

Islamic Perspective On Land Law In Indonesia

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Abstrak: *This writing has an Islamic view of land ownership in Indonesia, the discussion of which is not only the view of positive Indonesian law, but the view of Islamic Law. The aim is that it can be used as a legal comparison to broaden insight into the concept of land ownership. By comparing legal systems, we can find similarities or differences, so we can find out which one is better. The final conclusion of the writing is that there are several things, namely, First, that the concept of land ownership in positive law in Indonesia, including the Republic of Indonesia, in various applications/rules seeks to regulate the utilization, allocation and use of land for the benefit of humanity in Indonesia, and hereinafter known Ownership rules have a religious communalistic element, referring to the rule of collective rights of members of the customary law community over land, which in the customary law literature is called Ulayat Rights. The rules/concept of land ownership in customary law are: there are Ulayat rights, then the subject is the customary law community, then the object includes all land belonging to the customary law community. The rules/concept of land ownership from the perspective of Islamic law is that everything belongs to Allah Almighty, which is empowered to servants/humans, as humans we must use Allah's law, implement individual and public property rights in a balanced manner, finally there is no system of ownership/landlords. Especially for land rights related to community development, the principle of Community Based Resources Management, namely the principle of structuring natural resources of land and plantations based on the local community, should be expected. In this way, the Land Law will provide guarantees for the development of the ummah, which in turn creates a State that is bandatum toyibatum wa Rabbun Ghafur, and spreads Rahmad for nature and all the ummah around it.*

Keywords : *Law, Land Ownership, Indonesian Land Law, Islamic law*

INTRODUCTION

Observing the existence of Land Law in Indonesia, in general it can be stated to be in line with Islamic teachings. This parallel can at least be seen in the following description:

The urgency of the existence of Land Law in a State apparatus is indeed necessary. This is in line with Islam's appreciation of it. The word land in Arabic is called "turab", sometimes with the expression "ardun" (earth) which means land. In line with this, the Qur'an has talked a lot about

it,¹Likewise with Al-Hadith of the Prophet,²Furthermore, the scholars discussed it in their fiqh books. This can be highlighted from various aspects, for example: Land as a place to live, so Islam has taught about choosing a good place to live, starting from aspects of proper ownership provisions, a location that is safe from the possibility of various disasters, in relation to a safe and healthy environment, as well as good neighbors, as well as provisions on the use of land area appropriately and not being wasted. Likewise, just the existence of land as land for business, both as agricultural land and a place to harvest mining goods, so there are complex discussions related to it, starting from the functioning of idle land, to the prohibition of monopolistic use of land, concession provisions (muzara'ah, and mukharabah) . Even to the point of discussion, land is the origin of human existence, and will return to it (be buried), and will be resurrected from it, it turns out that it is now alive and looking for a living on it. With this, it is very appropriate to make regulations regarding Land Law.

God has given so many blessings and gifts to humans that they are unable to count them, including land (earth), water, space, and all the natural riches contained therein (QS. Ibrahim (14): 34). Worldly life, including wealth (including land) and children are God's blessings and gifts for humans, where humans can have fun with it: (QS. Al-An'am (6): 32, QS. Al-Ankabut (29) : 64, QS. Muhammad (47) : 36, QS (57) : 20, QS. It is further stated that the Government (Uli Al-Amr) is God's representative on Earth to explain and apply its laws, therefore it must be obeyed as long as they are not unjust (QS. Al-Nisa (4): 59 and 83). This is in line with point 1 of the main provisions of the previous Land Law in Indonesia.

Hanafi Fiqh is understood as a system of study in Islam that clearly provides different legal consequences due to differences in countries and nationalities. For example, in inheritance law settlements, where people of different countries and nationalities are declared not to inherit from each other even though they have a close kinship relationship so they are eligible to inherit. With this, the assets of a country (for example inherited land) cannot easily be transferred to another country.³Furthermore, there is no monopoly desire to control something, so that this will be able to control the interests of many people, and conveniences if this is acceptable.

This Islamic view is known as the prohibition on "iktikar", namely hoarding wealth in a monopolistic manner in order to manipulate the interests of many people. The Prophet's hadith

¹Allah SWT has discussed the word land in the Qur'an directly by using the basic word "turab" (land) with all its forms and importance nine times. Namely: Al-Baqarah (2) : 264, Ali Imran (3) : 59, Al-Nahl (16) : 59, Al-Kahfi (18) : 37, Al-Hajj (22) : 5, Al-Run (30) : 20, Fatir (35) : 11, Shad (38) : 52, and Ghafir (40) : 67.

²Like the Qur'an, Al-Hadith also uses the word "turab" (land) and many Hadiths, including the Hadith books: Bukhari 56 times, Muslim 43 times, Turmuzi 21 times, Al-Nasai 23 times, Daud 34 times, Ibn Majah 20 times, Ahmad 153 times, Malik 3 times and Al-Darimi 17 times.

³This can be seen in; Muhammad Al-Khatib Al-Syarbaini, Mughni Al-Muhtai, juice 3, Dar Al-Fikr, Beirut-Lebanon, 1398 H./1978 AD. p. 26, also Ibn Abidin, Radd Al-Mukhtar, Juz 6, Syirkah wa maktabah wa Matba'ah Musthafa Al-Bab Al-Halb, Egypt 1966, Pg 766.

says; "It is nothing other than that the act of "ihtikar" is an act of sin" (la yahtakir illa khaati). This is in line with point 2 of the main provisions of the previous Land Law in Indonesia.

METHOD

This writing is normative legal research, according to Soerjono Soekanto that legal research is based on its objectives; includes research on legal principles, research on legal systematics, research on the level of legal synchronization, legal history research, and comparative legal research. (Soekanto, 2012) Furthermore, Ronny Hanitijo Soemitro states that research can be differentiated between normative legal research or doctrinal legal research, namely legal research that uses secondary data sources or data obtained through library materials. (Hanintijo, 1983) Based on the type of research used in this research, namely normative legal research or doctrinal, then a Statute Approach is used (Mukti Pajar, et. al, 2015) by examining all laws and regulations relating to land so that it will reveal and answer problems regarding Islamic values in the Law. - Land Law.

RESULTS AND DISCUSSION

One of the functions of human presence in nature is as caliph, namely the ruler of nature whose job is to maintain the ecosystem and its balance, as well as make it prosperous. In line with this, it is forbidden to do damage on earth, and Allah does not like people who do damage (QS. Al-Baqarah (2): 30, and QS. Sad (38): 26, also QS. Al-Baqarah (2) : 11, 60, and 205). Furthermore, there is protection and in the assets of the rich there are their rights (QS. Al-Isra (17) : 26, QS. Al-Run (30) : 38, QS. Al-Zariyat (51) : 19). This is in line with point 3 of the previous provisions of the Land Law in Indonesia.

For abandoned land because it has not been used within a certain period of time in accordance with the regional order, it can result in eliminating the owner's rights to the land, as well as giving rise to new ownership rights for the government as the party that is obliged to maintain and guarantee the implementation of public interests, or to certain parties. as a person who directly cultivates and functions the land. In Islamic Fiqh, studies like this make it a separate chapter called the functioning of abandoned lands (ihya-u al-mawat). This is in line with the Hadith of the Prophet which states: "whoever cultivates (prosperizes) an abandoned land (land) then that land becomes his".⁴In connection with this, it also emphasizes that it is not permissible to work on

⁴This hadith is found in Sunan Al-Turmuzi in two narrations, namely in Hadith 1299 and 1300, while in Sunan Abi Daud it is found in Hadith 2671, in Sunan Ahmad there are six narrations, in Hadith 13753, 13842, 13976, 14109, 14310, and 14550, in Muwatta Malik it is mentioned twice, namely in Hadith 1229, and 1230 and in Al-Damari it is mentioned in Hadith 2493, and others.

land that is owned (there was a dispute between two people who were brought before the Apostle, namely between the owner of a land owner and a person who wanted to take the land under the guise of planting the land with date palm trees, then the Apostle decided that the land is the right of the owner, and ordered the person who planted the date palms to remove the dates from the land).⁵Furthermore, for unowned land, it is stated about the ability to own it by cultivating it. This is in line with the Hadith of the Prophet which states: "Whoever cultivates land that has no owner, the land belongs to him." (Hadith 23737 Ahmad ibn Hambal). Another hadith comes with a different editorial, namely: "whoever does the piling, the land belongs to him" (19271 and 19638 hadith of Ahmad ibn Hanbal). Studies like this are found at length in several Hadith books as has been stated and also in fiqh books.⁶This is in line with point 5 of the main provisions of the previous Land Law in Indonesia.

In an agreement regarding land with other people, it is not permitted to make things difficult for each other, for example: pawning, leasing, right of ownership, and others. At least this provision is in line with the Hadith of the Apostle narrated by Malik in Sahih Bukhari which states: "Whoever carries out a rental transaction should not be subject to deception or the desire to impose one's will." In general, religion does not introduce coercion. This is in line with QS. Al-Baqarah (2): 256. In line with this, the Hadith of the Prophet said: "Do not make things difficult for people and make things difficult for people". This is in line with several points of the main provisions of the previous Land Law in Indonesia.

1. Certification as proof of land ownership is certainly very necessary, because proof of anything deemed important is permitted by religion. At least this is inspired by QS. Al-Baqarah (2): 282 which says that "every debt and receivable transaction should be written down by a fair officer, and should not be reluctant to pay attention to the truth." This is in line with point 7 of the main provisions of the previous Land Law in Indonesia. In relation to community development, the Indonesian Agrarian Law properly accommodates the interests of the community. As a country with a population of more than 180 million Muslim people, the Indonesian Agrarian Law opens up opportunities for regulation of land rights subject to the Customary Law system. Customary law here includes religious law and customary law adhered to by the community. This is the specialty of the Indonesian Agrarian Law. This is based on the idea that the material of Customary Law (including Islamic law) is living law which is the legal consciousness of the people at large. However, it is not customary law that emphasizes its regional nature and conflicts with national interests.

⁵Al-Shan'ani, Subul Al-Salam, Juz 3, Dahlan Bandung, tt, p. 83.

⁶Among them, Taquiuddin, Kifayat Al-Akhyar, Juz 1, Dar Ihya' Al-Kitab Al-Arabiyah, Indonesia, p. 315-318.

2. It is the principles, systems and philosophy of Customary Law that have been adopted into the National Land Law / Basic Agrarian Law. However, Customary Law is in the opinion of Prof. Dr AP Parlindungan, SH, must be independent of the Basic Agrarian Laws as well as the laws and regulations stipulated by the Government. And the Customary Law has indeed accepted Islamic values, such as the recognition of the existence of individual property rights, unlike in the original Customary Law only known use rights for the People.⁷Article 5 of the UUPA clearly states: "Agrarian law that applies to land, water and space is customary law, as long as it does not conflict with national and state interests, which is based on national unity, with Indonesian socialism and with the regulations contained in the law. - This law and other laws and regulations, all things by enhancing elements that rely on religious law." The concrete manifestation of "everything that transfers elements that rely on religious law" is related to other articles such as the following:

- Article 6 of the UPA states that any right to land has a social function, in the sense that it is worked/processed or not based on two interests simultaneously and in balance, namely the social interests of the community. These two interests are dual in nature, the individual owner there is also the social interest of the community.
- Article 26 UUPA, a provision which confirms that ownership rights to land are hereditary rights, are not limited in time, are strongest and fullest when compared with all other types of land rights, if legal acts are carried out on them such as transfer of rights through sale and purchase, exchange, gift, gifts by will and others must be in accordance with the principles of nationality as explained above. If the transfer is to a foreign citizen, it is void because of the law and the land falls to the state.
- Furthermore, article 21 emphasizes the transfer of rights due to heirs without a will.
- Next, article 14 of the UUPA emphasizes land use planning which includes religious purposes.
- Article 49 confirms the recognition of the ownership rights of religious bodies.

Based on the description above, the Indonesian Agrarian Law accommodates well the aspirations of the people which in turn can be used as a basis for the development of the ummah in Indonesia.

⁷AP Parlindungan, Comments on the Agrarian Law, Mandar Maju, Bandung, p. 58.

A. Provisions/Paradigm of Agrarian Law

To properly examine the Agrarian Law, there are at least 3 points of view/approaches (paradigms), namely:

1. Iseological - Philosophical Paradigm, which views the regulation of Agrarian Law as a collection of ideas or ideals containing ideals for the prosperity of the people as stated in the philosophical basis of the Indonesian State, namely Pancasila. With this law, it is hoped that it can provide a sense of justice for the Indonesian people and benefit nature and the surrounding environment.
2. Juridical - Normative Paradigm, namely viewing Agrarian Law as a set of Norms that regulate the legal behavior of humans (subjects) with land/agrarians (objects) with the aim of creating legal certainty. Rights to land are legally guaranteed both in terms of its use and in terms of its function as an object of wealth.
3. The Sociological - Empirical Paradigm views Agrarian Law as an institutionalized legal behavior of society which must continuously adapt itself to the demands of developments in existing interests in society. Therefore, it is possible that changes will be made to the Agrarian Law. By providing the voice of the people or will in accordance with the demands that are developing in Indonesian society.

B. Land Disputes in Indonesia

For almost the last 10 years, the social phenomenon of land disputes in Indonesia has been the biggest problem, the cause is population growth and its increasing needs which have not been able to be balanced by the supply of land. It is felt that the available land is decreasing over time, because it is static (not increasing) while the need for development here and there is increasing, both development carried out by the Government and the private sector, therefore land controlled by individuals / legal entities personally is sometimes needed by the development. The above phenomenon has serious consequences for the pattern of relations between land and humans. This imbalance will become increasingly unequal or even in the area there will be polarization of land tenure. If land tenure mechanisms are not immediately regulated to prevent this, the situation will get worse again.

It seems that in various land disputes the problem revolves around the validity of the assignment of land rights. Since the Dutch colonial period, regulations regarding land law in Indonesia have been dualistic, namely that the legal status of land is controlled by European law (Burgerlijk Wetboek, etc.), on the other hand, the legal status of land is controlled by the customary law system. This condition was influenced by the historical background as a legacy of the Agrarian politics of the Dutch East Indies which essentially also had a dualistic basis, namely the interests of foreign capital (especially the Dutch) on the one hand and the interests of the Bumi Putra people

on the other.⁸In industrial life, the need for unlocated land will increase a lot, so it is rare that it is not only logical but also wise when land use management and the determination of rights to guarantee the certainty of designations are then immediately regulated by the authorities based on law.⁹

Economically, land is a source of life, whether in a village or city. This economic role is clearly linked to the function of land for agricultural land, residential areas, industry and so on. The imbalance between land supply and land demand often leads to disputes. In the city, the plantation business is increasingly declining, which is generally controlled by entrepreneurs who have large-scale capital. Thus, the New Order Era has indeed witnessed the presence of a very interesting phenomenon regarding the existence of land:

- a) There is an industrial transformation on a scale and character that has never occurred in the history of Indonesian society.
- b) The displacement of farmers from their owners and entrepreneurs over the land that had been in their hands, and.
- c) The increasing nature of defense conflicts is very different from the land conflicts that occurred in the 1960s.¹⁰

Regarding human needs that must be met by land, it is increasing day by day, both as a basis for the creation of these needs and as a factor of production (even if Indonesia's population growth stops at zero population growth), as a result of the desires of individuals or legal institutions that very greedy in controlling land, with all its capabilities, this will often cause pressure, especially for weak people who are likely to be caught up in economic progress and will ultimately lead to prolonged conflict. The issue of certainty then becomes important because of development interests. This is what most members of Society now lack. The reality on the ground shows that proof of rights is in the form of a certificate (although Article 19 UUPA No. 5 of 1960 stipulates this), however, many people still believe that land ownership is based on ipso factors, namely based on the fact of physical authority, placement, settlement, population or business. But on the other hand, the government is also deprived of a right.

The problem that may arise is the occurrence of polarization (ambiguous and tends to be diverse and inconsistent) in government / agency policies that require land when development is carried out. This happens because the government's recognition of the existence of land rights is based on ipso jure provisions, while the community plays its role ipso facto. Development interests

⁸Ahmad Fauzi Ridwan, QQ Multi-Disciplinary Customary Land Law, Pancasila Culture, Volume I, Jakarta, 1985, p. 4.

⁹Soetandoyo Wignjosoebroto, Differences in Concepts Regarding the Basic Rights of Tenure over Land Between What is Adhered to in Indigenous View Traditions and What is Adhered to in European Positive Law, Seminar Paper at Universitas Brawijaya Malang, 13 October 1990, p. 3.

¹⁰Endang Suhendra, ifdhal Kasim, Land as a Commodity, ELSAM, Jakarta, 1996, p. IX.

are always represented by the Government so that when the concept of land ownership is confronted between ipso jure and ipso facto then ipso jure always wins, even the judiciary also shows siding with ipso jure, such as decisions regarding the consignment of compensation money. The reality shows that the percentage of land owners based on the ipso jure concept of quality is very small. If the quantity of land ownership is very small in quantity and the quantitative difference is quite large, it means that land control is based on the concept of Customary Law or the fact that physical land plot entrepreneurs still dominate.

The provisions of the Agrarian Basic Law implicitly state that if land control is not ipso jure then the land is declared State land. Basically, land that is controlled based on the fact of physical control is subject to the concept of Customary Land Law and this cannot be separated from the structure of Customary Family Law and Customary Constitutional Law, especially regarding Legal Partnerships, namely the structure, features, and so on. Throughout Indonesia, there is a legal relationship with land between legal associations and land within its territory. In other words, the legal partnership is the highest right regarding land (as alleged by Ahmad Fauzi Ridwan).¹¹ Customary rights also have a magical relationship with the Land Law Association group.

Regulations in the UUPA, the existence of land that is controlled is based on the fact of physical ownership, or Customary Law is expressly recognized by the UUPA (article 5 of Law No. 5 of 1960). However, the provisions as long as they are in reality still exist, are in accordance with National and State interests based on National Unity and must not conflict with other higher regulations. The regulations in the UUPA expressly recognize the existence of tenure rights that are controlled based on the fact that the implementation of the UUPA requires land registration. This means that land control is not only based on the fact of physical possession, but must further be followed by juridical recognition (ipso jure).

There is a dilemma between recognition based on ipso facto on the one hand and ipso jure on the other hand, would not actually occur if Land Law were subject to uniform rules, and contained in provisions that apply in unification. It seems that the current demand for unification of the National Land Law is a necessity that needs immediate implementation. Therefore, the development strategy in the field of Agrarian Law (juridical policy), in the future must comply with the demands of legal unification in the Agrarian field.

The birth of a Government Regulation is a positive step towards the unification of National Agrarian Law, because this Government Regulation explicitly recognizes the existence of rights to land based on Customary Law, namely land controlled based on the fact of physical possession and land transactions that meet the provisions. PP No. 10 of 1961 but was recognized as being included in the UUPA system (Article 24 PP No. 24 of 1977).

¹¹Ahmad Fauzi, Op. Cit, p. 16.

Academically, this policy needs to be researched and expressed, so that this step towards the unification of National Agrarian Law can run well and successfully in this world. The government must still participate in determining the policies that will be taken. This is a specialty in determining the policies that will be taken. This is a specialty in the field of regulation of rights to objects, where land occupies a slightly different position from the regulation of rights to other objects, apart from land.

This is the background why this research is academically necessary. The Asahan Level II Region was determined as a research area based on the consideration that in this area the majority of people controlled land based on the fact of physical control.

C. Agrarian Law from an Islamic View and Its Relation to Ummah Development

Furthermore, in relation to Ummah Development, especially in the economic sector, the Basic Agrarian Law:

- a. Arrange for joint efforts in the Agrarian field to be based on common interests in the context of National interests in the form of Cooperatives or other forms of mutual cooperation (Article 12 UUPA).
- b. Arrange that businesses in the Agrarian field are such that they ensure production and prosperity for the people, and guarantee for every Indonesian citizen a standard of living in accordance with human dignity, both for themselves and their families (article 13 point 1 UUPA).
- c. Preventing private monopoly efforts in the Agrarian field in organizations and individuals, while government businesses of a monopoly nature can only be implemented by law (article 13 point 2, 3 UUPA).
- d. Striving to advance social certainty and security, including in the field of hunting, in businesses in the Agrarian field (article 13 point 4 UUPA).

In the context of Agrarian resource management, the basis or ideals of Agraria are to change the character of a colonial state into an independent national state, with the aim of improving the welfare of its people through the utilization of agrarian resources. However, this idealistic order is not so easy to realize due to factors:

1. The Normative Framework of the Agrarian Law itself, in its implementation tradition, is strongly influenced by the Western Legal tradition (the Civil Code). Therefore, what emerges is the strengthening of civil rights and eliminating the concept of Customary Law which recognizes the existence of communal rights (hak ulayat).
2. Conflict between the laws and regulations themselves. On the one hand, the UUPA recognizes the existence of Customary Law which is de facto in determining land rights, on the other

hand it also recognizes de jure based on the recognition of land rights according to the Civil Code version.

3. In practice, the State Apparatus who has the authority to carry out tasks related to agrarian affairs is not trustworthy, resulting in chaos in the granting of land rights, including planning and utilization.
4. From a cultural aspect, Indonesian legal culture does not yet reflect the importance of compliance with the law so that public legal awareness is still at the learning stage. The examples shown by state officials do not yet show anything worthy of emulation.

The factors above are clearly visible in various problems in the land sector in Indonesia, including:

1. Acquisition of land for Government purposes. During land acquisition, those affected by land acquisition often experience setbacks in their social and economic levels.
2. Acquisition of land for private use is the government's bias towards entrepreneurs and the land that has been acquired is not being utilized in accordance with the original project proposal.
3. Revocation of land rights for public purposes.
4. Conditions of land control by Government agencies.
5. Illegal occupation of land / without permission.
6. Problems that arise in the field of land registration:
 - Fake certificate
 - Original but fake certificate
 - Double certificate
7. Request for Certificate blocking by the Bank.
8. Issues in land use trials:
 - Overlapping allocations
 - Inappropriate land use
 - There is a tendency to use fertile agricultural land for non-agriculture.

Based on the description above, there are indeed concerns about being able to realize the people through the utilization of Agrarian resources.

The steps that can be taken are:

1. Reorganizing the substance of the UUPA to include the aspirations of the people, for example containing the interests of the community based on religious law, customs and customs but still adhering to the ideal conception, namely Pancasila and the 1945 Constitution.

2. From a structural aspect, it is necessary to simplify institutions related to the utilization of Agrarian resources which are not centralized in the hands of the Regional Government. Heads of apparatus are required to have professionalism skills, heed legal and moral rules and uphold religious values.
3. From a cultural aspect, it is hoped that the Government will provide an example and example of good law enforcement, upholding the values of justice and referring fully to religious morality.

Based on the description above, in the context of developing the Ummah, the utilization of Agrarian resources must ultimately refer to the principles of Community Based Resources Management, namely the arrangement of resource (Agrarian) management based on the local community. For example, if the use of land is intended to build plantations for local communities living nearby. Likewise in forest management, mining and utilization of agricultural and marine resources.

CONCLUSIONS

From the perspective of Islamic law, Allah SWT is the ultimate ruler over the heavens and the earth. This divine power is delegated to humans so that they can fulfill their role as caliphs on earth and ensure the prosperity of the land. In this context, the Basic Agrarian Law (UUPA) operates under three key paradigms. Ideally, it seeks to ensure social justice for the people by prioritizing the control and use of agrarian resources. Juridically and normatively, UUPA should create an atmosphere of legal certainty. From a sociological and empirical perspective, it must enhance the welfare of the ummah by properly structuring, planning, and utilizing agrarian resources. A proposed solution to improve UUPA is revising the Basic Agrarian Law No. 5 of 1960 to accommodate the interests of the entire community. This revision should ensure that it is non-discriminatory and respects the people's rights, including the customary rights of local and traditional communities. In terms of land rights, especially concerning the development of the ummah, the principle of Community-Based Resources Management, which emphasizes managing natural resources through local community practices, should be applied. This approach can help the Land Law guarantee the development of the ummah, ultimately leading to a Baldatum Toyyibatun Wa Robbun Ghafur State and spreading grace to all nature and the ummah surrounding it.

REFERENCES

- Ahmad Fauzi Ridwan, Hukum Tanah Adat QQ Multi Disiplin Pembudayaan Pancasila, Jilid I, Jakarta, 1985.
- Al- shan'ani, Subul al-salam, Juz 3, Dahlan Bandung, Tanpa Tahun.
- Endang Suhendra, ifdhal Kasim, Tanah Sebagai Komoditas, ELSAM, Jakarta, 1996.
- Ibn Abidin, Radd Al-Mukhtar, Juz 6, Syirkah wa maktabah wa Matba'ah Musthafa Al-Bab Al-Halb, Mesir 1966.
- Hasan Shadily, Ensiklopedia Indonesia, PT. Ichtiar Baru Van Hoeve, Jakarta, 1987.
- Imam Soetiknjo, Politik Agraria Nasional, Ghajah Mada Univesity Press, Yokyakarta, 1999.
- Mahadi, Kedudukan Tanah Adat Dewasa Ini, BPHN, Jakarta, 1977.
- Muhammad Al-Khatib Al-Syarbaini, Mughni Al-Muhtai, jus 3, Dar Al-Fikr, Beirut-Libanon, 1398 H./1978 M.A.P. Parlindungan, Komentar Atas Undang – Undang Agraria, Mandar Maju, Bandung, 1991.
- Soerjono Soekanto, 2012, Pengantar Penelitian Hukum, Cetakan ketiga Penerbit Universitas Indonesia (UI-Press), Jakarta.
- Soetandoyo Wignjosoebroto, Perbedaan Konsep Tentang Dasar Hak Penguasaan Atas Tanah Antara Apa yang Dianut Dalam Tradisi Pandangan Pribumi Apa yang dianut dalam Hukum Positif Eropa, Makalah Seminar Universitas Brawijaya Malang, 13 Oktober 1990.
- Sadji Suryanto, Permasalahan Pertanahan, Kepala Kantor Wilayah Badan Pertanahan Nasional Provinsi Sumatra Utara, Medan, 1996.
- Taquiuddin, Kifayat Al-Akhyar, Juz 1, Dar Ihya' Al-Kitab Al-Arabiyah, Indonesia.