

Conflict Around Cural Land Ownership in Nagari Simpang Tiga and Kinali Regency West Pasaman (1996-2024)

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Abstrak

Penelitian ini mengkaji tentang konflik tanah ulayat di Nagari Kinali dan Nagari Simpang Tiga dari tahun 1996 hingga 2024. Masalah utama yang dibahas adalah akar konflik kepemilikan tanah ulayat, periode konflik, dan penyelesaiannya. Penelitian menggunakan metode sejarah dengan empat tahapan: heuristik, kritik sumber, interpretasi, dan historiografi. Data dikumpulkan dari berbagai sumber primer dan sekunder, termasuk dokumen pribadi, arsip, wawancara dengan tokoh adat, dan warga masyarakat. Sumber sekunder meliputi buku, jurnal, skripsi, tesis, dan surat kabar. Hasil penelitian menunjukkan bahwa konflik di Kinali dan Simpang Tiga disebabkan oleh investor yang tidak memenuhi perjanjian dengan ninik mamak, seperti tidak membuat kebun plasma. Penyelesaian konflik dilakukan melalui musyawarah adat dan jalur hukum, namun pengadilan belum memberikan keputusan yang dianggap adil oleh ninik mamak. Konflik ini masih berlanjut hingga saat ini dengan sengketa yang belum selesai.

Kata kunci: konflik, tanah ulayat, adat, nagari kinali, simpang tiga.

Abstract

This research examines the ulayat land conflict in Nagari Kinali and Nagari Simpang Tiga from 1996 to 2024. The main issues discussed are the roots of the ulayat land ownership conflict, the period of the conflict, and its resolution. The research uses historical methods with four stages: heuristics, source criticism, interpretation, and historiography. Data was collected from various primary and secondary sources, including personal documents, archives, and interviews with traditional leaders and community members. Secondary sources include books, journals, theses, and newspapers. The research results show that the conflicts in Kinali and Simpang Tiga were caused by investors who did not fulfill their agreements with Ninik Mamak, such as not establishing plasma plantations. Conflict resolution is carried out through traditional deliberations and legal channels, but the court has not yet given a decision that the ninik mamak considers fair. This conflict still continues today with the dispute unresolved.

Keywords: conflict, ulayat land, adat, nagari kinali, simpang tiga.

INTRODUCTION

Agrarian is a complete unity of the earth's surface, water and space. Included in agrarian natural resources are land and its fertility, forests, minerals, underground water sources, the sea and all types of surface water (Waskito, 2017). Land in Indonesia is regulated by the Basic Agrarian Law (UUPA) no. 5 of 1960 concerning Basic Regulations on Agrarian

Principles, which incorporates customary law in its regulation. One of the aspects regulated is customary rights, as stated in Article 3 of the UUPA. This article states that the implementation of customary rights and similar rights of customary law communities must be in accordance with national and state interests, and must not conflict with higher laws and regulations.

One of the agrarian resources that is often used is land. The level of community welfare is measured based on national income, where an increase in per capita income contributes to an increase in the level of welfare and reflects the growth of national income (Mesteko, 1985). In rural areas, economic development is generally still in a simple or undeveloped stage. Changes in the agricultural sector can be considered as changes in rural society (Widodo, 2009). Land for Indonesian people has a multidimensional meaning for the lives of agricultural communities.

First, from an economic perspective, land is a means of production that can bring prosperity. Second, politically, land can determine a person's position in community decision making. Third, as a culture, land can determine the high and low social status of its owner. Fourth, land has a sacred meaning because it deals with inheritance and transcendental issues (Rahman, Ratnah, 2017). how this culture prioritizes maternal lineage as a strong foundation for ownership and organization of society (Citrawan, 2021). For the Minangkabau indigenous people, land is one of the symbols and elements of matrilineal traditional institutions, determining the dignity of a person and tribe, determining the status of indigenous and non-indigenous people, which functions as a basis for determining the inheritance of the rights of the greatness of the country (Hanifuddin, 2016).

Because of the importance of land for human life, it is not surprising that there are many conflicts related to land/agrarian affairs (Habib, 2016).

One of the agrarian conflicts that has occurred in Indonesia is in West Sumatra, specifically in the Kinali and Simpang Tiga areas, West Pasaman Regency. Nagari Kinali, like other nagari in West Pasaman, is very fertile so it attracts investors to invest capital, especially in oil palm plantations.

There are violations of collective (ulayat) rights in land cases between customary law communities and the government and plantation companies in Nagari Kinali (Sukirno, 2018). Plantation companies that use customary land in Nagari Kinali for oil palm plantations include PT Primatama Mulia Jaya (PT PMJ), PT Laras Inter Nusa, PT Perkebunan Nusantara VI, PT Argo Masang Perkasa (AMP), and Anak Nagari Plantation. This customary land was initially handed over by Ninik Mamak to the local government in the hope of bringing investors to the village to support the village's economy. However, the rights of the residents of Nagari Kinali are not protected in the handover of customary land, and ninik mamak are not involved in the process of handing over land and granting Cultivation Rights (HGU). The community was promised plasma plantations but the terms were unclear, and this agreement was more profitable for investors. This conflict

continues to this day with many protests from the community and this problem being brought to the central level.

To resolve this problem, the people of Nagari Kinali have taken various methods, from negotiating with investors to taking their case to the Padang District Court. Out-of-court settlement was carried out by visiting the company, sending letters, and complaining to local officials, as well as demonstrating at the company office and the West Pasaman Regency DPRD and the West Sumatra Province DPRD (Based on the results of an *interview* with Mr. Saptari on March 20 2023).

The aim of this research is to analyze the background of agrarian conflict in Nagari Simpang Tiga and Kinali, West Pasaman Regency, from 1996 to 2024. In addition, this research aims to explain the resolution of agrarian conflict in the area in the same period, as well as determine the factors causal factors and dynamics of agrarian conflict between investors and ninik mamak people of Kinali and Simpang Tiga, West Pasaman.

This research has academic and practical benefits. Academically, it is hoped that this research will be able to make a contribution to historical science, especially as material for further research studies related to issues of customary land ownership. Practically, this research can provide insight and knowledge to researchers regarding the problem of

customary land ownership in the West Pasaman region, become a reference for the government to see the development of conflicts related to customary land ownership, and increase the community's understanding of this problem.

Much research has been carried out regarding the issue of customary land ownership. Nessya Atillah (2015) in "Communal Land Conflict in Nagari Aia Gadang, West Pasaman Regency" highlights the conflict between PT Anam Koto and the people of Nagari Aia Gadang which occurred because of the intersection between positive (state) law and customary law, where the dominant state law was detrimental indigenous people who own customary land. Another research by V Rinche (2021) entitled "Conflict over Control of Oil Palm Plantation Land between PT PHP and the Kapa Community" shows that the conflict occurred as a result of handing over customary land by the adat and ninik mamak to the Regent of Pasaman without prior consultation, which was then transferred to investors as Cultivation Rights (HGU), caused many people to lose their land, including Bundo Kandung who were customary owners.

METHOD

This research uses a historical method which focuses on the process of processing and verifying data according to the research object through several steps. The

historical method is the process of studying, testing and critically analyzing events in the past (Helius, 2012). The first step is heuristic, namely the activity of collecting sources in the form of literature, documents, archives and interviews. The second step is source criticism, which is an activity to test the sources that have been collected through internal and external criticism. The third step is interpretation, namely the activity of interpreting facts by connecting one fact with another fact according to historical events which include time, place and event. The fourth step is historiography, namely presenting the research results in the form of a thesis (Louis, 1986). To obtain data that is relevant to the research problem, the author applies research techniques which consist of several stages.

Heuristics is the activity of collecting data that is directly related to the research object, both primary and secondary data. Primary data collection was carried out through interview sessions with people affected by this problem, workers in companies, and others related to the research title. Secondary data was obtained through initial observations and taking archives or documents, including library research in various libraries and online journals. The data obtained is in the form of source documents such as statements of agreement and results of deliberations. The second stage is source

criticism, which aims to test the validity of the source through external criticism (authenticity) and internal criticism (content credibility). The level of credibility of the data was tested by asking the same questions to different informants (Ismaun, 2005). The third stage is interpretation, where facts are interpreted by connecting evidence found in the field through analysis and synthesis methods (Abdurahman, 2007). The fourth stage is historiography, which presents research results systematically in the form of a thesis, paying attention to simplicity of language so that it is easy to understand.

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RESULTS AND DISCUSSION

Background of Communal Land in Kinali and Simpang Tiga Koto Baru

One of the areas experiencing rapid growth in oil palm plantations is located in West Pasaman. West Pasaman is one of the main contributors to palm oil production in West Sumatra, and many of its residents work as oil palm farmers. The development of oil palm in West Pasaman cannot be separated from climatic conditions that are suitable for plantation crops such as rubber, corn and oil palm. Before oil palm became dominant, the population of this area depended on wet rice farming and simple farming methods (Putri, et al, 2021).

Land has a very important role in the customary legal culture of society, because land is a valuable asset that has economic value, and more than that, land also has magical-religious aspects that can bind and have a close connection with human life and community (Jonaidi, 2018). In West Pasaman and Pasaman Regencies, there are two types of authority over customary areas or ulayat land. First, the traditional babingkah or babungkah, where the leader of the kin group has the highest authority in making decisions regarding communal land.

Second, babingkah or babungkah land, where the pucuk adat becomes the highest decision-making body in communal land matters. Both have different views on communal land. In Nagari which uses the land babingkah model, there is communal land that is jointly owned. Meanwhile, in Nagari which implements customary babingkah, there is no customary land but there is tribal land and clan or clan land, such as in Nagari Kinali (Anderson, 2019).

In this *traditional babingkah model*, the highest traditional leader who has the highest authority over customary land is called the Yang Dipertuan. In the land acquisition framework, the role of ninik mamak, who are lower-level traditional leaders, is limited to providing approval. Although the ninik mamak has the authority to grant permits regarding customary land, the final decision still rests with the Yang Dipertuan. This means that the Yang Dipertuan has full authority in making decisions regarding the acquisition of customary land, and the ninik mamak's role is more in the form of approval rather than as the main decision maker. With this "*babingkah adat*" model, the hierarchical structure in the management of customary land in West Pasaman is clearly defined, with the Yang Dipertuan as the highest traditional leader who has a key role in strategic decisions regarding customary land. This reflects a tradition and customary order system that is highly upheld in local society, with a

hierarchically organized distribution of roles and responsibilities.

The second model known as "*babingkah Tanah*" gives authority over ulayat land to the ninik mamak, not to the Yang Dipertuan as in the previous model. In Nagari Kinali, this model is applied to regulate authority over customary land in the area. The land ownership system in Nagari Kinali is based on the customary rule of "*babingkah land*," which is the basis for land ownership. The claim of ownership has a strong basis. The Datuk Iimbang Langit refer to the *babingkah Tanah* customary system, which is the land ownership system in Nagari Kinali. This system stipulates that every ninik mamak or mamak people in Nagari Kinali has customary land.

Based on a letter issued by the Nagari Traditional Institution (LAN) Yang Dipertuan Kinali regarding the customary land boundary agreement between Simpang Tiga Koto Baru and IV Koto Kinali, it was decided that it would continue to recognize and approve the previous ninik mamak agreement, namely the agreement dated June 10 1995. What are the contents of the agreement? There are three, namely, First, according to Ninik Mamak IV Koto Kinali as well as the opinion of Pucuk Adat Yang Pertuankan Kinali TK. Asrul, "Starting from the peak of Mount Pasaman, descending from Taluak Ambun towards Batang Siok-Siok. Up to Batang Sibiluan, Tang Sabariintang, son,

duo Sebuaiyan, son of Mara, the blacksmith dibuek Karang Jo made Kaganti Lantak Jo Sapadun Baulu Ka Lubuk Simalahan, heading to Macang Anggang. Taruih to Muaro Batang Kaladi Taruih to Padang Si Balimbing Manuju ka Ampang Tikalak Basi Up to Muaro Tompek Gadang (sea)." Second, according to the ninik mamak Simpang Tigo Koto Baru (Dt.Sinaro) is "Mount Pasaman, Hulu Batang Tambau/Batang Tareh, Pertengan Batang Tareh, Hulu Batang Keladi Muaro, Batang Keladi towards Talang Bajunjung towards Kayu Manang, Muaro Sikaruah, tip of Air Manis Karang Gadang Edge." Third, according to Datuk Daulat Parit Batu as conveyed by Dt Madjo Sadeo, namely "The information about Ninik Mamak IV Koto Kinali is correct, but the boundaries are in accordance with the previous king, namely King Sibadagung. After being sovereign, they were corrected according to the sovereign's customs. Likewise, Dt. Sinaro Koto Baru's statement is also correct, because after the sovereign customs underwent several changes which were also signed by the Daulat along with the judge and Bandaro". Now it will be determined again after taking to the field with the ninik mamak of both parties along with the Daulat and Yang Dipertuan.

The Beginning of the Ulayat Land Conflict

Initially, ninik mamak handed over customary land to the regional

government in the hope that the regional government could bring investors to the nagari, so that the nagari's economy could develop. Usually, the handover of customary land is carried out verbally to the Regent with the aim of having the local government look for an "Adoptive Father" (investor) who will manage the customary land. Various agencies such as the Land, Plantation, Forestry, and Governance Agency, led by the Regent of Pasaman Regency. They are tasked with carrying out various things from lobbying ninik mamak to making correspondence related to the handover of customary land (Simarmata, 2018). Therefore, it is very important to ensure that all parties involved in this process, including local governments, investors and indigenous communities, work together in a transparent and fair manner to ensure that the benefits of this investment can be felt by all parties (Yuliandri, 2020). After a meeting between ninik mamak and investors facilitated by the local government, an agreement was then made in writing (Fatimah, 2010). After the ulayat boundary agreement was agreed based on the Nagari Customary Institution (LAN) letter dated 10 June 1995, a year later, on 6 June 1996, Ninik Mamak Kinali handed over the ulayat land of Nagari IV Koto Kinali to the state through the regent of Pasaman, namely Colonel Art. (Ret.) H. Taufik Martha with an area of approximately 7,150 Ha (core land of

approximately 3,300 Ha managed by PT. PMJ and Plasma land of approximately 3,850 Ha for ninik mamak Koto Kinali, namely KUD Dastra)

However, the day after it was handed over, the regent of Pasaman, Colonel Art. (Ret.) H. Taufik Martha issued a letter regarding changes in land composition, where for core land it became approximately 3,300 Ha (the same as at the beginning), while for plasma land it became approximately 4,250 Ha (more or less 400 Ha). While the construction of the plasma plantation was underway, there was damage to the road by ninik mamak and residents of Koto Baru. They argued that the land handed over by the Koto Kinali ninik mamak was ulayat land belonging to the Koto Baru ninik mamak. This conflict caused significant damage to the road infrastructure used to access plasma plantations and core plantations. This action reflects the tension that exists between two groups of indigenous people who feel they have rights to the land. This situation further complicates the plasma plantation development process which should run smoothly.

Peak of Ulayat Land Conflict

On July 9 2001, PT. PMJ sent a letter reporting the problems that occurred to the Regent of Pasaman, AKBP (Ret.) Drs. H. Baharudin Rabaan, MM In the letter, PT. PMJ reported that there had been destruction and looting of core and plasma

plantations by Koto Baru residents. This report shows that there is a serious conflict between Koto Baru residents and the company, which is increasingly worsening the situation on the ground. PT. PMJ also stated that the residents' actions had prevented them from continuing garden planting activities. The destruction and looting carried out by Koto Baru residents reflects high tensions regarding claims to customary land. Koto Baru residents argued that the land being worked on by PT. PMJ and KUD Dastra belong to them, so they feel they have the right to take this action. This conflict not only disrupts company operations, but also has the potential to cause large economic losses (PT PMJ Letter Number 031/PMJ-BM/Pem/2001). In November 2004, Keltan Harapan (Koto Baru Resident Farmers' Group) sent a letter to the regional government demanding a distribution of KUD Dastra profits. They feel that their rights as customary land owners are not recognized by KUD Dastra. In the letter, Keltan Harapan stated that the residents of Koto Baru were supposed to get a share of the results from the plasma plantation managed by KUD Dastra, but until then they had never received the share that should have been their right.

Apart from the farmer group led by Syahrul Ramadhan Tanjung, there is also a farmer group led by Syaful Usman with the name Simpang Tiga Keltan. This group is also involved in communal land conflicts

in the area. Simpang Tiga Keltan issued land certificates for 395 parcels at the plasma location built by PT. PMJ. This action adds to the complexity of customary land issues in the area and triggers further conflict with interested parties. The issuance of land certificates by the Simpang Tiga Keltan made KUD Dastra, which is the legal holder of the plasma area, feel disadvantaged. KUD Dastra sees this action as a violation of their recognized rights to plasma land. As a result, KUD Dastra decided to file a lawsuit with the West Pasaman District Court. This lawsuit aims to enforce their rights and cancel the certificates issued by the Simpang Tiga Keltan.

It can be concluded that the agreement to hand over the communal land of Nagari IV Koto Kinali to the state and its management by PT. Primatama Mulia Jaya (PT. PMJ) caused conflict with the people of Koto Baru, who felt the land belonged to them. After the handover, the Regent of Pasaman issued a letter changing land composition, which worsened the situation by increasing the area of plasma land. This unclear land boundary and changes in land composition have triggered road destruction and land occupation by Koto Baru residents, disrupting PT operations. PMJ and creates uncertainty for the company.

This conflict became increasingly heated with the actions of Koto Baru residents who demanded a distribution of

plasma plantation profits and banned PT operations. PMJ. Their dissatisfaction was also manifested through looting and control of plasma plantation land. These tensions demonstrate how important a fair and transparent resolution is to respect customary rights and ensure that the economic benefits of customary land management can be felt by all parties. Local governments need to play an active role in mediating these conflicts and ensuring that the rights of indigenous peoples are recognized and protected.

Resolving Ulayat Land Conflicts

If a customary land dispute occurs, the resolution must be carried out through traditional institutions in Minangkabau society, starting from the lower level to the higher level. This is confirmed in Article 12 of Regional Regulation Number 6 of 2008 concerning Ulayat Land and its Utilization which states: Ulayat land disputes in nagari are resolved by the Nagari Adat density in accordance with applicable customary provisions, in stages and efforts are made to be resolved by means of peace through deliberation and consensus. in the form of a peace decision. To resolve the dispute regarding changes in the composition of the land used for plasma, a deliberation was held between ninik mamak IV Koto Kinali and ninik mamak Koto Baru with the regent of Pasaman as a mediator so that the distribution results were determined for

several parties, namely, for Wonosari residents of approximately 400 hectares, for The residents of Kampung Rambah are approximately 500 Ha, for Syaiful Usman and Syarul Ramadhan Tanjung the area is - approximately 760 Ha, and for the residents of Kampung Pisang it is approximately 20 Ha.

In the decision-making process, evidence is a very crucial element, so that parties are given the opportunity to submit evidence in the form of letters, witness statements and other evidence that can support the truth of land ownership (Amran, 2017). In resolving civil disputes in Minangkabau, not all disputes are brought to the legal realm. In some cases, disputes are resolved first by the head of the heir. Then, if a new agreement is not obtained, it will be taken to the realm of the Nagari Traditional Meeting (KAN) (Mifta, 2013). Communal land conflicts can be resolved through deliberation to reach consensus which is carried out through the Nagari Adat Meeting. In the process of handing over customary land, there is a kind of compensation for the price of the land called *siliah Jariah* (Hakimi, 2016). This *Siliah Jariah* is traditional money given to ninik mamak.

It is also important to note that the expansion of West Pasaman Regency from Pasaman Regency triggered many interests from traditional elites and external actors, such as rulers, businessmen, local

kings, and the people, who were involved in the conflict. In West Pasaman there are two traditional kingdoms: Raja Kinali in Kinali and Raja Parit Batu in Simpang Empat Pasaman. In addition, during this period, news about land disputes attracted special attention from the government and human rights observers (Annual Report of the National Human Rights Commission, Representative of West Sumatra Province, 2007). It is reported that in West Pasaman, land disputes and conflicts have occurred since colonial times. This problem has increased, especially since the reform era due to less strict security supervision from the state (Suryadi, 2022). This is the first time this meeting has been held with the Republic of Indonesia's Polhukam, the RI Polhukam was summoned by the Regional Police Chief to resolve this problem. The purpose of this meeting with the Republic of Indonesia's Political, Legal and Security Affairs is to act as a moderator or to mediate issues between the Simpang Tiga border area and the Kinali border area.

CONCLUSION

Conflicts around ulayat land ownership in Nagari Simpang Tiga and Kinali reflect disputes regarding ulayat land ownership that have gone through a legal settlement process but have not yet been resolved at the community level. Even though the court has issued an official decision regarding who has the rights to the land,

the decision has not been fully accepted by all parties involved. This is like a fire in the chaff, where conflicts that appear to have been resolved on the surface actually still hold the potential for danger and tension in society.

Conflicts that have been resolved in court but not in society indicate that there is a mismatch between legal decisions and perception or acceptance in society. The community felt that the decision was unfair or not in accordance with local customs and traditions. Legal resolution of conflicts over customary land ownership in Nagari Simpang Tiga and Kinali has not succeeded in resolving problems at the community level. This shows the need for a more inclusive and sensitive approach to local customs and culture to achieve a resolution that is truly acceptable to all parties involved.

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