

Agrarian Conflict Handling Policy in the Tourism Village Development Program in the Lake Toba Area

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ARTICLE INFO	ABSTRACT
<p>Keywords: <i>Agrarian conflict, local government, case settlement, disagreement</i></p> <p>Date logs: Received: March 25, 2024 Reviewed: July 02, 2024 Accepted: August 22, 2024 Published: August 23, 2024</p> <p>How To Cite: Rosiani, L.D., & Amrullah, M.N. (2024). Agrarian Conflict Handling Policy in the Tourism Village Development Program in the Lake Toba Area. <i>Marcapada: Jurnal Kebijakan Pertanahan</i>, 3(2), 139–112. https://doi.org/10.31292/mj.v3i2.51</p>	<p>Lack of public knowledge about land ownership and the inability of the public to control emotions in solving problems can trigger conflicts, both conflicts of interest and agrarian conflicts. Furthermore, local government policies that are not firm enough in dealing with people who do not fully understand land ownership and assets that cannot be controlled by individuals are also factors in agrarian conflicts. Agrarian conflicts in each region are different, but it is possible that the causal factors and chronology are the same as in other regions. This paper aims to discuss local government policies in handling agrarian conflict cases. Interviews were the method used. We use interview techniques to explore the chronology of conflict cases and their resolution. The study employs qualitative data analysis techniques. The study's results demonstrate that related parties engage in deliberation to implement the policy for handling agrarian conflicts. The land office's role in conflict resolution is to provide land administration services. Once the Ombudsman of the Republic of Indonesia receives a case report, they must proceed through several stages before issuing a decision letter. Only the Regency Government and the Land Office must cooperate by adhering to the stages and participating in the Ombudsman's examination.</p>

A. Introduction

Everyone, as social beings, always interacts with others in order to fulfill their life needs (Nisa et al., 2023). Just as people as individual beings have duties, people as social beings also have duties, namely to engage, relate, and adapt to their surroundings. Of course, the reciprocal relationship between these people, both individually and in groups, through direct or indirect contact with the environment, gives rise to social interaction. This social interaction can be positive or negative; however, it is not uncommon for it to end in differences of opinion that can cause the atmosphere to become heated because everyone cannot control their anger. Moreover, trivial matters often lead to conflicts or even brawls in the community. The root of this impact stems from the fact that everyone has different mindsets and struggles to control their emotions (Adiansah et al., 2021). Conflict is defined as social interaction between individuals or groups who aim to achieve their respective goals through various means, including harming other parties (Deca & Pitriani, 2024). Diverse factors, including differences in beliefs, culture, and interests in managing scarce natural resources like

agrarian resources, can trigger conflicts. Agrarian conflict is something that cannot be avoided in order to manage agrarian resources by parties in a region or a country. For instance, agrarian conflicts can arise when community groups, in collaboration with land management bodies or managers involved in production, extraction, or conservation, fight over access rights to land and natural resources. Another example is an agrarian conflict that occurs for trivial reasons, namely because there are parties who have an interest in something while the opposing party has different needs and interests (Batlajery et al., 2018).

According to the Agrarian Performance Consortium (KPA) in 2017, there were five provinces that had the largest percentage of agrarian conflict cases in Indonesia, namely East Java, which had 60 cases, West Java, which had 55 cases, Riau, which had 47 cases, Lampung, which had 35 cases, and North Sumatra, which had 59 cases (Primayanti & Fedryansyah, 2019). North Sumatra has been a significant contributor to agrarian conflict. Although there are numerous land clans in North Sumatra that regulate and control all the land in the region, this does not eliminate the possibility of conflict, including both conflicts of interest and agrarian disputes. The land clan system reflects a very close relationship between land and descendants, where children as successors to the clan are considered land owners. Land is a symbol of the clan's existence and power, with each clan owning its own land area (Jayus, 2019). Dairi Regency is one of the areas that still implements the land clan system, commonly known as *sulang silima*. Dairi Regency is one of the regencies in North Sumatra. Dairi Regency covers an area of 192,780 ha, which is approximately 2.69% of North Sumatra Province's 7,160,000 ha. Dairi Regency is located in the southwest of North Sumatra Province. The majority of Dairi Regency consists of plateaus and hills, where farming is the primary source of income. However, some residents also depend on tourism due to its proximity to the Lake Toba Area, a popular tourist destination (Ginting, 2020). Because the Lake Toba Area is in high demand among tourists, the locals have built many restaurants and other tourist attractions. In Silalahi III Village, located in the Lake Toba area, individuals not only establish diverse businesses but also engage in farming using irrigation resources from Lake Toba. Agriculture and tourism support the local economy, prompting the Dairi Regency Government to strive for further economic improvement.

In order to improve the regional economy of Dairi Regency through tourism aspects, the Dairi Regency Government intends to make several villages around Lake Toba into tourist villages. The Tourism Office plans to construct a Lake Toba tourist attraction in Silahi Sabungan District, which offers numerous opportunities for development into tourist villages. Paropo and Paropo I villages in Silahi Sabungan District have already transformed into tourist villages, while Silalahi III Village is in the process of becoming a tourist village. In addition to boosting the regional economy, tourist villages have the potential to enhance the income of the local residents. But what if the residents of Silalahi III Village still find it difficult to embrace the transformation of their years-long-managed land into a tourist destination? Only a small number of residents own land that will be used as a tourist spot, but the other people in Silalahi III Village misunderstand the Dairi Regency Government's goals in building a tourist village. As a result, they oppose the government and threaten the Land Office employees

who are measuring the land. What triggered the agrarian conflict between the people of Silalahi III Village and the Dairi Regency Government? What is the Dairi Regency Government's policy for resolving the conflict? What role does the Dairi Regency Land Office play in issuing land certificates to the Dairi Regency Government in Silalahi III Village, a planned tourist village that is also experiencing conflict? This is a question that is frequently thought about by several people who are deepening their knowledge about how to handle conflicts, disputes, and cases. This is the reason the author is drawn to the theme of Tourism Village. This journal offers a unique perspective on the agrarian issues that arise in the Batak Toba land clan area. Unlike Sibarani (2021), who solely discusses the challenges of customary clan land to individual ownership rights on Samosir Island, and Harahap et al. (2019), who explore the local wisdom of the Batak people as a safeguard for preserving agrarian resources, this journal offers a fresh perspective. While the agrarian conflict in the Batak Toba land clan area differs from other regions (Sihombing, 2020), the agrarian problems discussed in this article possess a distinct perspective and unique cultural and social features. The concept of developing a tourist village not only creates economic opportunities for rural areas, but also fosters agrarian conflicts between village communities, particularly Silalahi III Village and the Dairi Regency Government. Furthermore, the cultural and social characteristics of the community in this location continue to emphasize deliberation and consensus as a means of resolving conflicts arising from social and economic issues. The main objective of this article is to discuss the local government's policy in handling agrarian conflict cases while presenting in detail the tug-of-war process of resolving the problem in Silalahi III Village, Silahi Sabungan District, Dairi Regency, North Sumatra Province.

B. Research Methods

This study employs a qualitative method (Creswell, 2016) with a descriptive-inductive approach. The study's location is Silalahi III Village, Silahi Sabungan District, Dairi Regency, North Sumatra Province (Figure 1). The author selected this location due to the ongoing conflict between the Dairi Regency Government and the Silalahi III Village community, which has lasted from 2002 to the present (more than 20 years). This conflict arose because of a misunderstanding between the two parties over the issue of buying and selling land for the Situngkir and Sidebang clans.

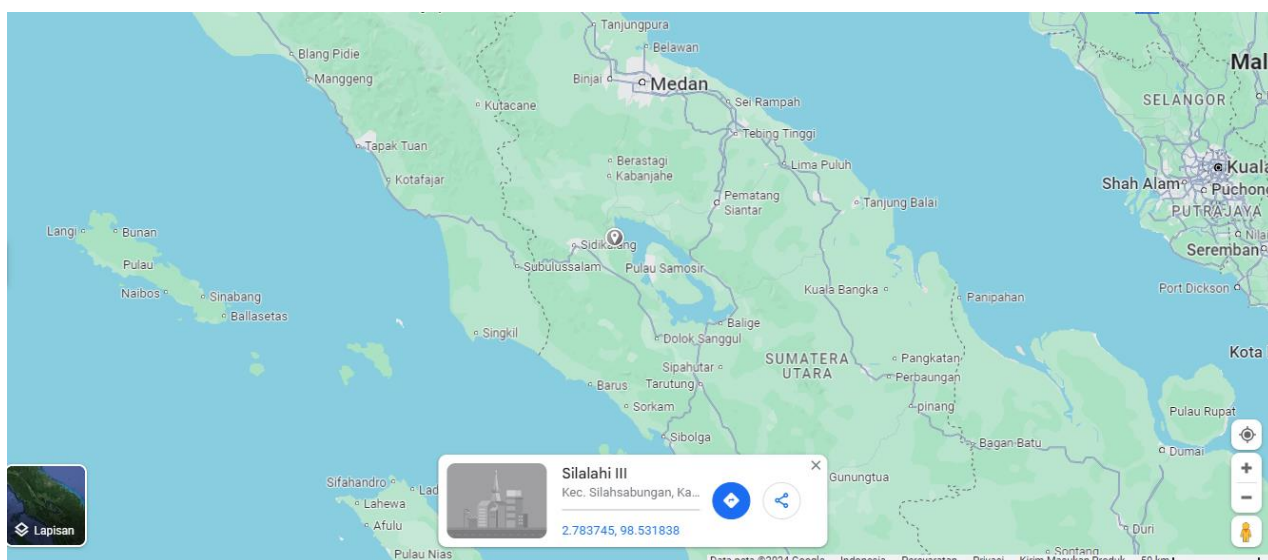


Figure 1. The Location of Silalahi III Village, Silahi Sabungan District in the Territory of Indonesia

We divide the data sources in this study into two categories: primary data and secondary data, which we obtained through field observations, in-depth interviews, and documentation studies. The informants selected during the interview used the snowball sampling technique at the research location, and the author started at the Dairi Regency Land Office. Secondary data is derived from reports, letters, minutes, pamphlets at local government agencies, land offices, and other literature. We conduct searches for additional literature on online journal systems or media platforms, employing keywords such as conflict, agrarian, land registration, clans, and land sale and purchase. The majority of all secondary data are in the publication period between 2010 and 2022 (Braun et al., 2021). The author conducted a qualitative data analysis after collecting all primary and secondary data. The process involves reducing the data, presenting the data, and drawing conclusions about the land problems that occur at the research location (Yin, 2015). The author uses qualitative data analysis techniques because they are a systematic process for organizing, grouping, and interpreting non-numerical data obtained from interviews, observations, and documents to understand a social phenomenon (Tomaszewski et al., 2020).

C. Results and Discussion

1. Triggers of Agrarian Conflict Between the Silalahi III Village Community and the Dairi Regency Government

The Dairi Regency plans to transform one sub-district, Silahi Sabungan Sub-district, into a tourist village. A conflict arose in Silalahi III Village, one of the villages in Silahi Sabungan Sub-district, between the village community and the Dairi Regency Government during the land certification process. Interviews with surveyors at the Dairi Regency Land Office, who managed this case from start to finish, revealed the following findings:

The Dairi Regency Government's 2002 sale and purchase of land with the Situngkir and Sidebang land clans set off this conflict. The problem is that the heirs of the Situngkir and Sidebang land clans are not satisfied with the 2002 sale and purchase with their late parents." (Interview with Ari Septian, A.P.)

After the author sought clarification from the heirs of the Situngkir and Sidebang land clans, they stated as follows:

"We do not know anything about our predecessors' land sales and purchases." We, as the heirs of the Situngkir and Sidebang land clans, only found out about the land sale after the Dairi Regency Government conducted a survey to register the land in the name of the Dairi Regency Government. We, as the heirs of the Situngkir and Sidebang land clans, do not accept this treatment because this land is a source of livelihood that we have worked on for years." This is an interview with the heirs of the Situngkir and Sidebang land clans.

2. The Role of the Dairi Regency Land Office in Making Certificates at Tourism Village Locations

According to various sources from the Dairi Regency Land Office, the conflict commenced in 2021 when the Dairi Regency Government instructed the Dairi Regency Land Office to initiate the first land registration procedure in accordance with applicable provisions. On October 19, 2021, a group of representatives from the Dairi Regency Government, along with several measuring officers from the Dairi Regency Land Office and the Dairi Regency police, visited the land of the Situngkir clan's heirs to conduct the initial land registration process, known as the land measurement stage. However, after arriving at the land in question, the measuring officers, police, and Dairi Regency Government officials received an unpleasant welcome. At that time, residents of Silalahi III Village had gathered at the location of the land and asked questions that cornered the Dairi Regency Government and the Dairi Regency Land Office.

Following the author's clarification with the Dairi Regency Government, particularly in the area of governance,

"Initially, the Dairi Regency Government wanted to discuss this problem with a cool head, but the people of Silalahi III Village refused and threatened to take this case to court." The interview was conducted with the staff of the Governance section.

The following is evidence of the first area measurement, namely land belonging to the heirs of the Situngkir land clan on October 19, 2021:



Altitude: 1071.9meter
Speed: 1.0km/h
47N 423978 303650
186° S
19 Oct 2021 08.03.51

Figure 2. Dairi Regency Government apparatus, Dairi Regency Land Office Measurement Officers and several members of the Dairi Regency Police Department gathered at the Dairi Police Department to be sent together to Silalahi III Village.



Figure 3. Field conditions for measuring the first area belonging to the heirs of the Situngkir land clan.

3. Dairi Regency Government Policy in Handling Conflict

After the incident of the dispute between the Silalahi III Village community and the Dairi Regency Government and the Dairi Regency Land Office, the Dairi Regency Government attempted to resolve the problem amicably, but several times the heirs of the Situngkir and Sidebang land clans refused to discuss the problem peacefully and insisted on taking it to court. According to an interview with the Dairi Regency police,

The Dairi Regency Land Office Measurement Officer carried out a re-measurement of the land plot between mid-May and November 17, 2021, in the presence of several employees from the Dairi Regency Government and us, the Police, who were on duty to remain vigilant in case of unexpected events. However, the situation did not turn out as expected. The Silalahi III Village community actually escalated the situation by threatening the Dairi Regency Government Employees and the Dairi Regency Land Office Measurement Officers with sharp objects, specifically machetes. Even though there were already several police officers there, the Silalahi III Village community was not afraid to fight them. Finally, the Dairi Regency Government, the Land Office Measurement Officers of Dairi Regency, and the local police decided to return home without bringing any results.” The interview took place with the police in Dairi Regency.

The local government halted the land registration process and closed the file after it exceeded the SOP (Standard Operating Procedure) limit, as stated by Suparyanto and Rosad in 2015 and 2020.

The evidence for the second area measurement, specifically the land that belonged to the heirs of the Sidebang land clan on November 17, 2021, is provided below:



Figure 4. The gathering point at the Dairi Police Station shortly before departing together



Figure 5. A conflict occurred between the Dairi Regency Government and the heirs of the Sidebang land clan, mediated by the Police

The Situngkir and Sidebang clans in the Toba area, especially in Silalahi Village 3, were still involved in an unresolved land conflict. This conflict is part of a broader agrarian problem, where overlapping land ownership often occurs between indigenous peoples and other parties, such as the government or companies. The Dairi Regency Land Office, as the regional representative of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), has actually tried to resolve the clan land conflict more quickly and efficiently. Although it failed because emotions were still burning, the author believes that one step that can be taken is to coordinate various related parties through the Agrarian Reform Task Force (GTRA) (Junarto, 2022). GTRA is a forum for dialogue between the government, community, and civil society organizations to find fair and sustainable solutions for all parties involved, including the Situngkir and Sidebang clans, through mediation and land ownership restructuring (Ihsan & Salim, 2022).

D. Discussion

In accordance with the threat stated by the heirs of the Situngkir land clan and the heirs of the Sidebang land clan after the second measurement was carried out on November 17, 2021, the heirs of the land clan brought this case to the legal realm. Early in 2022, they sent a letter to the Dairi Regency Government, which holds regional government land assets, and the Dairi Regency Land Office, which provides land administration services related to land certificates issued on their land. After the Dairi Regency Land Office and the Dairi Regency Government went through several

examinations of the complaints made by the heirs of the Situngkir and Sidebang land clans, this case has reached the Ombudsman of the Republic of Indonesia. The Ombudsman of the Republic of Indonesia, formerly known as the National Ombudsman Commission, is a state institution that possesses the authority to oversee the execution of public services by both government and state organizers. Its responsibility extends to the implementation of certain public services that derive entirely or partially from the APBN (State Revenue and Expenditure Budget) or APBD (Regional Revenue and Expenditure Budget) (Kadarsih, 2010). Public complaints regarding public services to the Ombudsman of the Republic of Indonesia have several stages. Initially, the reporter visits the regional Ombudsman in each region, discloses their full identity, and recounts the timeline of events, ensuring that the events are recent and not older than two years, while maintaining the confidentiality of their identity. The reporter cannot file a complaint directly with the Ombudsman; he must first submit a complaint to the relevant agency. When no response is received, the reporter can complain to the Ombudsman. The second stage is to check the completeness of the requirements, namely identity and chronology of events. If the reported requirements are incomplete, the Ombudsman will provide a written report to the reporter to complete the requirements within a maximum period of 30 days; if it exceeds the specified time, the reporter will be considered to have withdrawn his/her complaint report. The investigation process is the third stage. At this stage, the Ombudsman can conduct a written, direct, or field examination. The Ombudsman has the authority to request necessary information from the relevant party regarding the complaint report. In the meantime, the process of mediation, special adjudication, and systemic review is underway to find a middle ground. The next stage is the recommendation from the Ombudsman. The Ombudsman of the Republic of Indonesia issues opinions, conclusions, and suggestions, based on the examination results, to the reported party for implementation or follow-up, with the aim of enhancing the quality of government administration. The examination report includes four distinct conclusions.

1. We will close the case if we find no maladministration.
2. If the investigation process finds maladministration but resolves it, we will declare the case closed.
3. If the investigation process finds maladministration but cannot resolve it, the Ombudsman will issue a corrective policy with a 30-day time limit. The regional ombudsman will then forward the case to the Indonesian ombudsman at the center if it remains unresolved. Simple cases require a resolution within 60 days, moderate cases require 120 days, and serious cases require 180 days (Suleman, 2018).

After months of trying to find a middle ground with the heirs of the Sidebang and Situngkir land clans, it finally yielded results. In 2022, the Dairi Regency Government reached an agreement with the Situngkir land clan's heirs. Despite only reaching an agreement with the heirs of the Situngkir land clan and not with the heirs of the Sidebang land clan, this represents progress after numerous attempts to foster peace within the community.

After reaching a consensus with the Situngkir land clan's heirs, the Dairi Regency Government registered its files at the Dairi Regency Land Office for the second time, hoping that the Sidebang land clan's heirs would follow suit, thereby bringing an end to this conflict. Meanwhile, the Dairi Regency Government continues to explore avenues for dialogue with the Sidebang land clan's heirs. The Dairi Regency Land Office registered the asset files and then proceeded to measure the land area. On May 12, 2022, the Dairi Regency Government, along with two Coordinators of the Survey and Mapping Sub-Section, a measuring officer, and three measuring assistants, carried out this measurement. The Situngkir land clan heirs completed the measurement of their land area and signed the measurement drawing to confirm its authenticity.

Overall, the process of resolving the Situngkir clan land was quite difficult. Although the parties involved had gone through a process of mediation and land dispute resolution between the local government and the land heirs, an agreement to reconcile only occurred after 20 years of the process. This certainly does not negate the Ombudsman's involvement in overseeing public services in this case. On the other hand, after being able to resolve the land conflict in the Situngkir clan, the Dairi Regency Government is still trying to find common ground to resolve the land conflict in the Sidebang clan. The Ombudsman of the Republic of Indonesia issued a letter on November 11, 2022, to the Directorate General of Land Dispute and Conflict Handling of the Ministry of ATR/BPN, the Head of the North Sumatra Province BPN Regional Office, the Dairi Regent, and the Head of the Dairi Regency Land Office, as a follow-up to the meeting. The Chairman of the Ombudsman of the Republic of Indonesia, Mokhammad Najih, signed this letter and sent copies to the Minister of Home Affairs, Chairman of the Audit Board, Chairman of the Corruption Eradication Commission, and the Governor of North Sumatra. This letter is a follow-up to the Dairi Regency Government's complaint about local government land in Silalahi III Village.

The Ombudsman of the Republic of Indonesia held a follow-up meeting with the Ministry of ATR/BPN and its staff on September 5, 2022, in response to a public report and complaint about the issuance of land title certificates on the land of the Sidebang clan community in Silalahi III Village, Silalahi Sabungan District, Dairi Regency, North Sumatra. The meeting yielded the following outcomes:

a. In the land area that is the main problem in the report, land title certificates have been issued, namely:

- SHM (Certificate of Ownership) Number 68/Silalahi III Village;
- SHM Number 69/Silalahi III Village;
- SHM Number 77/Silalahi III Village;
- SHM Number 78/Silalahi III Village;
- SHM Number 79/Silalahi III Village;
- SHM Number 105/Silalahi III Village;
- SHM Number 106/Village Silalahi III.

- b. The Dairi Regency Land Office has overlaid 7 (seven) certificates, concluding that the Dairi Regency Government land area includes 3 (three) certificates, namely SHM 68, SHM 77, and SHM 85.
- c. The Dairi Regency Government carried out land acquisition with compensation for land located in Silalahi III Village, covering an area of 15 ha in stages from 2002 to 2005. However, they have not submitted a certificate of land rights for the entire land area in question.
- d. The Dairi Regency Land Office has conducted cadastral measurements of the location of the Dairi Regency Government land area. The Land Ownership Certificate Numbers 68 and 85, as well as the complete Land Ownership Certificate Number 77 of Silalahi III Village, attach to a portion of the area. Research has not yet been conducted on other areas.
- e. The Dairi Regency Government land has a Land Ownership Certificate. Furthermore, Drs. Tiurmauli Munche, the rights holder, is willing to release part of the rights from Certificate of Ownership Number 68 and Certificate of Ownership Number 85. The Dairi Regency Government will receive all the rights from Certificate of Ownership Number 77.
- f. The Dairi Regency Government has registered land rights with the Dairi Regency Land Office and released a land plot map on August 31, 2022. This map stems from the partial or complete release of land rights under Certificates of Ownership Numbers 68, 85, and 77.
- g. The land object in question is the subject of a court dispute between the parties. However, the execution was hampered. Then there was peace between the residents of Situngkir and Sidebang. According to the 2002 peace deed, the residents of Situngkir and Sidebang agreed to divide the land into two.
- h. The Dairi Regency Government then followed up the peace agreement with a plan to develop the area by constructing tourism facilities. However, it has not been realized.
- i. The Regional Regency Government currently lacks physical control over its land. However, the Dairi Regency Government has repeatedly installed plots or nameplates, but continually the plots or nameplates have disappeared.

Overall, the resolution of the land conflict between the Dairi Regency Government and the Situngkir and Sidebang land clans is complex. Although there have been mediation and legal settlement efforts involving various parties, including the Ombudsman and the Ministry of ATR/BPN, egos still persist from each party. The Ombudsman's examination revealed a connection to the occupation of regional assets or land by other individuals. Therefore, to prevent this from happening again and spreading to other locations, the Dairi Regency Government requires joint efforts with other parties to secure assets. Both the local government, as the holder of released assets or land objects, and the land office, as a provider of land administration services, must secure these assets. The author believes that further steps should be taken to resolve the issue of regional government asset land with the Situngkir and Sidebang land clans. The author suggests conducting an inventory of all assets through digital-based asset management (Wulan et al., 2022). We record the variables by documenting the location, size, land value, rights status, and physical condition or use of the land. Furthermore, the Dairi Regency government can provide physical security for assets by building fences

or using security services. Cooperation with the private sector or third parties in terms of renting or borrowing for other productive purposes can also be a solution to securing assets (Junarto & Salim, 2022).

D. Conclusion

Social interaction is an important part of human life, but differences of opinion often trigger conflict, especially in terms of resource management such as land. Agrarian conflicts, as seen in the conflict in Silalahi III Village, often occur due to differences in interests and dissatisfaction with land management. This paper concludes that resolving agrarian conflicts can be complex, particularly in areas with strong customary systems and land ownership. This is reflected in several policies implemented by the Dairi Regency Government to resolve agrarian conflicts in Silalahi III Village, Silahi Sabungan District, Dairi Regency, North Sumatra Province, which frequently fail. The Dairi Regency Land Office's role in resolving the agrarian conflict in Silalahi III Village, Silahi Sabungan District, North Sumatra Regency is to serve as a mediator between the Dairi Regency Government and the Silalahi III Village community. It is important to note that the Dairi Regency Land Office does not have the authority to take sides in this dispute. However, if the case has been reported to the Ombudsman of the Republic of Indonesia, what the Dairi Regency Government and the Dairi Regency Land Office will do is to be cooperative in following each stage in accordance with the procedure so that the agrarian conflict in Silalahi III Village, Silahi Sabungan District, Dairi Regency can be resolved quickly through the Ombudsman of the Republic of Indonesia.

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