



Customary Land Registration in Practice: Lessons from Desa Adat Bangah, Indonesia

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A B S T R A C T

Customary land registration remains a challenge in Indonesia's agrarian policy. This study aims to analyze the implementation of the customary land registration policy in *Desa Adat Bangah*, Tabanan Regency, using the policy implementation framework. The research employs a descriptive qualitative approach through a literature review and policy document analysis. The findings indicate that the implementation of this policy is influenced by a combination of top-down and bottom-up factors, including policy standards, resource allocation, inter-organizational communication, the characteristics of implementing agencies, and the active participation of *krama desa*/customary law community (MHA). The successful registration of customary land in *Desa Adat Bangah*, marked by the issuance of four electronic certificates of management rights, demonstrates that Ministerial Regulation No. 14/2024 offers a solution to the challenges of customary land administration. However, this study also finds that the direct economic benefits for MHA require further examination. It recommends strengthening cross-sectoral coordination, enhancing the capacity of policy implementers, and refining regulations to ensure the sustainability and effectiveness of customary land registration policies in Indonesia.

INTRODUCTION

The registration of customary land remains an unresolved issue for the Indonesian government. Although the recognition of customary land is stated in Article 3 of the UUPA, it has not become a top priority in the land registration program. More than 60 years have passed since the enactment of the UUPA, yet customary land registration remains incomplete. Previous studies indicate that challenges in customary land registration often stem from weak recognition by district/city governments (Cahyaningrum, 2022; Cetera & Utama, 2022; Marta et al., 2019), the individualization of customary land (Sitorus, 2019), regulations that fail to protect the rights of *Masyarakat Hukum Adat* (MHA) and are overridden by the influence of local elites (Marta et al., 2019), conflicts of interest between MHA and the government or private enterprises in the name of investment and development (Mutolib et al., 2015), and the presence of land mafias that target all groups (Bachriadi & Aspinall, 2023). Under certain conditions, the MHA is in a vulnerable position and struggles to defend its land rights (Mutolib et al., 2015). Legal pluralism, which places national law above customary law, further marginalizes their existence (Marta et al., 2019; Tegnan, 2015).

In line with previous research, data from the Badan Registrasi Wilayah Adat (BRWA) indicate that approximately 28.2 million hectares of indigenous territories in Indonesia, only 1.81 million hectares have been titled, while 2.97 million hectares have yet to receive official recognition or determination from the government (brwa.or.id, 2024). This situation compels indigenous peoples to seek recognition and claims of their identity, particularly regarding land rights, territories, and natural resources that they have owned for generations (Dhiaulhaq & McCarthy, 2020). Additionally, data from Aliansi Masyarakat Adat Nusantara (AMAN) show that over the past five years, there have been 301 cases of customary land grabbing affecting 8.5 million hectares and involving 672 communities. In 2023, the state and

corporations captured at least 2.5 million hectares of customary land under the pretext of investment. The registration of customary land is becoming increasingly urgent because conflicts over customary land remain one of the main sources of social unrest (Pulungan, 2023). Addressing this issue is a major task for the government, particularly the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), which must immediately map, register, and issue certificates for customary land.

The current status of customary land registration is closely tied to government policies. Policies on customary land registration have always been a subject of debate (Arjaya et al., 2023). Although the UUPA guarantees the recognition of customary land, its implementing regulations do not clearly define the registration mechanism. For instance, Government Regulation No. 24/1997 on Land Registration does not explicitly include customary land as an object of registration. For years, the government has treated customary land registration in the same manner as state land registration (Sitorus, 2019). This ambiguity reflects the government's inconsistent stance on recognizing customary land, despite its continued existence and importance to the MHA. However, the issuance of Government Regulation No. 18/2021 as a derivative of the *Undang-Undang Cipta Kerja* (UUCK) marked a turning point, as it clarified that "Management Rights (*Hak Pengelolaan*) can originate from State Land and Customary Land", with Management Rights over customary land being assigned to Customary Law Communities (MHA). This regulation introduced a new perspective on customary land registration, which had long been considered an obstacle to achieving comprehensive land registration across Indonesia.

To implement Government Regulation No. 18/2021, the Ministry of ATR/BPN issued Ministerial Regulation No. 14 of 2024 on the Implementation of Land Administration and Registration of Customary Land Rights of Customary Law Communities (*Permen ATR No. 14/2024*), which serves as a

technical guideline for customary land registration. Since its issuance in early 2024, *Permen ATR 14/2024* has resulted in the first-ever issuance of four electronic certificates of management rights for *Desa Adat* Bangah in Tabanan Regency, Bali. Therefore, to assess the success of *Permen ATR No. 14/2024*, research is needed to examine the implementation of customary land registration policies in *Desa Adat* Bangah using an analytical framework (McTigue et al., 2018). The policy implementation process is an integral part of public policy itself. In public policy studies, implementation refers to the application of decisions and fundamental policies—usually in the form of laws, executive orders, or court rulings (Sabatier & Mazmanian, 1980). Ideally, policies identify the problems to be addressed, set objectives, and structure the implementation process (Rahayu, A.Y. & Juwono, V., 2023). One way to evaluate the success of a public policy is by assessing the policy process at the implementation stage (Rahayu, A.Y. & Juwono, V., 2019). Policy implementation is more than just executing decisions or aligning goals with achievements; it must be understood within the broader policy-making process (Howlett, 2019). Implementation involves the actions of policy implementers, who are responsible for securing resources, developing budgets, and organizing activities (Asterix et al., 2021).

Numerous studies have examined the implementation of customary land policies in various regions. Gorby et al. (2023) investigated customary land issues in Central Kalimantan, highlighting challenges such as inconsistencies between customary and national law, land conflicts, and limited information available to MHA. Hardiyansyah et al. (2019) studied Ogan Ilir District, emphasizing concerns related to budget resources and the quantity and quality of human resources. Budianto (2016) found that ineffective inter-organizational communication hindered customary land registration in Sigi District. Meanwhile, Puri et al. (2024) analyzed customary land registration in West Sumatra from a collaborative governance perspective. Other studies, including those by Arjaya et al. (2023), Puspawati (2022), and Suastika (2021), have generally examined the customary land registration model in Bali. Customary land in Bali is registered communally, with customary villages (*desa adat* or *desa pakraman*) serving as the legal entities holding the rights.

From many previous studies, no research has been found that discusses the implementation of customary land registration policies in Bali Province using the McTigue et al. (2018) analytical framework. Although they discuss customary land registration in the same context, no studies have been found that examine the implementation of policies as will be done in this study. Each study presents distinct characteristics and differences in terms of the research locus, focus, methodology, data, and findings. This study aims to provide a broader perspective and contribute to a deeper understanding of policy implementation analysis, particularly regarding the factors influencing the implementation of customary land registration policies, especially in Bali Province.

METHOD

This study is descriptive research using a qualitative approach through literature review and desk research to analyze the implementation of customary land registration policy in *Desa Adat* Bangah, Tabanan Regency, Bali Province. Data collection techniques involve reviewing various secondary data sources

obtained from government websites, electronic media, performance reports from the Ministry of ATR/BPN, the Bali Provincial BPN Regional Office, and the Tabanan Regency Land Office (BPN Tabanan), as well as previous studies related to policy implementation and customary land registration. The data collected in this study are qualitative and presented in the form of text, images, graphs, and tables.

RESULTS AND DISCUSSION

Registration of Customary Land in Bali Province

Customary land in Bali has a deep connection with its indigenous people, extending beyond a mere symbolic relationship between the land and its owner. It also embodies philosophical and ritual significance. Land is not merely a place to live but represents a connection between the community and God or their ancestors. Customary land in Bali is primarily used for the collective benefit of customary villages and customary institutions, including villages and communities (Eka, Agus, 2023).

The term *Desa Adat* refers to “a unity of customary law communities in Bali that possesses territory, status, traditional structures, customary rights, assets, traditions, and a way of life inherited through generations”. The responsibilities of *Desa Adat* include formulating *awig-awig* (customary regulations), managing village *krama* (members), overseeing village assets, carrying out development in various sectors, preserving Balinese cultural values, and protecting the village community. The communal land concept in Bali includes the term *druwe desa*, which refers to village (customary) land rights encompassing both public and private aspects. The public aspect means that the customary village has the authority to regulate and manage its use, while the private aspect means that the village can utilize and benefit from the customary land in accordance with the type of rights attached to it.

According to Made Suasthawa Dharmayuda (Wiguna, 2019), customary land in Bali is categorized into four types: 1) *Druwe Desa* Land – land directly controlled by *desa adat*, including market land, field land, cemetery (*setra*), and *bukti* land (rice fields or fields given to village officials); 2) *Laba Pura* Land – land designated for temple construction and maintenance, as well as financing routine religious ceremonies. *Tanah ulayat pelaba pura* can be titled under Government Regulation No. 38/1963, which states that religious bodies appointed by the Minister of Agriculture/Agrarian Affairs can obtain land ownership rights. Therefore, customary land used for temples can be legally certified; 3) *Pekarangan Desa* Land (*Tanah Pekarangan Desa*, PKD) – land controlled by *desa adat* and allocated to *krama desa* (villagers) for residential purposes, usually with equal distribution among families; and 4) *Ayahan Desa* Land (*Tanah Ayahan Desa*, AYDS) – land controlled by *desa adat* but cultivated by *krama desa*, who have the right to enjoy its yields while fulfilling certain obligations (*ayahan*), which may involve providing labor or material contributions.

So far, the registration of customary land in Bali has primarily been conducted for *Pekarangan Desa* (PKD) land and *Ayahan Desa* (AYDS) land through the conversion of land rights, resulting in the land becoming individual property (Tanti Herawati et al., 2023). The consequence of this conversion is the individualization of customary land, meaning that once it becomes private property, it is no longer classified as customary land. As a result, the amount of customary land in Bali has been

decreasing. In 2017, the issuance of the Decree of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 276/KEP-19.2/X/2017 (SK 276/2017) designated *desa pakraman* as eligible holders of joint property rights (communal) over land. This allows PKD land and AYDS land to be registered communally under the name of the *Desa Pakraman*, even though the land is still used and managed by individual *krama desa* (village members). The registration process can be carried out through various government programs, one of which is the Complete Systematic Land Registration (*Pendaftaran Tanah Sistematis Lengkap*, PTSL) program.

Table 1. Recapitulation of *Pakraman Village* Land Certificates in Bali Province 2017-2023

District/City	2017	2018	2019	2020	2021	2022	2023	TOTAL
Jembarana	316	110	183	-	-	-	-	609
Tabanan	622	4.057	-	708	979	29	5	6.366
Badung	9.555	5.696	31	7	59	40	-	15.348
Buleleng	218	14.710	1.201	412	3.019	2.836	9	19.560
Gianyar	17.191	15.060	836	164	373	101	97	33.624
Klungkung	4.519	6.988	1.229	1.448	262	870	89	14.446
Bangli	834	11.623	5.566	414	755	763	164	19.192
Karangasem	6.882	1.221	2.914	1.529	1.370	2.504	1.690	13.916
Denpasar City	-	37	-	8	2	2	-	47
Total	40.137	59.502	11.960	4.690	6.819	7.145	2.054	123.108

Source: internal data of Regional Office of BPN Bali Province (2024)

To date, the certification of customary land in Bali has primarily been implemented through Ministerial Decree No. 276/2017, as it is perceived to offer the most effective means of providing legal certainty for *desa pakraman* (customary villages). Nevertheless, not all *desa pakraman/desa adat* in Bali have registered or certified their customary land through this mechanism. One such village is *Desa Adat Bangah*, located in Baturiti Village, Baturiti District, Tabanan Regency, which has explicitly declined to pursue land certification via this route. The indigenous community (*Masyarakat Hukum Adat*, MHA) of *Desa Adat Bangah* collectively decided to reject the certification of their customary land under the PTSL program. Their primary concern was that converting customary land into individual freehold titles would facilitate its sale or transfer, potentially resulting in the loss of ancestral land. However, during the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN)'s dissemination of *Permen ATR* No. 14/2024 in Bali Province in April 2024, *Desa Adat Bangah* emerged as one of the traditional villages that expressed highly support for the registration of customary or communal land under the new framework. This regulation introduces a mechanism for administering and registering customary land belonging to MHA units through the granting of Management Rights (*Hak Pengelolaan*), which is seen as a more culturally and legally appropriate alternative.

Fundamentally, the allocation of Management Rights to the MHA aims to ensure legal certainty over their customary land. Customary land is not an exclusive entity, as the MHA is required to contribute to achieving the greatest public benefit by allowing external parties to use the land and its natural resources through mutually agreed arrangements (Jabarudin & Karmila, 2022). The granting of Management Rights allows for

A study by Rai et al. (2022) in Alapsari Traditional Village, Buleleng Regency, found that PKD land in Alapsari was registered through the PTSL program and granted Property Rights (*Hak Milik*) in 2018, with the registered landholder being *Desa Pakraman* Alapsari. However, since the land is classified as PKD land and used by *krama desa*, the certificate includes a column indicating the name of the individual occupying and using the land. Based on SK 276/2017, from 2017 to 2023, at least 123,108 property right certificates for customary land have been issued to *desa pakraman* in Bali.

the continued governance and utilization of communal land, including the issuance of derivative land rights such as Cultivation Rights (HGU), Building Rights (HGB), and Use Rights (Hak Pakai). If the Management Right over a communal land parcel is revoked or ceases to exist, the land reverts to the control of the Management Right holder, in this case, the MHA. Moreover, the regulations governing Management Rights explicitly prohibit their transfer or use as collateral in financial institutions such as banks. Consequently, the recognition of customary land through Management Rights can support development initiatives while ensuring that the MHA retains long-term control over their land (Fatimah & Andora, 2014).

Customary land eligible for Management Rights must be situated within customary territories, outside state forest areas, and within designated Other Use Areas (*Areal Penggunaan Lain*, APL). Additionally, it must not be subject to other land rights, such as Property Rights (Hak Milik), HGU, HGB, or Use Rights (Hak Pakai). A crucial requirement for granting Management Rights is that the land must be "clean and clear," meaning it is free from ownership disputes or boundary conflicts. MHA can verify the status of their communal land, including whether it falls within forest areas, through the "Bhumi ATR/BPN" portal (<https://bhumi.atrbpn.go.id/>) provided by the Ministry of ATR/BPN. One of the primary prerequisites for registering customary land is the formal recognition of the MHA by local government authorities, either through regional regulations or decrees issued by the local head of government. In the Bali Province, the existence of indigenous villages is officially recognized through the Bali Regional Regulation No. 4/2019, which identifies 1,493 indigenous villages in Bali. This regulation represents a governmental effort to refine the legal framework surrounding customary villages and to establish the necessary

structures for their continued governance and sustainability within the community. Furthermore, this regional regulation confirms that traditional villages in Bali are recognized as legal entities within the government system, thereby granting traditional villages the same rights and obligations before the law as individuals and legal entities.

Policy Implementation with Framework (McTigue et al., 2018)

McTigue et al. (2018) are among the scholars who developed a policy implementation model using a hybrid approach by analyzing the transportation system implemented by the UK government in three cities: York, Bristol, and Greater Nottingham. The implementation model proposed by McTigue et al. (2018) synthesizes previous policy implementation models that support both top-down and bottom-up approaches. Their framework provides insights into how the reporting process can fulfill all the necessary elements for successful policy implementation, ultimately ensuring that policies achieve their intended objectives. The policy implementation concept developed by McTigue et al. (2018) integrates top-down implementation models from Pressman & Wildavsky (1973), Van Meter & Van Horn (1975), Gunn (1978), and Sabatier & Mazmanian (1980) with bottom-up approaches introduced by Lipsky (1971, 1980), Hjern et al. (1978), Elmore (1985), Rein (2017), and Thomas & Grindle (1990).

By synthesizing these various models, McTigue et al. (2018) identify ten key factors that influence policy implementation performance, drawing from both top-down and bottom-up perspectives. Of these 10 factors, six of them are top-down approaches, namely 1) Policy standards and objectives, 2) Policy resources, 3) Inter-organizational communication, 4) Characteristic of implementing agencies, 5) Economic, social and political conditions, and 6) Disposition of implementers. The other four factors are bottom-up approaches, namely 7) Individuals at subordinate levels play an active part in implementation, 8) Policy implementation is interactive process, 9) Policy may change during implementation, and 10) Front line workers are faced with conflict and ambiguities. The hybrid approach proposed by McTigue et al. (2018) introduces two significant contributions to the implementation theory. First, it addresses the conceptual weaknesses in previous top-down and bottom-up models by synthesizing their extreme arguments into a more balanced and empirically grounded implementation framework. Second, scholars advocating for this hybrid approach highlight critical factors that have previously received limited attention (Pölzl & Treib, 2007).

Ideally, effective policy implementation incorporates detailed program specifications, resource allocation, and decision-making processes (Wegrich & Jann, 2006). However, top-down and bottom-up approaches often present competing research strategies, differing analytical objectives, and contrasting models of democracy, ultimately shaping how implementation processes are understood (Pölzl & Treib, 2007). The top-down approach is often criticized for its emphasis on policymakers' ability to establish clear objectives and control the implementation process. Conversely, the bottom-up approach primarily views local bureaucrats as key actors in policy

implementation, characterizing the process as a negotiation within the implementing network. Scholars supporting the bottom-up approach emphasize the role of target groups and service providers, arguing that policy is, in practice, shaped at the local level, with street-level bureaucrats acting as its principal implementers (Lipsky, 1980). Given these dynamics, the hybrid model proposed by McTigue et al. (2018) offers valuable insights for governments regarding the critical elements necessary for successful policy implementation.

From a top-down perspective, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), as mandated by the Basic Agrarian Law (UUPA), is responsible for developing regulations, procedures, and reporting mechanisms. Meanwhile, from a bottom-up perspective, the implementation of customary land registration policies is influenced by lower-level implementers who directly interact with customary law communities (MHA). In the case of customary land registration in *Desa Adat Bangah*, the ATR/BPN exercises hierarchical control over the Tabanan Land Office (BPN Tabanan), which functions as a street-level bureaucracy. Simultaneously, the MHA plays an active role as the target group responsible for registering their customary land (Chaniago, A & Juwono, V., 2020). Given this dual approach, analyzing the implementation of customary land registration policies through both top-down and bottom-up lenses is essential for producing a comprehensive study. This approach enables researchers to assess whether the objectives of land registration align with the broader goals of policy formulation. Furthermore, evaluating the influencing factors in the implementation process can serve as a benchmark for improving customary land registration in other regions across Indonesia.

Factors Affecting the Implementation of the Customary Land Registration Policy in *Desa Adat Bangah*

Based on *Permen ATR No. 14/2024*, the administration and registration of customary land in *Desa Adat Bangah* are conducted in two stages: (1) the administration of MHA customary land rights, which includes inventory and identification of customary land, measurement and mapping, and recording in the customary land register; and (2) the registration of customary land in the form of Management Rights for the MHA unit. As previously explained, the process of administering customary land in Bali Province has been ongoing since 2021 through an inventory and identification initiative conducted in collaboration with Gadjah Mada University. Following this, an initial assessment was carried out by BPN Tabanan, confirming that the customary land in *Desa Adat Bangah* was "clean and clear," thereby allowing the registration process to proceed in accordance with *Permen ATR No. 14/2024*. The measurement and mapping activities were conducted after the MHA of *Desa Adat Bangah* submitted a request to BPN Tabanan. The outcome of these activities was the issuance of four Land Parcel Maps (*Peta Bidang Tanah*, PBT) numbered 583/2024, 584/2024, 585/2024, and 586/2024, each dated June 5, 2024. These maps were officially issued by the Head of the Survey Section at BPN Tabanan, as illustrated in Figure 1. Following the issuance of the PBT, the MHA submitted an application for the registration of customary rights to the Minister of ATR/Head of BPN through BPN Tabanan.



Map of Land Parcels of Bangah Traditional Village

Source: Tabanan District Land Office

The registration of customary land in *Desa Adat* Bangah, Tabanan Regency, has been successfully completed. The Ministry of ATR/BPN has issued SK HPL Number 28/HPL/KEM-ATR/BPN/VI/2024, recognizing the conversion of customary land into Management Rights on behalf of *Desa Adat* Bangah for land located in Tabanan Regency, Bali Province. This decree, dated June 12, 2024, resulted in the issuance of four Management Rights certificates on June 14, 2024, covering areas of 4,780 m², 14,915 m², 16,900 m², and 9,250 m², respectively. The four Management Rights certificates were officially handed over by the Minister to *Bandesa Adat* Bangah, as the highest leader in the *desa adat* structure in Bali, at the Agrarian Reform Task Force (*Gugus Tugas Reforma Agraria*, GTRA) Summit on June 15, 2024. The process from submission to issuance was remarkably swift, as the Ministry of ATR/BPN and BPN Tabanan processed the application—submitted by *Desa Adat* Bangah on May 31, 2024—within a short timeframe. In the implementation of the customary land registration policy in *Desa Adat* Bangah, various factors influencing policy execution can be identified based on the framework developed by [McTigue et al. \(2018\)](#).

Policy standards and objectives, policy implementation is an interaction between goal-setting and actions directed toward achieving specific objectives ([Pressman & Wildavsky, 1973](#) in [McTigue et al., 2018](#)). As stated by the Director of Communal Land Regulations, Institutional Relations, and PPAT at the *Tanah Ulayat* Summit in Bandung, the registration of customary land serves several key objectives: (1) as a form of government recognition of the existence of MHA; (2) to strengthen the bargaining position of MHA and enhance the economic value of customary land; (3) to facilitate proactive government involvement in customary land registration through inventory and identification programs; and (4) to protect land rights and prevent disputes, conflicts, or legal cases, as Management Rights certificates cannot be used as collateral for debt or transferred to other parties, thereby reducing the risk of MHA losing their land. With the issuance of four Management Rights certificates for customary land in *Desa Adat* Bangah, the government has formally acknowledged the control and ownership of customary land by the local community ([Kusumastuti, R., Virgianita, A., Juwono, V. 2023](#)). The primary objective of land registration is to provide

legal certainty and to produce land certificates as proof of ownership ([Suardi, 2005](#)). Consequently, the MHA of *Desa Adat* Bangah is now recognized as having secured legal certainty over its customary land ownership. However, at the time of this research, no direct economic benefits were realized by the MHA following the registration process. While some of objectives of customary land registration have been met, further studies are necessary to assess the economic impact after the issuance of Management Rights certificates.

Policy resources, effective policy implementation requires adequate financial resources, as the absence of sufficient funding can hinder the achievement of policy objectives ([McTigue et al., 2018](#)). The costs associated with the registration of customary land management rights in Bali Province were primarily covered by the national budget (APBN) of the Ministry of ATR/BPN, with additional financial support provided by the World Bank. The activities funded by the World Bank included: (1) conducting Focus Group Discussion (FGD) for preliminary consultations among stakeholders, including the Ministry of ATR/BPN, customary village representatives, local governments, and other relevant actors; (2) socialization of customary land administration processes; (3) training for task forces involved in customary land registration; (4) issuance of Management Rights certificates for customary land; and (5) post-registration monitoring by the Ministry of ATR/BPN. Additionally, the government provided incentives by exempting MHA from fees related to the Acquisition of Land and Building Rights (*Bea Perolehan Hak atas Tanah dan Bangunan*, BPHTB) and Non-Tax State Revenue (*Penerimaan Negara Bukan Pajak*, PNBP) in accordance with applicable regulations. As a result, MHA did not incur any costs during the land administration and registration process, except for expenses related to the placement of boundary markers on their land parcels. In principle, land registration should be conducted at the lowest possible cost to ensure accessibility and efficiency ([Soerodjo, 2003](#)). Beyond financial support, the success of customary land registration in *Desa Adat* Bangah was also facilitated by an efficient information system managed by BPN Tabanan. Since February 2024, BPN Tabanan has issued electronic certificates, and in May 2024, it was officially recognized as a "Complete District", meaning that all existing land data had been validated. This advanced system

significantly expedited the issuance of Management Rights certificates for customary land in *Desa Adat Bangah*.

Inter-organizational communication, successful policy implementation requires the support of legislators, political backing, and legal endorsement from law enforcement authorities (McTigue et al., 2018). In the case of customary land registration in *Desa Adat Bangah*, effective communication and coordination were established among key stakeholders, including the MHA of *Desa Adat Bangah*, *Parisada Hindu Dharma* of Bali Province, *Majelis Desa Adat* of Bali Province, the Ministry of ATR/BPN, local government agencies, the Ministry of Home Affairs, and the World Bank. These stakeholders demonstrated a strong commitment to the customary land registration process, as evidenced by their active participation in the Focus Group Discussion (FGD) on Initial Data for Customary Land Registration in Bali Province, held from April 2–4, 2024. During this event, three commitment statements were signed, including: (1) joint commitments among ministries and institutions, (2) joint commitments with MHA representatives, and (3) internal commitments within the Ministry of ATR/BPN, as illustrated in Figure 2. Furthermore, the FGD facilitated discussions on the designation of eligible customary land recipients, particularly between the Ministry of Home Affairs and regional governments. The recognition of customary land by local governments plays a crucial role in the land registration process, as the absence of official recognition would render the subject of land rights

unclear or ineligible for registration (Puri et al., 2024; Simarmata, 2021; Sitorus, 2019). To further illustrate stakeholder involvement in the customary land registration process in *Desa Adat Bangah*, a summary is presented in Table 2.



Joint Commitment of Ministries/Institutions, MHA and Internal Ministry of ATR/BPN

Source: Internal Report of the Ministry of ATR/BPN

Table 2. Stakeholder Mapping of Customary Land Administration and Registration Activities

	Inven. & Iden. Customary Land	Coordination	Socialization & Review of Lap.	Boundary Sign Installation	Measurement & Mapping	Soil inspection	HPL Application	Issuance of certificates
Ministry of ATR/BPN	Organizing inven. & iden. activities. TU activities in collaboration with UGM	Coordinated with the local government, regional office and Kantah Tabanan.	Conducting socialization to MHA and field review of customary land	Monitoring	Conduct a spatial review	Monitoring	Processing the application and issuing SK HPL Tanah Ulayat	Monitoring
Regional Office of BPN Bali Province	Provide data support	Coordinate with local government and Kantah Tabanan	Accompanying activities. Socialization and field review of customary land	Monitoring	Monitoring	Monitoring		
Land Office of Tabanan District	Conduct field reconnaissance and provide data support	Coordinate with local governments and regional offices	Accompanying activities. Socialization and field review of customary land	Accompanying activities. Boundary sign installation	Conducting measurement and mapping	Form Committee A and conduct land inspection	Facilitation of MHA in applying for HPL Decree to the Ministry of ATR/BPN	Issuing HPL certificates
Local Government		Coordinate with the Ministry of ATR/BPN team					Issuing letters related to spatial planning and supporting the issuance of SK HPL	

MHA	Socialization participants	Conduct boundary sign installation	Apply	Apply
University	Conduct inven. & iden. activities In collaboration with the Ministry of ATR/BPN			

Source: Ministry of ATR/BPN, processed by the author

Characteristics of implementing agencies, the attributes and characteristics of implementing agencies are key factors that influence the success of policy implementation (McTigue et al., 2018). In the context of customary land registration in *Desa Adat* Bangah, the characteristics of the implementing agency—specifically BPN Tabanan and its personnel—played a crucial role in ensuring successful policy execution. BPN Tabanan has extensive experience in handling customary land registration, dating back to at least 2017, when it issued approximately 6,366 certificates of Property Rights (*Hak Milik*) for *Pakraman* (customary village) land. Given this experience, BPN Tabanan was able to efficiently process and issue the Management Rights certificate for the customary land of *Desa Adat* Bangah. Additionally, BPN Tabanan's ability to establish effective communication and coordination with stakeholders further contributed to the success of the land registration process. The socialization efforts conducted by BPN Tabanan played a vital role in ensuring that the MHA of *Desa Adat* Bangah fully understood the objectives and benefits of customary land registration. A clear understanding from the outset fostered strong support from the MHA for each stage of the registration process. Effective information dissemination to MHA is often a challenge, but when done correctly, it facilitates the successful implementation of policies as intended (Gorby et al., 2023). The support of *krama desa* (community members) of *Desa Adat* Bangah was formally documented in the Minutes of the Socialization of Administration and Registration of Customary Land in Bali Province (2024), which was signed by *Bandesa Adat* Bangah and acknowledged by the Ministry of ATR/BPN, the Bali Provincial BPN Regional Office, and BPN Tabanan.

Economic, social, and political conditions, in public policy studies, economic, social, and political conditions significantly influence the success of policy implementation (McTigue et al., 2018). In the case of customary land registration in *Desa Adat* Bangah, the strong social and cultural values of the *krama desa* played a pivotal role in ensuring the smooth execution of the policy. One of the primary objectives of customary land registration is to secure customary land from potential agrarian conflicts and the growing threats of external investment, particularly in Bali Province. Given the increasing demand for land and investment pressures, the registration of customary land has become an urgent matter, aligning with the broader goal of achieving *Bali Lengkap* (a fully registered land system across Bali Province) (detik.com, 2023). No significant political influence was found to impact the customary land registration process in *Desa Adat* Bangah. The support provided by the local government cannot be classified as political support in the conventional sense, as MHA are not yet considered political actors. There is no representative system that enables them to directly participate in

political decision-making. As a result, the success of the land registration process in *Desa Adat* Bangah is more attributable to programmatic implementation rather than political institutional dynamics (Huencho, 2021). However, in many cases, political will, local political dynamics, and central government authority often serve as obstacles to the formal recognition of MHA land rights (Zulkarnain & Cholillah, 2023). While this challenge was not observed in *Desa Adat* Bangah, it remains a common issue in other customary land registration cases.

Disposition of implementers, policy implementation is heavily influenced by the implementers' response to the policy, which affects their willingness to carry it out (McTigue et al., 2018). As shown in Table 2, the Ministry of ATR/BPN and the Regional Office of BPN Bali Province have consistently monitored the implementation of customary land registration in *Desa Adat* Bangah. The Ministry of ATR/BPN has demonstrated a strong commitment to conducting large-scale customary land registration across Indonesia. This commitment is evident in the sequence of initiatives undertaken, beginning with inventory and identification activities in 2021, followed by pilot projects in West Sumatra and Papua, regulatory improvements in 2024, and subsequent customary land registrations in Banten, West Java, Jambi, West Kalimantan, Aceh, and East Nusa Tenggara (NTT). Strong leadership support has played a crucial role in the success of customary land registration nationwide. In the case of *Desa Adat* Bangah, this support was particularly evident when the Minister of ATR/BPN personally handed over the certificate of Customary Land Management Rights. Furthermore, each stage of the registration process was closely monitored by senior officials at the Ministry of ATR/BPN, ensuring that the registration in *Desa Adat* Bangah could serve as a benchmark for improving the implementation of customary land registration in other regions of Indonesia.

Individuals at subordinate levels play an active part in implementation, individuals at the subordinate level also play a crucial role in policy implementation, as program success largely depends on the skills of individuals who can adapt policies to local conditions (Hjern et al., 1978 in McTigue et al., 2018). The MHA of *Desa Adat* Bangah actively participated in the customary land registration process, demonstrating full awareness and initiative in installing boundary markers on their customary land, preparing application documents, and engaging in socialization and monitoring activities conducted by the government. The government did not face significant resistance in convincing the MHA of *Desa Adat* Bangah to participate, as the *krama desa* (village community members) had a strong intrinsic motivation to certify their customary land, driven by concerns over potential land loss in the future. Additionally, *Bandesa Adat* Bangah played a vital role in educating indigenous communities in Bali about their rights as

MHA and assisting the government in collecting both physical and legal data to expedite the land titling process (Puspawati, 2022). Without the active participation of *Banadesa Adat Bangah* the strong support of *krama desa*, the customary land registration process in *Desa Adat Bangah* would not have been as successful. Their involvement was instrumental in ensuring the smooth and efficient implementation of the policy.

Policy implementation is an interactive process, policy implementation is an interactive process involving policymakers, implementers across various levels of government, and other relevant actors (McTigue et al., 2018). Effective coordination and collaboration among these actors significantly influence the success of policy implementation. In the case of customary land registration in *Desa Adat Bangah*, there is no specific decree or regional regulation that explicitly recognizes the village as an *Masyarakat Hukum Adat* (MHA). The World Bank Foreign Grant Loan Fund Ulayat Land Registration Activity Report highlights that Bali Regional Regulation No. 4/2019 does not provide details on community aspects, including the history of indigenous peoples, customary territories, customary law, customary property and/or objects, and customary governance institutions. These aspects are outlined in Article 5 of the Minister of Home Affairs Regulation No. 52 of 2014 concerning Guidelines for Recognition of Indigenous Peoples, which mandates an identification process for MHA recognition. Consequently, it remains unclear to what extent legal requirements have been fulfilled for issuing the Management Rights certificates. Nevertheless, Bali Regional Regulation No. 4/2019 does acknowledge *desa adat* as legal entities representing *krama desa* (village community members) in the management and utilization of customary land. This can be considered an adaptation of policy to local conditions, ensuring that implementation proceeds effectively. Furthermore, the World Bank Report suggests that continued policy dialogue between the Ministry of ATR/BPN and the Ministry of Home Affairs is necessary to evaluate current practices against the existing legal framework. Effective inter-organizational communication is critical in ensuring the success of land registration policies (Syamsi et al., 2024). Given that customary land registration is a participatory policy requiring dialogue between the government and MHA, strong communication and coordination can help mitigate administrative challenges that might otherwise hinder implementation.

Policy may change during implementation, one consequence of inconsistent legal frameworks is that decision-making authority often shifts to lower levels of government (Rein, 2017 in McTigue et al., 2018). In Bali, customary land registration has historically been constrained by inconsistencies in legal provisions, leading to multiple interpretations (Herawati et al., 2023; Puspawati, 2022; Rai et al., 2022). The government's inconsistent stance on regulating customary land rights has created ambiguity in registration and certification processes, weakening indigenous peoples' legal protection over their customary land (Nuridin, 2022). The policy framework for customary land registration in Bali has evolved, transitioning from Ministerial Decree No. 276/2017 to Ministerial Regulation No. 14/2024 issued by the Ministry of ATR/BPN. This legal change strengthens MHA's land tenure security, as previous registrations under individual property rights were considered more vulnerable to ownership transfers (Arjaya et al., 2023).

Front line workers are faced with conflict and ambiguities, frontline workers often encounter conflicts and ambiguities during policy implementation, which can influence the overall success of the policy (McTigue et al., 2018). Recognizing these challenges, the Ministry of ATR/BPN, through the Center for Human Resources Empowerment (*Pusat Pengembangan Sumber Daya Manusia*, PPSDM), conducted a Customary Land Registration Task Force Training for Bali Province from June 3–5, 2024 (see ATR/BPN press release, 2024). This initiative aligns with research by Simarmata (2021), which indicates that land office officials and cadastral surveyors often have limited knowledge of customary land tenure systems. Consequently, training programs are essential for equipping implementers with both technical and administrative expertise, ensuring that customary land registration adheres to relevant legal and procedural frameworks. The training was attended not only by land office officials but also by MHA representatives whose land was being registered (Kusumastuti, R., Juwono, V., 2022). This initiative was designed to align perspectives, objectives, and methodologies among all stakeholders involved in customary land registration in Bali Province. By fostering a shared understanding, the training helped prevent conflicts or ambiguities during implementation. As a result, the customary land registration process in *Desa Adat Bangah* proceeded smoothly, with no reported disputes between BPN Tabanan officials and the *krama desa* as the MHA of *Desa Adat Bangah*.

CONCLUSION

This study examines the implementation of the customary land registration policy in *Desa Adat Bangah*, Tabanan Regency, using the analytical framework proposed by McTigue et al. (2018). The findings indicate that the success of this policy implementation is shaped by multiple factors, incorporating both top-down and bottom-up approaches. Key determinants include well-defined policy standards and objectives, adequate resource allocation, effective inter-organizational communication, and the capacity of implementing agencies. Furthermore, the active participation and support of the MHA played a crucial role in ensuring the policy's success.

The successful registration of customary land in *Desa Adat Bangah* marks a significant milestone in the governance of customary land in Indonesia, particularly given the frequent conflicts associated with land tenure. The issuance of four electronic Management Rights certificates for *Desa Adat Bangah* under *Permen ATR* No. 14/2024 demonstrates the government's commitment to providing legal certainty over customary land. However, this study highlights the need for further research on the direct economic benefits of customary land registration for the MHA. Additionally, the importance of cross-sectoral coordination and sustained political commitment remains a crucial consideration for the long-term success and replication of this policy in other regions.

As a recommendation, the government should strengthen regulations that accommodate the interests of MHA while ensuring the sustainability of customary land. Additionally, capacity building for policy implementers at the local level must be continuously enhanced to ensure that policy implementation goes beyond administrative procedures and delivers tangible benefits to indigenous peoples. This study can serve as a reference for developing customary land registration policies in other regions of Indonesia.

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