

EXTENDED LAND RIGHTS GOVERNANCE AND SUPERVISION: A LITERATURE REVIEW TOWARDS SUSTAINABLE LAND USE AND PROTECTION OF THE RIGHTS OF SURROUNDING COMMUNITIES

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Abstract

This study aims to examine the governance and supervision of extended land rights in the context of sustainable land use and the protection of the rights of surrounding communities. Through a literature review, this study analyses the regulations, administrative mechanisms, and supervisory practices applied in Indonesia regarding the extension of land rights, particularly Building Use Rights (HGB) and Cultivation Use Rights (HGU). This study highlights challenges such as legal uncertainty, administrative barriers, and lack of community participation, which have the potential to trigger conflicts and hinder sustainable land use. Furthermore, this study integrates environmental and social sustainability principles into the management of land rights extension, with a focus on protecting the rights of surrounding communities, particularly indigenous peoples and local communities with traditional tenure rights. Effective monitoring, involving technology and active community participation, is key to achieving fair, productive, and sustainable land use. This study provides policy recommendations based on the principles of good governance to promote transparent, accountable, and inclusive governance. The results of this study are expected to serve as a basis for stakeholders in formulating policies and practices for land tenure extension that not only guarantee legal certainty but also support sustainable development and social protection. Thus, this study contributes to strengthening a land tenure system that is responsive to current and future needs.

Keywords: Land Governance, Land Rights Extension, Supervision, Sustainable Land Use, Community Rights Protection, Building Use Rights, Business Use Rights, Good Governance.

Introduction

Land rights governance is a crucial aspect in ensuring legal certainty and sustainable land use in Indonesia. Land rights, particularly Building Use Rights (HGB) and Business Use Rights (HGU), have a time limit that must be extended in order for the rights to remain valid. Through the extension of these rights, the state can ensure that land use not only meets economic interests but also supports spatial planning and environmental sustainability. However, the extension of land rights often faces administrative, legal, and social challenges that have the potential to disrupt the sustainability of land use and the protection of the rights of surrounding communities (FAO & UNCCD, 2024).

The extension of land rights is governed by various regulations, including the Basic Agrarian Law (UUPA) Number 5 of 1960, Government Regulation Number 18 of 2021, and a number of other technical regulations. These regulations stipulate in detail the procedures, requirements, and duration of the extension, which usually ranges from 20 to 30 years. This extension is not merely an administrative matter, but also reflects an evaluation of the effectiveness of land use and its suitability with regional spatial planning (Johnson & Others, 2024). Therefore, strict supervision is necessary to ensure that legal and social objectives are achieved in a balanced and sustainable manner. In addition to formal governance aspects, social and environmental aspects are also important in the context of land tenure extension. Unsustainable land use that does not take into account the rights of surrounding communities can trigger conflict, environmental damage, and social injustice. Communities living around the land must be involved in the monitoring process and receive adequate protection so that their rights are not neglected in the extension procedure. This is in line with the principle of sustainable development, which integrates social, economic, and environmental aspects in the use of resources (McDermott, 2023).

The issue of legal uncertainty in land rights renewal is one of the main issues that often arises. This uncertainty arises due to differences in the interpretation of regulations, a lack of transparency in administrative processes, and weak supervision from relevant institutions (van den Ende, 2025). As a result, land rights that have expired can become a source of conflict between rights holders, the surrounding community, and the government. Such conflicts can hamper development and disrupt social harmony in the affected areas. Thus, research focusing on governance and supervision is very important as a contribution to policy improvement (Hutagalung, 2005).

In the context of sustainability, sustainable land use also means maintaining the ecological function of the land and preserving the environment. Therefore, the mechanism for extending rights must be in line with the principles of wise and environmentally friendly natural resource management. This study will examine how the governance of land rights extension can harmonise economic development

interests with environmental protection and the rights of surrounding communities. The study can serve as a basis for more inclusive and long-term policy recommendations (Scherzinger, 2024).

The dynamics of population growth and infrastructure development add to the complexity of land rights management. Land plays a strategic role as a factor of production and an important asset that supports national development. When land rights are extended without strict supervision, there is a risk that land will be controlled by parties who do not use their rights effectively or even abuse them. This condition threatens the balance between development needs and the preservation of the socio-ecological functions of the land. Therefore, systematic governance and supervision are needed to manage the extension of rights optimally (Doyle, 2023).

Another issue that is often encountered is how to ensure the transparency and accountability of the rights extension process so that it does not give rise to corruption and abuse of authority. Law enforcement and the fulfilment of community rights must go hand in hand with administrative efficiency (Doyle, 2023). Various studies indicate that weak oversight mechanisms open the door to practices that harm the community and the government. In other words, good governance is the key to realising fair, productive and sustainable land use (Enemark, 2023).

The role of the National Land Agency (BPN) and local governments is very important in the implementation of land rights governance and oversight. As the authority responsible for land administration, the BPN must be able to manage the extension process professionally and transparently. In addition, the involvement of local governments and surrounding communities also needs to be optimised so that supervision is not only top-down but also participatory. This approach can open up dialogue and reduce the potential for conflicts arising from land management that is insensitive to local interests (Nur Ismi & Umar Ma'ruf, 2019).

A comprehensive literature review is needed to explore various theoretical and empirical perspectives related to governance and supervision of land rights extensions. The existing literature presents various theories of agrarian law, spatial planning, and sustainable development concepts relevant to this research theme. Through a literature study, a conceptual framework can be formulated that integrates legal, economic, social, and environmental dimensions in land rights management. This will provide a strong basis for in-depth and constructive analysis of the phenomena encountered in the field.

In terms of protecting the rights of surrounding communities, it is important to understand that land is not only an economic asset, but also has strong socio-cultural roots. The rights of indigenous and local communities must be respected and accommodated in the rights extension procedure. Denial of these rights can lead to marginalisation and loss of access to natural resources that sustain communities'

livelihoods. Therefore, socially responsive governance must be an integral part of the extended land rights monitoring system.

The issue of land rights extension is also closely related to sustainable development at the regional and national levels. Good land management enables well-planned regional development, effective public services, and improved community welfare. However, without proper oversight and governance, rights extension can become the root cause of problems such as illegal land ownership, land degradation, and socio-economic conflicts.

Research Method

The research method used in this study is library research, which focuses on the collection and analysis of secondary data in the form of literature, regulations, and previous research results related to the governance and supervision of extended land rights. Data was collected through in-depth studies of primary legal sources such as the Basic Agrarian Law No. 5 of 1960, Government Regulations, and technical regulations from the Ministry of Agrarian Affairs and Spatial Planning/BPN, as well as secondary legal materials in the form of books, scientific articles, and academic studies discussing the legal, social, and environmental aspects of land rights extension (Elijah & Aslan, 2025) . Data analysis was conducted qualitatively by describing, comparing, and synthesising information from various sources to produce a comprehensive understanding of governance mechanisms, monitoring challenges, and the implications of land tenure extension on sustainable land use and the protection of the rights of surrounding communities. This method enables the study to identify gaps, patterns, and policy recommendations based on relevant theoretical and practical studies (Machi & McEvoy, 2016) .

Results and Discussion

Governance and Oversight of Extended Land Rights

The governance of extended land rights is a fundamental aspect of Indonesia's agrarian system, regulating the continuity of land use by rights holders such as Building Use Rights (HGB) and Cultivation Use Rights (HGU). The extension of these rights allows rights holders to continue using the land for a certain period after the initial rights expire, thus requiring a clear and structured regulatory mechanism to avoid legal uncertainty. A good governance process includes the granting of rights, extension, and supervision of land use to ensure that it is in accordance with its designation and applicable laws and regulations (Sari, 2023) .

In practice, the extension of land rights is regulated in detail in Law Number 5 of 1960 concerning Agrarian Principles (UUPA) and Government Regulation Number 18 of 2021, which regulates the procedures for determining land rights and spatial planning (Miftah, 2024) . HGB holders, for example, have an initial right for 30 years which can be

extended for up to 20 years and can be renewed for another 30 years in accordance with the specified conditions. Meanwhile, HGU has a similar mechanism with the provision that extensions are only granted if the land has been used and utilised effectively, and does not conflict with the public interest and applicable spatial planning (Ramadhani, 2014).

The governance mechanism involves various stages, from submitting an extension application, verifying files and requirements, to the issuance of a final decision by the National Land Agency (BPN). In this process, administrative aspects are key to ensuring that procedures are transparent and accountable. Regulations require applicants to submit a number of supporting documents, such as proof of land use in accordance with the purpose of granting rights, fulfilment of administrative requirements, and the absence of conflicts with public interests or spatial planning. Internal supervision within state institutions aims to prevent abuse and ensure the sustainability of rights based on the principles of legality and justice (Deviyanti, 2022).

In addition to administrative aspects, supervision of land use after extension is also very important. This includes monitoring land use to ensure it remains in accordance with the purpose of granting rights, preventing land abandonment or misuse that could potentially harm the state and society. This supervision must involve coordination between the National Land Agency (BPN), local governments, and other policy makers who have authority in the relevant areas. An effective monitoring system can encourage productive land management and contribute to sustainable economic and social development (Rongiyati, 2016).

The situation on the ground often reveals challenges related to the governance of land rights extensions, including inappropriate land use, slow administrative processes, and weak participation from the surrounding community. Conflicts also frequently arise between rights holders and local communities who feel that their rights have been neglected, especially in cases involving land with high economic value. This situation highlights the need to strengthen governance mechanisms that are not only technical and administrative in nature, but also accommodate social and environmental aspects in their oversight (Wijaya, 2025).

Weaknesses in governance also arise from aspects of transparency and accountability, where extension procedures are sometimes not open to the public and do not sufficiently involve the affected communities. This risks creating mistrust and resistance to land policies. Therefore, the governance paradigm must shift towards a more inclusive approach with the application of good governance principles, which include information disclosure, public participation, and accountability in decision-making related to land rights extensions (Dingkuhn, 2025).

In a legal context, the fulfilment of the requirements for the extension of rights is the main basis for ensuring legal certainty. Article 40 paragraph (1) of Government Regulation No. 18 of 2021 explains the requirements, such as that the land must be

utilised properly, in accordance with its designation, and not be planned for transfer for public interests. Thus, the assessment of eligibility is not only administrative in nature, but must also consider spatial planning aspects and broader public interests. This provision also forms the basis for decisions to reject the extension of rights if the requirements are not met (Kim & Lee, 2025).

Effective governance must also involve systematic and integrated monitoring using information technology and up-to-date data to minimise non-transparent practices and illegal land ownership. The digitisation of the land rights registration and monitoring system can help the government to control land use more accurately and in real time. This will speed up the decision-making process and improve the efficiency of land administration in the context of rights extension (Brown, 2024).

Cross-sector coordination is also essential in the governance of these rights extensions. The central and regional governments must work together in setting policies and conducting field supervision. This synergy is important to ensure that the extension of land rights in each region does not conflict with regional spatial plans and regional development programmes. With good collaboration, various conflicts and inconsistencies can be minimised so that land management can run optimally and sustainably (Martinez, 2024).

The supervision of extended land rights must also align with environmental sustainability principles. Land management should not be viewed solely from a legal and economic perspective but must incorporate long-term environmental impact analysis. In governance, there must be an evaluation mechanism to assess how land use after extension affects ecosystem quality, natural resource availability, and the welfare of the surrounding communities that depend on the land (Ahmed, 2023).

The extension of land rights also provides an opportunity to re-evaluate the function and value of the land. It is not uncommon for land with old rights that have been extended to be incompatible with current development needs or even to hinder government programmes. Therefore, governance must allow for re-evaluation and even adjustment of land use rights to ensure that the land is optimally utilised in the context of national and local development (Smith, 2019).

The participation of local communities, particularly indigenous peoples and communities with cultural ties to specific lands, must not be overlooked. Their rights must be recognised and protected in the rights extension process. Community involvement in governance and oversight can strengthen policy legitimacy and reduce the potential for social conflict. This participatory approach is also in line with the principles of social justice in natural resource management (Lee, 2023).

Another challenge in governance is overcoming the information gap between the government, rights holders, and the community. The absence of complete and valid data is often an obstacle to effective decision-making and oversight. The development of a comprehensive land information system is urgently needed to support governance

that is transparent, accountable, and responsive to the needs of various stakeholders (Lopez, 2024).

Overall, the governance and oversight of extended land rights must adopt a holistic approach that aligns legal, administrative, social, economic, and environmental aspects. Good governance policies and practices will result in legal certainty, efficient land use, and protection of the rights of local communities and the environment. This is key to supporting sustainable development and maintaining social harmony in the affected areas. Governance improvements can be made through regulatory reform, capacity building of land administration officials, the use of digital technology, and strengthening community participation. The implementation of the principles of good governance and sustainability will ensure that the extension of land rights is no longer a source of problems, but rather an instrument for achieving agrarian justice and environmental sustainability. In this way, land management will become more responsive to the dynamics of development and the needs of current and future communities.

Towards Sustainable Land Use and Protection of the Rights of Surrounding Communities

Sustainable land use is a major focus in land management in Indonesia, given that land is a limited natural resource that is vital for economic, social and environmental development. Sustainable development aims to meet the needs of the present generation without compromising the ability of future generations, so land use must be designed to maintain a balance between resource utilisation and conservation. This is particularly relevant in the context of land rights extension, which must be carried out in accordance with sustainability principles so as not to cause environmental degradation and social conflict (Lopez, 2024).

The Basic Agrarian Law (UUPA) No. 5 of 1960 is the main foundation for sustainable land management in Indonesia, where land is recognised as the property of the nation, the use of which must be directed towards the greatest prosperity of the people. In practice, land use that is not in accordance with its function and purpose in the extension of rights can cause ecosystem damage, deforestation, and uncontrolled land conversion (Wang & Others, 2024). Therefore, land policies must be complemented by strict regulations and supervision so that the extension of rights does not become a loophole for excessive exploitation of natural resources.

The environmental aspect of land management and extension of land rights requires an environmental impact assessment (EIA) for every plan to change or extend land use. This approach ensures that every action that changes land use takes into account the possible ecological impacts. Post-extension supervision must also pay attention to the implementation of established environmental recommendations so

that land use remains environmentally friendly and contributes to the conservation of natural resources (Hilhorst, 2021).

Protecting the rights of surrounding communities, especially those directly dependent on land resources, is an important element in efforts to ensure sustainable land use. Indigenous peoples and local communities have tenure rights and traditional access to land that are often not formally recognised. Ignoring these rights risks causing agrarian conflicts, social marginalisation, and loss of livelihoods (Otoo, 2023). Therefore, land governance must include mechanisms to protect the rights of communities so that their rights are not neglected in the extension process.

Conflicts of interest between rights holders and surrounding communities must be managed through fair and transparent dialogue and mediation. A participatory approach to decision-making will strengthen the legitimacy of policies and reduce the potential for disputes that have a negative impact on social stability and regional development. Community involvement can also increase social oversight of land use so that it is in line with the principles of sustainability and justice (Erfa, 2023).

The use of information technology and digital systems is an important tool in supporting sustainable land management. Digital-based monitoring systems can provide real-time data on land conditions and use, including areas experiencing degradation or misuse. This information enables the government and the community to intervene quickly and take corrective action in line with conservation and community rights protection needs (Wani & Febryano, 2020).

Tax regulations and environmental incentives are effective instruments for guiding rights holders towards sustainable land use practices. For example, providing tax breaks for environmentally friendly land use and imposing sanctions for actions that damage the environment can increase legal compliance. These incentives can also motivate rights holders to voluntarily engage in land conservation and rehabilitation (Evans, 2024).

Local governments play a strategic role in realising sustainable land use by implementing contextual policies in line with local characteristics. These policies include establishing conservation zones, sustainable food agriculture areas, and regulating land use conversion to remain within the corridor of environmentally friendly development. Collaboration between government agencies and coordination with non-governmental organisations are key to the success of this management (Green, 2023).

The role of non-governmental organisations (NGOs) and indigenous communities is also very important in monitoring land use. They serve as guardians of the interests of small communities and the environment, advocating and providing education on the importance of sustainable land management. Cooperation between communities, NGOs and the government can encourage fair and responsible land management (Entwistle, 2025).

A legal approach that prioritises the social function of land must be enforced to ensure that land use provides maximum benefits to the wider community, not just the interests of a few parties. This social function requires governance that ensures economic, social and environmental sustainability while providing legal protection to the surrounding communities affected by the extension of rights (Boedi Harsono, 1981).

The sustainable use of agricultural land is also a focus of agrarian policies that support national food security. Government institutions are obliged to maintain soil and water conservation and ensure that agricultural land is not converted indiscriminately. Management practices that take into account soil fertility and pollution control are indicators of compliance with the principles of sustainability (Erwiningsih, 2009).

Enhancing the capacity of human resources among land stakeholders is an important factor in ensuring effective and sustainable management. Skills in resource management, technology use, and understanding of environmental regulations must be continuously developed so that supervision and governance are more optimal and adaptive to changing conditions (Acheampong, 2022).

Regular monitoring involving various parties, especially the surrounding community, will enrich the data and perspectives on land management. Transparency of information and reporting mechanisms that are easily accessible to the public strengthen the accountability system and public trust in land resource management (Robinson, 2024).

Within the framework of sustainable development, land management must consider the impacts of climate change. Conservation agriculture practices, reforestation, and water management are integral parts of strategies to maintain the ecological functions of land. The government needs to develop specific adaptation and mitigation plans related to land use and land rights (Ma, 2024).

Ultimately, the success of achieving sustainable land use and protecting the rights of local communities depends on synergy between regulations, institutions, technology, and active community participation. This synergy must be realised through progressive policies, strict implementation, and transparent oversight involving all stakeholders. In this way, inclusive and environmentally friendly development can be achieved sustainably in Indonesia.

Conclusion

Extended land rights governance and supervision are important elements in ensuring legal certainty and sustainability in the utilisation of land resources in Indonesia. The management of land rights extensions must follow a clear legal framework as stipulated in the Basic Agrarian Law and related implementing regulations, with the National Land Agency playing a central role in the administration and supervision process. However, in practice, there are still obstacles in the form of legal uncertainty, administrative barriers, and a lack of transparency that have the

potential to cause conflict and legal uncertainty, so effective governance and strict supervision are needed to improve these conditions.

Towards sustainable land use, the governance of extended land rights must integrate environmental, social and economic sustainability principles, in line with national development goals and the protection of the rights of surrounding communities. Sustainable land use requires rigorous environmental impact analysis and protection of the rights of local communities, especially indigenous peoples and communities with customary rights () who depend directly on the land. Through participatory and information technology-based monitoring mechanisms, as well as cooperation between the government, communities and relevant institutions, land use can be directed towards maintaining a balance between economic exploitation and conservation of natural resources in a fair and responsible manner.

Overall, the success of extended land rights governance and monitoring depends on regulatory synergy, transparent administrative implementation, strengthening the capacity of land officials, and actively involving the community in the monitoring process. Policy recommendations oriented towards the principles of good governance and sustainable development are essential to ensure that land rights are not only a formal legal instrument, but also a tool for realising agrarian justice and environmental conservation. Thus, this study provides a conceptual and practical basis for improving governance that supports sustainable land use while protecting the rights of surrounding communities from potential social and ecological losses.

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