial Plan (hereinafter referred to as RTRWP) for Level I Lampung, which was then reinforced by other policies through the Minister of Forestry Decree No. 67/Kpts-II/1991 concerning Forest Use Agreements (TGHK). This regulation stipulates that the total forest area in Lampung Province is 1,237,208 hectares, covering approximately 37.47% of the province's total land area.²⁶

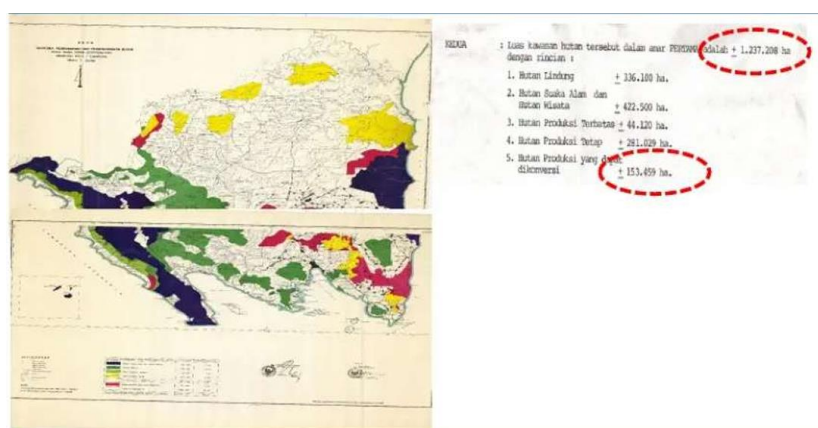


Figure 3 Forest Use Agreement Map Based on the Appendix to the Decree of the Minister of Forestry Number 67/Kpts-II/1991²⁷

In 1994–1995, there was a large-scale eviction of residents living in the Bukit Rigis area. This event began with the issuance of Governor Decree No. 5225/0287/04/1995 dated January 26, 1995, concerning the implementation of Operation Jagawana I, which was carried out in conjunction with the installation of forest boundary markers. In July 1994, the Forest Security Coordination Team (hereinafter referred to as TKPH), consisting of police, forestry and local government officials, carried out repressive actions in villages such as Purajaya, Purawiwitan, and Muarajaya in Sumberjaya District. A total of 86 settlements were destroyed, more than 700 hectares of coffee plantations were destroyed, and thousands of residents were forced out of the area they occupied. Some of the 1,271 families were

²⁵ Fathullah, Lirken Situmorang, Nurka Cahyaningsih, Ichwanto Nuch, dan Martua Sirait. t.thn. "Perubahan Status Kawasan Hutan Guna Menjawab Permasalahan Kemiskinan dan Ketahanan Pangan: Studi Kasus dari Marga Bengkuntan dan Pekon Sukapura, Kabupaten Lampung Barat." Studi Kasus dari Marga Bengkuntan dan Pekon Sukapura, Kabupaten Lampung Barat. Accessed July 24, 2025. <https://www.ciforicraf.org/publications/downloads/Publications/PDFS/bc05199.pdf>.

²⁶ *Op Cit*, Ragam Persoalan Tenurial ..., p. 15.

²⁷ Historical Records of Sukapura Village, located at the Sukapura Village Hall, Sumberjaya Subdistrict, West Lampung Regency.

relocated to Mesuji, North Lampung, while the rest were expelled without a clear solution for their relocation, triggering widespread social conflict.²⁸

The Register 45B area cannot be separated from this broader historical context. Changes in the function of the area, exploitation of resources, transmigration policies, and agrarian tensions that led to the expulsion of residents. Therefore, land ownership in the Register 45B protected forest area needs to be traced using a historical approach so that the root causes of the problem can be fully understood, including conflicts based on ownership claims and the direction of policy solutions in line with the principles of agrarian reform.

In this case, a historical approach is crucial to uncovering the basis for the socio-political legitimacy of land ownership. Chambliss and Seidman's theory of how law works shows that law operates within a specific socio-political context, which often causes a gap between written norms and reality on the ground. Meanwhile, John Rawls' theory of social justice emphasizes the importance of fairness, namely justice that favors vulnerable groups, including indigenous peoples and transmigrants who live off land that is now claimed as state forest. Thus, recognition of the long history of land ownership is a fundamental requirement in formulating policies for the resolution of agrarian conflicts that are fair, sustainable, and constitutional.

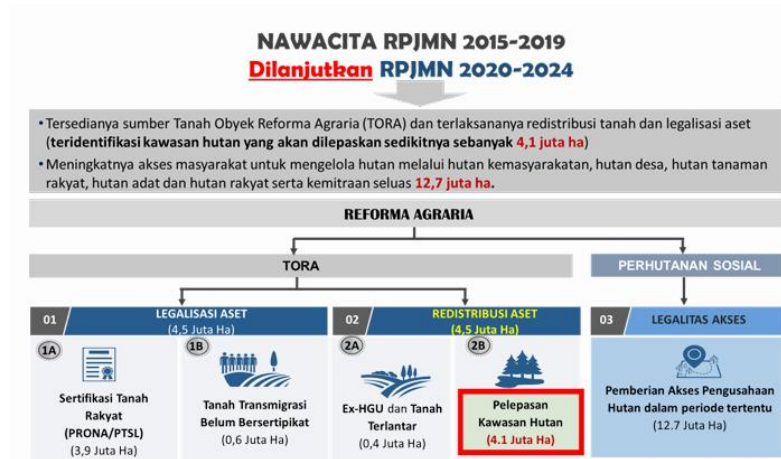
b. Inequality in Land Ownership and Legal Uncertainty Regarding Land Ownership in the 45B Protected Forest Area in West Lampung

The initial target for the provision of TORA sources as stipulated in the 2015-2019 National Medium-Term Development Plan (hereinafter referred to as RPJMN) and continued in the 2020-2024 RPJMN, which stipulates that the provision of TORA sources from forest areas is targeted to reach an area of ±4.1 million hectares.²⁹ Since 2015, the Indonesian government has intensified its commitment to resolving tenure conflicts related to forest land. Starting in 2020, tenure conflicts will be mapped to achieve better resolutions. The government's resolution of tenure conflicts is increasingly characterized by a community-oriented approach intended to enhance community-level economic development by ensuring more equitable access to land and forest resources and improving community welfare.³⁰

²⁸ *Op Cit*, Penangan Konflik Lingkungan, p. 59.

²⁹ PPIDKLHK. 2018. *TORA Tawarkan Solusi Sengketa dan Konflik dalam Kawasan Hutan*. 20 Februari. Accessed December 21, 2024. <https://ppidklhk.com/berita/tora-tawarkan-solusi-sengketa-dan-konflik-dalam-kawasan-hutan>.

³⁰ Direktorat Jenderal Planologi Kehutanan dan Tata Lingkungan. 2022. *Data dan Informasi*. Data dan Informasi Ditjen Planologi Kehutanan dan Tata Lingkungan Tahun 2022, Jakarta: Direktorat Jenderal Planologi Kehutanan dan Tata Lingkungan Kementerian Lingkungan Hidup dan Kehutanan, p. 45.



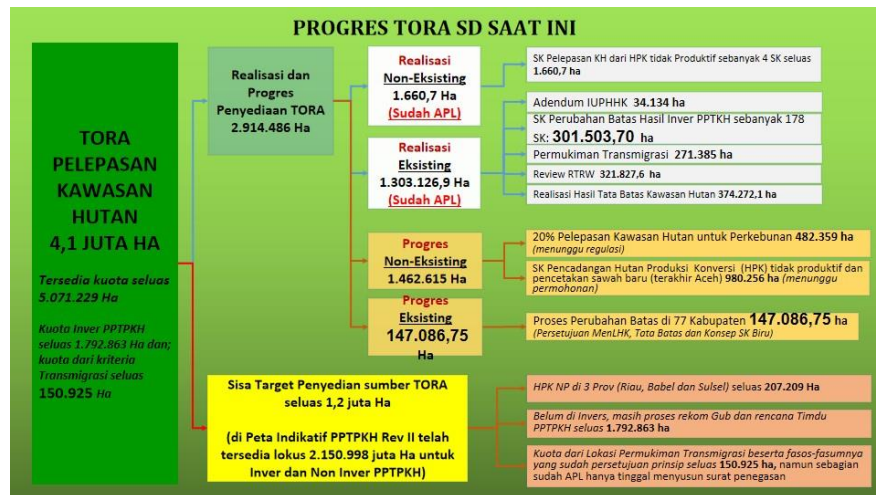


Figure 6 TORA Progress in 2023³⁴

The government is targeting the release of 4.1 million hectares of forest area for TORA, with a technical quota of 5,071,229 hectares. This quota is sourced from the PPTPKH Indicative Map for TORA sources covering 1,792,863 hectares, and from transmigration settlements covering 150,925 hectares. Based on this data, the actual realization of TORA provision has reached 2,914,486 hectares, consisting of the realization from non-existing areas (not yet APL status) of 1,660.7 thousand hectares, and from existing areas (already APL) of 1,303,126.9 hectares (hectares).

There is a remaining target of approximately 1.2 million hectares that has not been achieved, even though the Revised PPTPKH Indicative Map II has designated an area of 2,150,998 hectares to be used as TORA source material, both those that have undergone inventory and verification (Inver PPTPKH) and those that have not. Current provision progress covers 1,462,615 hectares from non-existing areas and 147,086.75 hectares from existing areas.

The Ministry of Environment and Forestry has issued several regulations to support TORA activities. The provision of TORA originating from forest areas is expected to provide legal certainty for forest areas while also providing certainty of land rights for communities and resolving disputes and conflicts within forest areas.³⁵ In order to support the program of providing TORA sources originating from the release of forest areas, the Ministry of Environment and Forestry has identified forest areas that can be released for TORA purposes through inventory and verification activities in the field, which require coordination between ministries or institutions and government agencies at the central and regional levels.³⁶

³⁴ Direktorat Pengukuhan. 2024. Tanah Objek Reforma Agraria. Accessed April 18, 2024. <https://kukuh.menlhk.go.id/tora>.

³⁵ *Op Cit*, Laporan Kinerja, p. 58.

³⁶ *Ibid*, p. 14.

In the case of Register 45B, these principles were ignored by sectoral policies that prioritized an administrative approach to forest conservation, without accommodating the fact that the community had legally controlled the land for generations. This misalignment between agrarian and forestry regulations has led to conflict, especially when the state's legal claim to forest areas collides with the social reality that the land has long been inhabited and managed by transmigrant communities who are former BRN fighters. To understand the roots of this conflict more comprehensively, it is necessary to examine the various regulations that form the legal basis and legitimacy of land ownership in the Pekon Sukapura area within Register 45B, as will be explained further in the following list of legal regulations.

Table 1 Legal Basis for Land Ownership in Register Area 45B

No.	Legal Basis	Year	Regulated Substance	Description
1	BRN Decree Number 1/D.R.N.1951	1951	Voluntary transmigration program for former BRN fighters to Lampung	Historical basis for the existence of the community in Sumberjaya (initial legal administration of the settlement)
2	Letter from the Regional National Construction Business Management Agency Number 554.M.XXVI/1953	1953	Official permit for logging by transmigrants	Legality of land use by transmigrants recognized by the state
3	Lampung Governor's Instruction Number B/10542/I/76	1976	Issuance of Land Certificates based on proof of payment of Regional Development Contributions	Administrative recognition that transmigrant land is legal through the regional tax mechanism
4	Lampung Governor's Instruction Number AG.001/315/04/77	1977	Elimination of fees for issuing Land Certificates	Support for accelerating the legitimization of transmigrant community land
5	Letter from the Kotabumi Sub-Directorate of Agrarian Affairs	1978	Recognition that former BRN/Siliwangi land is located outside the forest area	Demonstrates the administrative legitimacy of community land

					prior to forestry designation
6	Decree of the Minister of Forestry No. 67/Kpts-II/1991 (TGHK)	1991	Determination of the total forest area of Lampung as 1,237,208 hectares	Basis for unilateral forestry claims overlapping with community settlements	
7	Decree of the Minister of Forestry No. 256/Kpts-II/2000	2000	Revision of the area of forest area in Lampung to 1,004,735 ha	Strengthens forest area claims, impacting the legal status of old settlements	
8	Lampung Provincial Regulation No. 10/1993 (RTRW)	1993	Sumberjaya categorized as a disaster-prone area	Administrative reason for restricting land use, used to support forestry claims	
9	Lampung Governor Decree No. 5225/028/04/1995 (Jagawana I Operation)	1995	Mass expulsion of Bukit Rigis residents	Repressive manifestation of conflict, with legitimate communities labeled as illegal encroachers	
10	West Lampung Regent Decree No. B/231/KPTS/01/2003	2003	Formation of a Team to Review Land Applications in Register 45B	An attempt at local resolution, but it failed because the team disbanded without results	
11	West Lampung Regency Regulation No. 1/2012 (RTRW 2010-2030)	2012	Register 45B was designated as a protected forest area of ± 8,345 ha	This confirmed the forestry claim over land that had long been inhabited by transmigration communities	

Source : Processed by the Author (2025).

The table above shows a shift in regulations that can be divided into two main periods. First, during the period 1951-1978, state policy tended to recognize the existence of transmigrant communities through administrative

and fiscal mechanisms. Second, during the period 1991-2012, the direction of policy shifted to emphasize forestry and spatial planning aspects, which in fact led to overlapping claims, evictions, and strengthened the status of protected forest areas even though they had been inhabited by communities for decades.

This series of regulations reveals strong historical and administrative traces of land ownership by former BRN transmigrants in Pekon Sukapuran, which is located within the Register 45B protected forest area. Thus, the land ownership conflict in this area was actually triggered by regulatory disharmony. As a result, the legal status of the transmigrant community has become ambiguous: on the one hand, they are not recognized as legal owners due to the absence of certificates, but on the other hand, it is also inaccurate to refer to them as illegal encroachers because they occupy the area based on official government policy.

Efforts to harmonize laws were actually initiated through Law No. 11 of 2020 on Job Creation, which was later amended by Law No. 6 of 2023. This regulation applies the principle of ultimum remedium, which encourages administrative settlement rather than criminalization of citizens living in and around forest areas, as long as they meet certain criteria (minimum 5 years of residence and a maximum area of 5 hectares). This is reinforced by Government Regulation 23/2021 concerning the Settlement of Land Tenure in Forest Areas through Forest Area Arrangement (hereinafter referred to as PPTPKH) as part of the TORA program.

However, the practical implementation of these regulations still faces various obstacles, both in terms of data validation, cross-sectoral coordination, and the absence of a permanent mechanism capable of integrating technical forestry approaches with the principles of agrarian reform as mandated by the Basic Agrarian Law. Therefore, the conflict in Register 45B is a clear example of legal disharmony, which according to Chambliss and Seidman's theory arises because the legal structure is not responsive to social realities. A sustainable solution should emphasize substantial synchronization between forestry law, agrarian law, and the protection of historical community rights.

Table 2 Basis for the Settlement of Land Tenure Conflicts in Forest Areas

Aspects/ Substance	UUPA	Law 41/1999 Forestry	No. on	Law 6/2023 Job Creation	No. on	Government Regulation No. 23/2021	Minister of Environment and Forestry Regulation No. 7/2021
Basic Principles	Agrarian reform and social justice	Conservation and control over forests	state over	Deregulation and simplification of licensing		Forest area management and conflict resolution	Resolution of land ownership in forest areas

Strengthening Land Ownership	Recognizing land rights based on actual (de facto) contro	Not recognizing community occupation if located within forest areas	Recognizing control prior to the Job Creation Law (≤ 5 Ha, ≥ 5 years, no issues)	Regulating criteria for conflict resolution within forest areas	Inventory and verification of community settlements and cultivated land
Community Participation	Allowed, especially for indigenous peoples and transmigrants	Not clearly regulated	Accommodated in the administrative settlement process	Required in field verification	Encourages community participation in participatory mapping for Land Tenure Settlement in the context of Forest Area Confirmation (PPTPKH)
Conflict Resolution	Land redistribution, certification, and recognition of rights	Administrative and repressive measures against encroachment	Administrative approach (Ultimum remedium)	Resolution through area zoning	TORA legal instruments as an alternative to conflict resolution
Follow-up in the Field	Land redistribution and legalization of tenure	Area enforcement and conservation	Tenure legality through Land Tenure Resolution in the context of Forest Area Confirmation (PPTPKH) and TORA	Technical verification process by the PPTPKH Team	Determination of indicative maps and forest area release decrees

Source : Processed by the Author (2025).

The multidimensional approach as outlined in the table above can be explained as follows: the land tenure conflict in Register 45B is a clear reflection of structural inequality, exacerbated by weak legal protection and fragmented institutional policies. The unclear status of land rights has caused hardship for the community, particularly in Pekon Sukapura, where the majority of residents work as coffee farmers. In this case, the community is vulnerable to eviction, loss of livelihood, and social marginalization. Therefore, the resolution of the conflict must go beyond a formal legal approach and integrate the principles of distributive justice and recognition of the historical rights of the community as part of the implementation of TORA-based agrarian reform. Within the framework of the theory of how law works (Chambliss & Seidman) and distributive justice (John Rawls), a fair resolution

requires the active involvement of the state and the participation of the community as the main subjects of change.

c. Formulation of an Ideal Model for Resolving Land Tenure Conflicts in Forest Areas

Forest areas are often prone to agrarian conflicts,³⁷ mainly due to the discrepancy between the state's administrative claims and the community's actual land use practices in the field. In many cases, rapid population movements, whether through transmigration programs, natural migration, or economic pressures, have encouraged communities to clear land, settle, and cultivate forest areas for generations long before these areas were formally designated as state forests. This phenomenon has resulted in the growth of settlements and smallholder farming systems in areas that are legally claimed as forest areas but have socially become the living space of the community.³⁸

This situation has led to recurring tensions between communities and forestry and state authorities, while also highlighting the complexity of structural conflicts that have been ongoing for generations. Therefore, the resolution of land tenure issues in forest areas must be placed within the framework of agrarian reform policies that emphasize justice and legal certainty in land distribution.

Since the reform era, national policies for handling land conflicts in forest areas have undergone significant developments through agrarian reform schemes and the strengthening of community rights. The TORA program, which focuses on asset management, as well as social forestry programs and environmental partnership models within the framework of access management, have become key instruments. These two strategies mark a paradigm shift from a repressive and sectoral approach to a more redistributive, inclusive, and collaborative pattern of resolution.

Presidential Regulation No. 62 of 2023 concerning the Acceleration of Agrarian Reform (hereinafter referred to as Perpres 62/2023) presents a new paradigm in national agrarian management, particularly in resolving agrarian conflicts that occur in forest areas. This regulation not only contains legal norms, but also provides implementable instruments that open up space for the creation of a more inclusive, realistic, and contextual model for conflict resolution in line with the dynamics in the field. This inclusive approach is reflected in the state's recognition of the existence of communities that have lived in the area for decades, producing and depending on the land, even when the land is still classified as a protected forest area. By incorporating the principle of social justice, this Presidential Regulation positions land

³⁷ Diantoro, T. D. (2020). *Dinamika Kebijakan Resolusi Konflik Tenurial Kawasan Hutan Era Joko Widodo. Media of Law and Sharia*, 1(4).

³⁸ Safitri, M. A., & Moeliono, T. (2010). *Hukum Agraria dan Masyarakat di Indonesia*. HuMa Jakarta.

redistribution not only as an administrative matter, but also as a corrective measure for long-standing structural inequalities. This condition is highly relevant to the reality in areas such as Register 45B, where many residents have traditionally depended on land that is still legally considered protected forest. Furthermore, the social justice emphasized in Presidential Regulation 62/2023 also includes aspects of community sustainability, including support for economic development after redistribution, so that agrarian reform does not stop at changing land ownership status alone, but also reorganizes the relationship between the community, resources, and the state within a more just and sustainable framework.

Another strength of Presidential Regulation 62/2023 is its emphasis on community participation as a central element in the agrarian reform process. In many previous policies, the community was often merely an object of implementation. However, in this Presidential Regulation, the community is involved from the early stages, namely through participatory data collection, field verification, to the process of determining the subjects and objects of TORA. This involvement not only strengthens the social legitimacy of the policies taken but also increases the accuracy and success of implementation in the field. Legal and spatial certainty are also important foundations in formulating a model for resolving agrarian conflicts. Presidential Regulation 62/2023 emphasizes the importance of using indicative maps, administrative audit results, and nationally integrated One Map Policy-based mapping. This is a major breakthrough in avoiding overlapping land claims between the community, government, and private sector, which have been a latent source of agrarian conflict.

With this approach, academically speaking, Presidential Regulation No. 62/2023 provides a new direction in the formulation of a model for resolving agrarian conflicts that is not only legal and formal in nature, but also takes into account social, ecological, economic, and local political aspects. This model must be able to respond to real challenges in the field with an approach that is data-driven, rights-based, and based on a participatory dialogue process. The conflict resolution model formulated in this context can be developed through at least six (6) main interrelated stages: (1) identification of the areas and communities that control the land; (2) verification and validation through maps and administrative audits; (3) release of forest areas to be used as sources of TORA; (4) redistribution of land to eligible subjects; (5) administrative and juridical legalization of land rights; and (6) economic empowerment of communities after redistribution so that they do not return to patterns of exploitation and marginalization.

The basic principle of resolving agrarian conflicts in the Register 45B case must be based on the principles of social justice, recognition of the rights of long-established communities, and environmental sustainability. Fair land redistribution and legalization of community property rights in accordance

with the social function of land are the main objectives. This principle is in line with the mandate of the 1960 Basic Agrarian Law, which emphasizes that land rights are not merely individual rights, but also entail an obligation to maintain a balance with the public interest. In addition, the environmental sustainability of the area must be maintained through appropriate zoning regulations. For example, areas with high conservation value should be designated as protected forests, while areas that have been converted into settlements and productive land should be allocated as Other Use Areas (APL). Thus, conflict resolution not only provides legal certainty but also ensures the sustainability of the ecosystem.

The experiences of other regions can provide valuable lessons for resolving conflicts in Register 45B. For example, Sigi Regency in Central Sulawesi successfully resolved land conflicts in forest areas through an integrative scheme involving the PTPKH and community-based social forestry with active community participation.³⁹ And Tanjung Jabung Barat Regency in Jambi has successfully combined TORA redistribution with community economic empowerment programs based on local commodity specialties.⁴⁰

First, in Sigi District, Central Sulawesi, conflict resolution was carried out through an integrative approach based on the Indicative Map for Land Tenure Resolution in Forest Areas (PTPKH) and a social forestry scheme developed on the basis of participatory mapping.⁴¹ This process is accompanied by civil society organizations and has been legitimized by the local government, resulting in the gradual legalization of land tenure while preserving the sustainability of the area. Through this scheme, communities are given access to manage land in state forest areas with legal legitimacy from the relevant parties, thereby reducing conflict and supporting the sustainable use of forest resources. In addition, Sigi Regency has also established a Forest Management Unit (hereinafter referred to as KPH)⁴² who are ready to implement social forestry with sufficient community involvement, so that forest area management can be harmonious and productive for the surrounding community.

³⁹ <https://sulteng.antaranews.com/berita/360492/komisi-iv-dpr-ri-tekankan-tata-kelola-kawasan-hutan-di-sulteng>, accessed on August 24, 2025, at 2:42 p.m. WIB.

⁴⁰ <https://sinarjambi.com/sertipikat-redistribusi-tora-jadi-pelindung-masa-depan-masyarakat-desa-gunung-anten/>, accessed on August 24, 2025, at 2:52 p.m. WIB.

⁴¹ Alamsyah, M. N. (2023). Implementasi Program Tanah Objek Reforma Agraria (TORA) di Kabupaten Sigi. *Jurnal Reinventing*, 5(2), 108-116.

⁴² Ingrid Margareth Possumah. (2019). *Kesiapan KPH Dolago Tanggunung dalam Penerapan Kebijakan Perhutanan Sosial di Desa Bakubakulu Kabupaten Sigi*. Lihat dalam <https://pertanian.pasca.untad.ac.id/wp-content/uploads/2023/08/INGRID.pdf>, accessed on August 24, 2025, at 2:44 p.m. WIB.

Second, in Tanjung Jabung Barat District, Jambi Province, the settlement approach was carried out through TORA redistribution ⁴³ directly linked to community economic empowerment programs based on local commodities ⁴⁴, such as areca nuts and coconuts. This program not only provides legal certainty over land, but also opens up access to financing, markets, and business assistance, thereby creating a broader impact on community welfare. The key to the success of this approach lies in the transparency of the legalization mechanism, active community participation in every stage, and the genuine support of the local government in synergizing the roles of the National Land Agency (BPN), the Ministry of Environment and Forestry (KLHK), and community empowerment institutions. This approach has a positive impact on the social and economic stability of the village community in Tanjung Jabung Barat.⁴⁵

From these two good practices, it can be concluded that a collaborative and participatory approach, which emphasizes the principles of procedural transparency, distributive justice, and adaptation to the local context, is the foundation for designing effective and sustainable agrarian conflict resolution policies. In the context of Register 45B in Pekon Sukapura, this approach can be replicated by adapting it to specific regional conditions such as: the history of transmigration, the existence of the former BRN fighter community, the characteristics of leading commodities such as coffee, and the historical relationship between the community and the forest area, which currently has protected status. The success of this model is highly dependent on the political will of the central and regional governments to place the community as the subject in the process of land legalization and spatial planning. The integration of formal legal approaches (TORA and PPTPKH), economic capacity building, and recognition of historical rights to land are integral components in creating fair and sustainable agrarian solutions in the Register 45B area.

The evaluation of national policy cannot be separated from the principle of Land and Citizenship Rights, as an approach that affirms that land rights are not only an agrarian issue, but also part of the recognition of the basic rights of citizens. In this context, land is a medium for citizens to carry out their social functions, including farming, building houses, and accessing public services. Therefore, the state's recognition of transmigrants' land ownership in Register 45B must also be seen as recognition of agrarian citizenship, not merely administrative legality.

To organize and assess areas that have the potential to be released or converted into TORA, Presidential Regulation 62/2023 assigns the Ministry

⁴³ <https://sinarjambi.com/sertipikat-redistribusi-tora-jadi-pelindung-masa-depan-masyarakat-desa-gunung-anten/>, accessed on August 24, 2025, at 2:52 p.m. WIB.

⁴⁴ <https://jarijambi.com/gubernur-al-haris-dukung-reformasi-agraria-untuk-kesejahteraan-masyarakat/>, accessed on August 24, 2025, at 2:53 p.m. WIB.

⁴⁵ *Ibid.*

of Environment and Forestry (KLHK) to compile an indicative map of TORA (PI-TORA) that is updated periodically. This map serves as the basis for determining which areas can be released, while avoiding land overlaps and conflicts of interest. Meanwhile, ATR/BPN is responsible for administrative audits and land legalization, while the Agrarian Reform Task Force (GTRA) at the district/city level conducts field verification of TORA objects and subjects. This collaboration reflects a complementary cross-sectoral system in the implementation of the forest area release roadmap.

The development of this legalization roadmap must also include comprehensive legalization stages, starting from:

1. Inventory of land and cultivators.
2. Verification of area status (through PI-TORA).
3. Release or change of area function.
4. Determination of TORA by ATR/BPN.
5. Redistribution of land to eligible subjects.
6. Certification of land rights.
7. Empowerment of TORA recipient communities, in the form of economic assistance, training, and market access.

Each of these stages can be developed in the thesis as a key component of the Register 45B conflict resolution model, while demonstrating academic ability in converting regulations into an implementable spatial policy framework. In addition, ecological and social requirements need to be used as evaluative indicators in determining which zones can be converted. For example, not all areas controlled by communities can be immediately released. There must be criteria that refer to:

1. The ecological function of the area (e.g., river boundaries, soil slope, and potential for landslides).
2. The socioeconomic status of the farming community (e.g., having lived there for more than 10 years and not owning land elsewhere).
3. Administrative legality (e.g., possession of an identity card, certificate of control, etc.)

Thus, the roadmap is not only a procedural map, but also an analytical tool for realizing contextual and sustainable agrarian reform. This also means that the policy of releasing forest areas is not a “gateway to land clearing,” but rather an instrument of social justice and ecological protection that goes hand in hand. In the context of Register 45B, the development of a legalization roadmap is highly relevant because:

1. Most of the land has long been cultivated by the community.
2. Not all areas of Register 45B have the same strong protective function.
3. There is potential for conflict if legalization is carried out without a strong spatial and social basis.

Normatively, Presidential Regulation 62/2023 has created legal conditions that enable the legalization process to proceed systematically. However, the success of its implementation is highly dependent on the technical roadmap developed by local actors, including academics, NGOs, and local governments. Therefore, the involvement of researchers in developing a roadmap for release and legalization not only contributes to the development of science but also to the creation of real and impactful policy solutions. With the development of a clear roadmap, the process of land release and legalization in forest areas will no longer be sporadic and political, but based on procedures, data, and the interests of the community in a fair manner. This will strengthen the legitimacy of agrarian reform and narrow the space for conflict between the community, the state, and corporations.

IV. CONCLUSION

Land ownership conflicts in protected forest areas, particularly in Register 45B Pekon Sukapura, West Lampung, reflect regulatory disharmony between agrarian and forestry policies, giving rise to legal uncertainty, criminalization, and socio-economic vulnerability for migrant communities that have long resided in the area. The root of the problem lies in the imbalance between the state's administrative claims and the historical and social realities of the community, giving rise to structural conflicts that have been repeated across generations. Therefore, the solution cannot be partial, but must be placed within an integrative model that combines the legalization of rights through TORA-based agrarian reform, active community participation in the settlement process, and protection of the ecological functions of forest areas.

The issuance of Presidential Regulation No. 62 of 2023 is an important momentum in accelerating a more inclusive, realistic, and contextual agrarian reform, because in addition to emphasizing legal certainty and land redistribution, this regulation also links conflict resolution with the economic empowerment of communities after legalization. Thus, an integrative model that combines legal, social, and ecological dimensions can be an applicable policy framework for resolving agrarian conflicts in protected forest areas. This model is expected to not only provide a just solution in Register 45B, but also become a national reference in realizing fair, sustainable, and inclusive agrarian reform.

However, this study still has a number of limitations, including the limited scope of the study area, which only focuses on Register 45B, and the limited empirical data, which was mostly obtained through interviews and document studies without quantitative analysis of measurable economic, social, and ecological impacts. Therefore, further research is expected to develop a mixed-method approach involving spatial data, quantitative surveys, and comparisons between regions with similar conflict

characteristics. This will lead to more comprehensive research, both conceptually and practically, so that the model for resolving agrarian conflicts in protected forest areas is not only relevant locally but can also be used as a framework for adaptive and sustainable national policies.

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