

## Land Dispute between Community and PTP Nusantara XIV In Central Maluku District

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### Abstract

*This study aims to look at the factors that cause disputes between PTP Nusantara XIV and the people of Tananahu Village in Central Maluku Regency and provide solutions to resolve them. The research used qualitative methods, the data was carried out by means of observation, interviews using snowball sampling techniques and documentation, the informants interviewed were: community, community leaders, village government, employees and management of PTP Nusantara XIV. The research found that 3,458 ha of land disputes between PTP Nusantara XIV and the community of Tananahu Village were; socio-economic and regulatory factors lead to territorial claims, the proposed solution for dispute resolution between PTP Nusantara XIV and the people of Tananahu Village must be negotiated and mediated by involving the community who owns the land, community leaders, religious leaders, village government, Central Maluku Regency Government, Maluku Regency DPRD Middle with the Management of PTP Nusantara XIV.*

### Keywords

Land Disputes; Community;  
PTP Nusantara XIV



### I. Introduction

Conflicts of interest are unavoidable in the struggle for natural resources, this is because many parties have an interest in them, each with different needs and goals. In almost every region of the Republic of Indonesia, the need for natural resources has increased following various developments and needs. Human Resources (HR) is the most important component in a company or organization to run the business it does. Organization must have a goal to be achieved by the organizational members (Niati et al., 2021). Development is a change towards improvement. Changes towards improvement require the mobilization of all human resources and reason to realize what is aspired (Shah et al, 2020). The development of human resources is a process of changing the human resources who belong to an organization, from one situation to another, which is better to prepare a future responsibility in achieving organizational goals (Werdhiastutie et al, 2020).

One of the factors that trigger conflicts of interest is access to land. Land access as an agrarian object has two possibilities, namely, harmony and disharmony. If there is an equal opportunity to control land as an agrarian object, harmony is created, but when there is an imbalance in the control and management it causes conflict. Generally, what happens is the struggle for land between the private sector (capitalist), households (community) and the government (populist/neopopulist). In the capitalist type occurs in the employer-labor relationship. In the community, the relationship between the leadership and its members, and the type of government positioning itself as sovereign or in power by utilizing agrarian objects (land), (Wiradi in Sitorus, 2002).

Land as a contested agrarian object always causes prolonged disputes between various parties causing security instability. Land disputes are often triggered by community injustice and powerlessness (Setiarsih, 2012). Land disputes in Indonesia are endless, in fact they tend to increase every year, both in urban and rural areas. Data on agrarian reform consortium (KPA) land disputes that occurred in Indonesia in the 2015-2018 period tended to increase, Table 1.

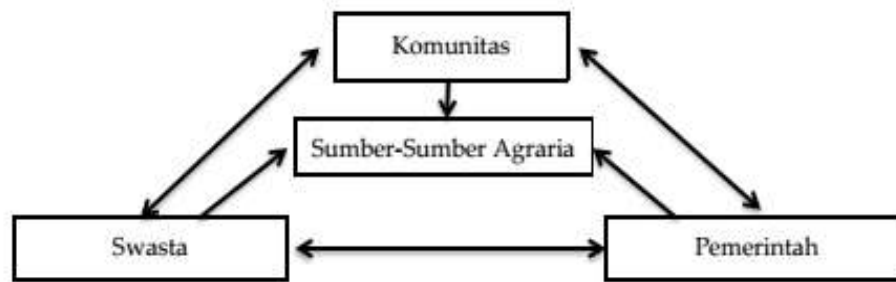
**Table 1.** Number of Agrarian Dispute Cases in Indonesia.

Tahun	Kejadi an/ kasus	Luasan (ha)	Sektor (kasus)						
			Perke bunan	Prope rti	Infrastru ktur	Pertan ian	kehuta nan	Pertamba ngan	kelaut an
2015	252	400.430	127	9	70	4	24	14	4
2016	450	1.265.027	163	117	100	14	25	21	10
2017	659	520.491,87	208	199	94	78	30	22	28
2018	410	807.177,613	144	137	16	53	19	29	12
Total	1.771	2.993.126,03	642	462	280	149	98	86	54

Sumber: Situs <https://www.kpa.or.id/news/blog/kpa-launching-catatan-akhir-tahun-2015-2018>

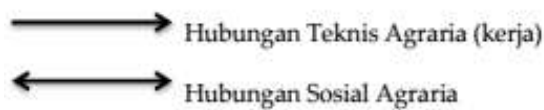
Based on the data in table 1, it shows that land disputes in Indonesia from 2010-2018 were dominated by the plantation sector with 642 cases. Most of the land disputes that occurred involved the community with State-Owned Enterprises (BUMN). In addition to data released by the agrarian reform consortium (KPA), there are also many land disputes between the community and State-Owned Enterprises (BUMN). This is evidenced by scientific research conducted by: Meliani Puji Suharto (2018), on Agrarian Conflict in Plantation Land Management at PT Hevea Indonesia (PT Hevindo) with Communities in Bogor Regency, Mutolib et al (2015), on Agrarian Conflict and Land Release Ulayat in West Sumatra, Sukardi Reskiawan (2016), on Agrarian Conflicts at PTPN XIV with the Polongbangkeng Farmers Union in Takalar and Sobri Districts (2017), Agrarian Conflicts Between Communities and Companies Holding HPHTI in Pelalawan District.

The solution in order to resolve land disputes, should be analyzed through patterns of social relations with agrarian resources, because patterns of social relations and agrarian resources contain potential for disputes and cooperation (Sitorus 2002). Cooperation will occur if social relations are able to formulate an agreement regarding the right interests, access and claims to land as agrarian objects. On the other hand, land disputes can occur if there is a conflict of interest within and between social relations on land as agrarian subjects, due to overlapping claims to land. The formation of social structures in social relations related to access to agrarian objects is determined by the government, the private sector and the community. The patterns of agrarian social relations between the three are largely determined by the context of the structure or agrarian resources in a region. Figure 1 (Sitorus 2002).



Sumber : Sitorus 2002:37

Keterangan:



**Figure 1**

An interesting fact in Central Maluku Regency, currently there is a land dispute between PTP Nusantara XIV and the people of Tananahu Village, currently there are mutual claims of ownership and access to land, each party claims that they have an interest in and access to a land area of 3,458 hectares. The land dispute between PTP NUsantara XIV and the people of Tananahu Village, has been going on for a long time, until now and there is no solution yet. Based on the facts above, the researcher is interested in conducting this research with the aim of analyzing what factors cause land disputes between PTP Nusantara XIV and the people of Tananahu Village, in order to contribute to the dispute resolution solution.

## II. Research Method

### 2.1 Research Paradigm and Approach

The research location was chosen based on the suitability of the research problem with the research location. The relevance of the research problem to the research location is seen from the existence of a land dispute between PTP Nusantara XIV and the community. This research is about social construction to determine land ownership and the factors causing the dispute. The object of study of this research is the community of Tananahu Village who still maintains their origins, culture, politics, economy, territory and PTP Nusantara XIV who claims that they are the owners of the land.

This research uses constructivism paradigm with qualitative research methods. The constructivism paradigm is used to adjust the context or condition of the Tananahu Village community as an agency of the community. The use of constructivism paradigm to bridge the issue of outsiders and insiders so that the community of Tananahu Village historically and contextually can represent themselves. Disclosure of social construction to show the existence of himself and to others (the other). The approaches used are case studies, ethnography, and historiography. The use of a case study approach is used to uncover the events involved in the observed case. ethnographic approach used in this research on the cultural aspects of society. Cultural aspects include the social structure of the community, and community social interactions, and the network of communication patterns, and the

economy. Meanwhile, historiography is used to trace history in the context of an event that occurred in the past to the present day. The context of these events is interrelated, recorded in various archives.

## **2.2 Data Collection Procedure**

Qualitative data were obtained by using structured interview research techniques (in depth interviews), observation, interviews using snowball sampling techniques and documentation and secondary data analysis which became a reference source related to the topic. Primary data obtained by; observation, interviews using the snowball technique, and FGD on informants at the research location. Meanwhile, secondary data was obtained from the village government archives in the form of village profiles and previous research. Secondary data taken from institutions and previous research related to the research objectives. These data are used to support qualitative data. During the data collection period in the first month, the researcher conducted an assessment process or self-introduction to the community and company management. Tineliti tries to merge with the community and company management, becoming part of the Tananahu Village community and the Company. In the second month, the interview stage was conducted. Structured interviews were directed by using interview guidelines with an oral communication system by seeking information about construction and community structures in land management. Meanwhile, observations were made by directly observing the daily behavior of the people. The data used in this study were primary data and secondary data. and documentation through recordings and photographs. In the third month, the researcher conducted interviews with PTP Nusantara XIV, managers and employees. After that, the researcher studied the information and verified the data that had been collected starting from the results of interviews, observations, secondary data from the research results, village profiles, and village reports. This month, the researchers also conducted FGDs at the village head's house to verify the data that had been collected and deepen the information obtained.

## **2.3 Data Management and Analysis Techniques**

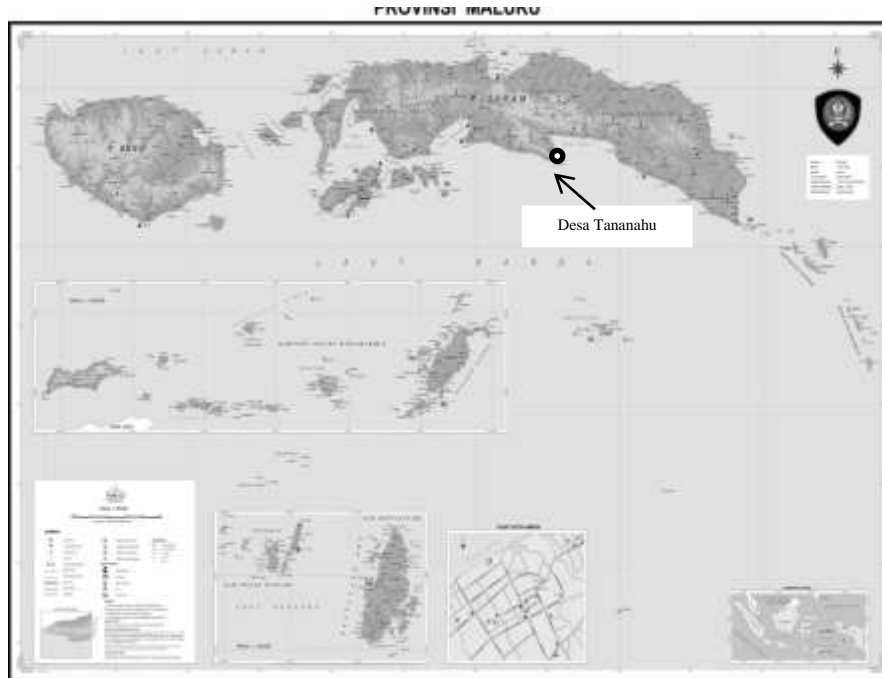
Data analysis from in-depth interviews and observations was carried out in three stages, namely data reduction, data presentation, and verification. Data reduction includes sorting, simplifying, classifying, abstracting, and transforming data from in-depth interviews, observations, and related literature studies. At this stage the aim is to sharpen the analysis of the research. In this section, the researcher separates the data that are considered irrelevant to the study. Presentation of qualitative data in the form of interpretation results in the form of quotations. Then, the verification stage is the final stage in managing data reduction to allow drawing conclusions.

# **III. Result and Discussion**

## **3.1 Tananahu Village Profile**

Tananahu Village is located in Teluk Elpaputih District, Central Maluku Regency. This village is located at an altitude of  $\pm 26.12$  meters above sea level. The distance to the provincial city (Ambon City) is about 6 hours and the distance to the Central Maluku Regency (Masohi) is about 2.5 hours by motorized vehicle. The area of Tananahu Village is 211,928 hectares, consisting of 4,161 hectares of settlements and 11,042 hectares of agricultural businesses. The land owned by Tananahu Village which is used in the PTP Nusantara XIV Cultivation Rights is 3,458 hectares, the rest consists of unused forest land.

Administratively, the boundaries of the Tananahu Village area are as follows: the north is bordered by North Seram, to the south by the Seram Sea, to the east by Waraka Village and to the west by Liang Village.



*Figure 1. Regional Map of Maluku Province, Indonesia.*

The total population of Tananahu Village is 2,460 people, consisting of 1,225 men and 1,235 women with a total of 549 heads of family, there is one sub-village namely Rumalait, the population is spread over 2 RW and 9 RT. Most of the people of Tananahu Village work as farmers or about 77 percent depend on the agricultural sector, the community cultivates and maintains agricultural crops, forest trees, plantation crops, livestock simultaneously to meet food and economic needs. The orientation of the community to farming is only to meet the needs of life, or is still oriented towards subsistence.

Agricultural land for the people of Tananahu Village is nature that gives life, not only as a place for farming but shows the existence of the community, because land has historical value, namely the inheritance of their predecessors. So that the extent of territorial or land control shows the existence of the family, social identity (marga), besides that it is a prestige and a place to unite families.

### **3.2 Profile of PTP Nusantara XIV**

PTP Nusantara XIV is at a position 03°11' - 03° 13' latitude and 128° - 23 east longitude in Teluk Elpaputih District, Central Maluku Regency, Maluku Province. The land managed by PTP is located between 5 villages, namely Waraka Village, Tananahu Village, Liang, Sahulau Village and Samasuru Village. Before becoming PTP Nusantara XIV, it was formerly known as the New State Plantation Company, then changed its name to State Plantation Company, Piprek Intim (East Indonesia Plantation Project), PNP XXVIII (State Plantation Company), PT XXVIII (Persero), then Marger PTPN XIV (Persero). ) or PTP Nusantara XIV plantations.



Merger of several State-Owned Enterprises (BUMN) into PTPN XIV (Persero) consisting of PTP XXVIII (including Awaya-Telpaputih Plantation), PTP XXXII, PT Bina Mulia Ternak as well as projects from PTP XXIII (Persero) in the Sulawesi region, in accordance with Harun Kamil SH Notary Deed No. 47 dated March 11, 1996. The history of development and changes in ownership of PTP Nusantara XIV can be seen in table 2.

**Table 2.** History of Changes in Ownership of PTP Nusantara XIV

No	Peristiwa	Tahun
1	PTP Nusantara XIV Kebun awaya sebelumnya adalah Kebun Tradisional dengan komoditi andalan kelapa rakyat (kelapa dalam), pendiri atau pemilik Mr. Borman dan Mr. Jansen melalui pembelian tanah dari Raja Elpaputih Moses Laturiuw.	1912
2	Pada tahun 1912 Mr. Clark membeli perkebunan tersebut	1925
3	Pada tahun 1925 Mr.Harton membeli perkebunan tersebut	1930
4	Pada tahun 1930 Mr wiskomar membeli perkebunan tersebut dari Mr. Harton	1937
5	Pada tahun 1937 Mr. Mirok membeli perkebunan tersebut dari Mr. Wiskomar	1957
6	Pada tahun 1957 Di Nasionalisasi pemerintah Republik Indonesia menjadi status Tanah Erpracht/konsensi	1957

*Source: PTP Nusantara XIV Awaya Plantation Office 2019*

### 3.3 Factors Causing Land Dispute between PTP Nusantara XIV and the Tananahu Village Community

According to Sitorus (2002), agrarian structures and resources contain conflict and cooperation. Cooperation occurs if social relations are able to formulate an agreement on the interests of land as an agrarian object. On the other hand, a land dispute will occur if there is a conflict of interest within and between social relations with the land. In line with that, Christoulou (2008), explains that agrarian conflicts between the community, the government and the private sector are due to fighting over agrarian resources. The community is fighting against the state and the private sector to demand what they think is their right. Meanwhile, the State and the private sector are also trying to put up a fight and put pressure on the community to defend their rights to agrarian resources, both of which generally have juridical evidence. Dorsey (2014), also explains the factors that cause land disputes between various parties due to differences in interests and differences in personal and historical backgrounds of interested groups.

Based on the results of research conducted in Tananahu Village and PTP Nusantara XIV, it was found that the factors causing the land dispute between the two were factors of interest, among others; socio-economic and regulatory factors.

### 3.4 Socio-Economic Factors

The management of PTP Nusantara XIV promised the people of Tananahu Village that there would be a partnership pattern, between the people of Tananahu Village and PTP Nusantara XIV, but so far the company did not realize it, this factor was the trigger for the initial land dispute, community disappointment with the management of PTP Nusantara XIV has been suppressed long.

According to the people of Tananahu Village, there was a written agreement between PTP Nusantara XIV and the community that they would be partners with the People's Core

Plantation (PIR) pattern. The partnership agreement with the People's Core Plantation (PIR) pattern between the management of PTP Nusantara XIV was stated in a written agreement, besides that there was also an unwritten agreement, namely, PTP Nusantara XIV promised to build housing for the underprivileged, clean water facilities, education, and will provide scholarships to the children of Tananahu Village.

The promises of PTP Nusantara XIV were not realized, further explained by the community that, PTP Nusantara XIV had been operating on their land for approximately 30 years, the people of Tananahu Village were only employed as freelance daily workers (THL) and permanent daily workers (THT). , with uncertain income, while other people are given salaries according to the Regional Minimum Wage standard for Central Maluku Regency. According to the people of Tananahu Village, they must work according to the production target that has been determined by the company, then they will be paid. The company requires the community to work with a target of harvesting cocoa (wet) 50 kg/day, coconut 350 grains/day and rubber 413 kg/day. The wages given to people who work if they meet the production target per day, namely for Freelance Daily Workers (THL) of Rp. 88,000 while for Permanent Daily Workers (ENT) of Rp. 120,000.

Based on data obtained from informants who have worked at PTP Nusantara XIV, it is explained that they are very difficult to achieve the production targets set by the company, the production of plants per day is uncertain so that if they do not reach the production targets set by the company, the wages they get uncertain, because of the wage system per day.

Based on the data obtained from the community then verified to the management of PTP Nusantara XIV. The management of PTP Nusantara XIV explained that the partnership plan with the People's Nucleus Plantation (PIR) pattern was not realized, because the people of Tananahu Village did not own land outside the Hak Guna Usaha (HGU) area managed by PTP Nusantara XIV covering an area of 10,000 hectares. can be realized if the people of Tananahu Village own land outside the Cultivation Right. In addition, the agreement for the construction of housing, clean water and educational facilities was realized and it is located in the land area owned by PTP Nusantara XIV, intended for employees of PTP Nusantara XIV, as evidenced by each afdeling housing being built along with clean water facilities, educational facilities, and scholarships for children. -children of outstanding employees.

Based on the facts above, it can be stated that land disputes occur due to social and economic factors, so that people claim that the land managed by PTP Nusantara XIV is theirs. The community feels that their existence is threatened, besides that there is a social gap between them and the permanent employees who work in the company. The facts above are in line with what was stated by Afrizal (2006), that the community is fighting against the company to demand what they think is their right. Meanwhile, the company is also trying to fight and put pressure on the community to defend their rights to agrarian resources, both of which have juridical evidence.

### 3.5 Regulation

The land managed by PTP Nusantara XIV is a land left by the Dutch during the colonial era, then in 1957 it was nationalized to become Erpacht Land and then in 1982 it obtained a Cultivation Right, which was valid from March 31, 1982 until 2012. Right to Cultivate by PTP Nusantara XIV Based on the Decree of the Minister of Home Affairs (Mendagri) No: 5/HGU/DA/1982 March 31, 1982 the status of the land from Erpacht changed to HGU land (Hak Guna Usaha) with an area of 10,000 Ha valid until December 31, 2012 with the obligation to pay building land tax which exists.

Prior to the expiry of the Hak Guna Usaha (HGU) on December 31, 2012, PTP Nusantara XIV through its management had processed the extension of the Hak Guna Usaha (HGU) in 2010. According to the company's management, they carried out an extension process because they considered the land claimed by the people of Desa Tananahu as wide as 3,458 ha. State-owned land, because the land was formerly erpacht land that had been nationalized.

The community received information and learned that the Land Use Rights (HGU) owned by PTP Nusantara XIV will expire on December 31, 2012. On January 1, 2013 the community and the government of Tananahu Village have made a declaration, as well as claiming ownership of their 3,458 hectares of land used PTP Nusantara XIV.

According to the people of Tananahu Village, the land controlled by PTP Nusantara XIV, covering an area of 3,458 ha, is their right and property. In the past, their parents gave it to the company because they were intimidated and threatened to be transmigrated if they did not release the 3,458 ha of petuanan land in the PTP Nusantara XIV Cultivation Right, so the community was forced to free the land for use, and since then the community has lost their source of livelihood as a source of income. farmers because it is difficult to get access to land to carry out agricultural activities.

The land dispute between PTP Nusantara XIV and the people of Negeri Tananahu from a material point of view is a conflict of objectives, Soetopo (1999). This is because PTP Nusantara XIV carried out the process of extending the Right to Cultivate (HGU) because they considered the land to be owned by the State, in addition to creating jobs and improving the economy of the surrounding community, on the other hand, the community refused to extend the Hak Guna Usaha (Hak Guna Usaha) on the claimed land area of 3,458 hectares. because the community wants the land to be returned to be used as agricultural land and to build housing facilities. In addition, the conflict occurred was an open conflict and a surface conflict Fisher (2001), because between PTP Nusantara XIV and the Tananahu Village community because both parties had very real conflicts with clear root causes, namely socio-economic factors and regulations, therefore assistance from other parties was needed. to get over it.

### **3.6 Land Dispute Resolution Solutions Between PTP Nusantara XIV and the Tananahu Village Community**

The settlement of a land dispute covering an area of 3,458 hectares between PTP Nusantara XIV and the people of Tananahu Village was carried out, namely on September 26 2018, mediated by the National Human Rights Commission of the Republic of Indonesia (KOMNAS HAM RI) but the negotiation process did not find a settlement point. Furthermore, on September 13, 2019 the National Human Rights Commission of Maluku Representative conducted mediation so that the settlement of land disputes between PTP Nusantara XIV and the Tananahu Village Community could be resolved by involving the Central Maluku Regency Government, Management of PTP Nusantara XIV, communities claiming to be land owners and Community Leaders, the results of the mediation were agreed upon by all elements involved in agreeing that the land dispute issue was handed over to the President of the Republic of Indonesia to follow up.

The land dispute between PTP Nusantara XIV and Tananahu Village has not been resolved, according to researchers, the conflict requires the help of other parties to resolve it, as stated by Nasikun (1993), that conflict resolution can be carried out in several approaches, namely Negotiation, Conciliation, Mediation and Arbitration. Negotiation aims for the disputing parties to negotiate to reach a mutual agreement to settle. Conciliation of dispute resolution by involving certain institutions that allows discussion

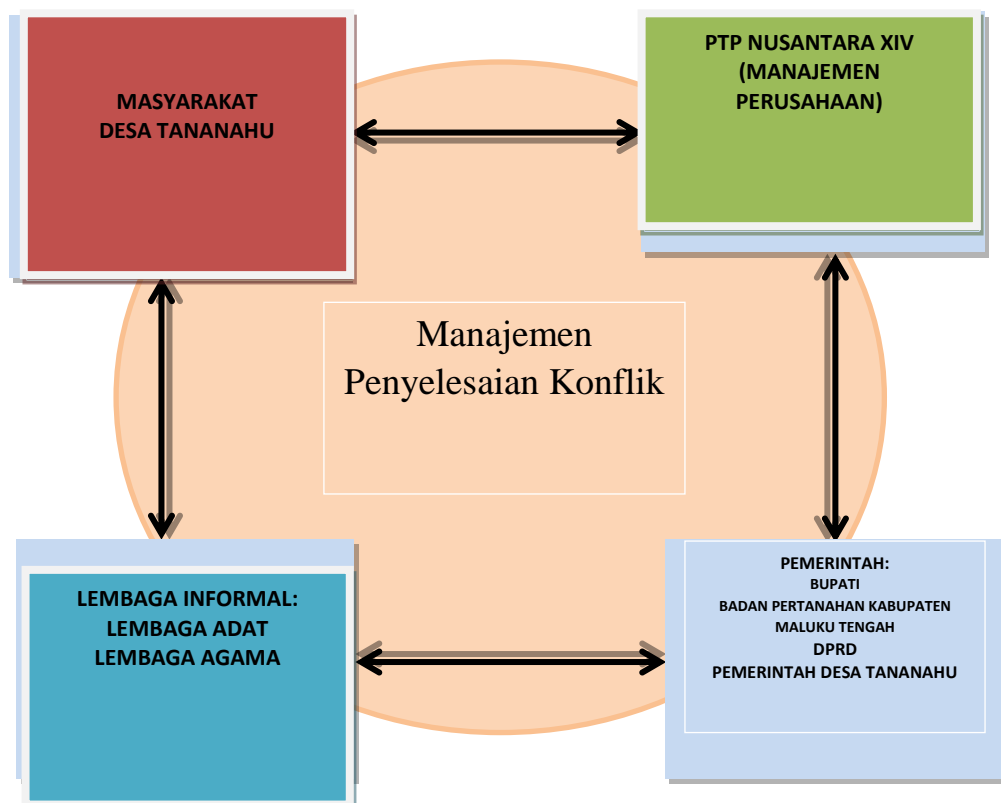


for decision making between the conflicting parties. Mediation through the help of a third party to mediate for conflict resolution that is compromising or by means of arbitration, which requires the conflicting parties to accept the decisions taken by the arbitrator whose role is to provide decisions, in the context of conflict resolution.

Based on data and facts, land disputes that occurred between the people of Tananahu Village and PTP Nusantara XIV, according to researchers, should be carried out by conciliation, involving various institutions. Considering the culture of the Maluku people, which is still thick with a strong system of customs and culture, dispute resolution can occur. Maluku people have a variety of cultures, one of the cultural values is "betel nut". Betel nut is a traditional material used to discuss and complete various traditional rituals. According to the researcher, "sirih pinang" is meant only as a "symbol" of the entrance to resolve conflicts between the people of Tananahu Village and PTP Nusantara XIV through conciliation by involving various institutions together with the community and the management of PTP Nusantara XIV.

The researcher suspects that the community needs to settle land disputes with PTP Nusantara XIV to provide "sirih pinang", in the form of compensation to the community by paying for the land and employing the people of Desa Tananahu in PTP Nusantara XIV because according to the community their land is 3,458 ha which has been claimed by PTP Nusantara XIV.

The process to discuss the "betel nut" in question, it is necessary for the institutions that need to be involved are (Figure 2).



So that the public can submit their demands to PTP Nusantara XIV, as a consideration for compensation. Therefore, it is expected that the Central Maluku Regency Government, Central Maluku Regency DPRD, Land Agency, Tananahu Village Government, Customary Institutions and Religious Institutions in Tananahu Village are expected. The function and role of these institutions is why they are involved, because it is

expected that the Regent as the head of the regional government is responsible for the region and its people who have a role in reconciling land disputes. The Central Maluku Regency Land Agency as the party that must explain the validity of the data and the legality of the disputed land ownership, the Central Maluku Regency DPRD as the people's representative must also sit together because it has a control function and formulating laws can contribute to the resolution of the dispute. No less important are traditional institutions and religious institutions, as it is known that the Maluku community, including the people of Tananahu Village, are obedient and obedient to cultural and religious values so that traditional institutions and religious institutions can mediate the resolution of the dispute.

#### IV. Conclusion

The factors causing land disputes between PTP Nusantara XIV and the people of Tananahu Village are; Socio-economic and regulatory factors lead to mutual territorial claims. Land dispute resolution between PTP Nusantara XIV and the people of Tananahu Village should be carried out by means of negotiation and mediation involving the landowner community, community leaders, religious leaders, village government, Central Maluku Regency Government, Central Maluku Regency DPRD together with PTP Nusantara XIV Management.

Thank-you note

On this occasion the author would like to thank the people of Tananahu village, the village head, the leadership of PTP Nusantara XIV, community leaders, managers of PTP Nusantara XIV, employees and especially the farmers who provided information to researchers so that the results of the research could run well. The author also expresses his gratitude to Oktovan Tipak who has helped researchers in the research process until the writing of this article was carried out.

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