



## ***Conflict in the Management of Ulayat Land in Nagari Sungai Kamuyang***

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### ***Abstract***

*The conflict over customary land in Nagari Sungai Kamuyang reflects a complex interplay among various actors, including the Kerapatan Adat Nagari (KAN), local leaders, government officials, and external entities such as investors. This study examines the dynamics between these actors and the impact on the resolution of land disputes. A qualitative approach was used, involving in-depth interviews with key stakeholders, including representatives of KAN, local leaders, government officials, and community members. Secondary data were gathered from relevant documents, reports, and previous studies on customary land conflicts in Minangkabau. The findings reveal a significant power imbalance between the local community and external actors, such as the government and investors. The dualism within KAN has further complicated the conflict resolution process, with competing factions influencing decision-making and contributing to a lack of clarity in enforcing customary laws. The government's policies often conflict with traditional rights, exacerbating tensions. The community faces increasing pressure from external economic interests, threatening their cultural heritage and social structure. The conflict over customary land in Nagari Sungai Kamuyang illustrates the challenges of balancing traditional rights with pressures from modern development. The duality within KAN and the lack of cohesive support from the government hinder effective conflict resolution. An inclusive approach involving constructive dialogue and recognising customary and modern legal frameworks is crucial for achieving a fair and sustainable resolution. Resolving the customary land conflict in Nagari Sungai Kamuyang requires addressing the power imbalances, bridging gaps between traditional and modern legal systems, and ensuring that community voices are adequately represented in decision-making processes.*

**Keyword :** Conflict, Kerapatan Adat Nagari, Ulayat Land, Village Head.

## INTRODUCTION

Land conflicts involving customary land in Indonesia are complex issues that frequently arise in regions with indigenous communities. Indigenous communities manage customary land based on local customary law and hold deep social, economic, cultural, and spiritual significance. These conflicts typically occur due to clashes between customary and national law, where the government or corporations often claim customary land based on certificates recognised by national law. At the same time, Indigenous communities feel their rights to the land are disregarded. Many conflicts arise from land conversion, such as the transformation of customary land for plantations, mining, or infrastructure projects without the consent of the indigenous people, leading to tensions between the involved parties. Examples of conflicts include the one in Nagari Sungai Kamuyang, West Sumatra, where there were differences of opinion between the indigenous community and the village government regarding the management of customary land. Other cases frequently involve corporations confiscating customary land, as experienced by the Dayak community in Kalimantan or the Amungme and Kamoro tribes in Papua, whose lands are taken for large-scale projects without considering their rights. The impacts of these conflicts are significant, ranging from the loss of livelihoods for indigenous communities to environmental degradation and social disintegration. Resolving these conflicts is challenging, although various efforts have been made, such as mediation, legal recognition, and agrarian reform. However, the main challenge lies in harmonising customary law with national law and formally recognising customary land. Commitment from all parties is necessary to respect the rights of indigenous communities so that these conflicts can be resolved fairly and sustainably.

Ulayat land in Minangkabau is a communal asset passed down through generations, playing a crucial role in the indigenous community's social, economic, and cultural life. Beyond being a source of livelihood, ulayat land symbolises collective identity, strengthening the community's bonds. The philosophy "jua ndak makan bali, gadai ndak makan sando" emphasises that ulayat land cannot be sold or mortgaged except in dire circumstances, preserving its social and economic function (Indonesia, 2008). However, in the modern context, ulayat land faces increasing challenges due to economic development pressures, social changes, and state legal interventions often

conflicting with customary law. Land disputes arise when the interests of Indigenous communities, the government, and private entities clash, especially regarding the control and use of land (Marizal et al., 2022). Several case studies show that ulayat land conflicts in Minangkabau are complex phenomena, reflecting the friction between customary law and state law.

Notable cases include the land conflict in Nagari Kapalo Hilalang, where the indigenous community fought to reclaim 697 hectares of land previously controlled by a Dutch company and later taken over by the military (Fatimah & Andora, 2014). In Nagari Kinali, ulayat land was transferred to a palm oil company without the consent of the indigenous people, triggering strong opposition (Radiatul, 2024). Similar cases occurred in Nagari Sungai Buluh and Koto Tengah, where ulayat land was claimed as state land without the approval of the local community, sparking protests (Ramadhany et al., 2021).

The ulayat land conflict in Nagari Sungai Kamuyang, Lima Puluh Kota Regency, West Sumatra, is a significant example of the ongoing tensions between customary law and state law. This conflict has deep historical roots, dating back to colonial times and continuing through post-independence government policies that transformed ulayat land into state land or granted it to private companies. Since the issuance of a land lease (HGU) to PT Yenita Ranch in 1970, the Indigenous people of Sungai Kamuyang have persistently tried to reclaim their layout land, leading to a prolonged conflict with the government and private interests (Afrizal, 2023).

This study aims to analyse the background of the ulayat land conflict in Nagari Sungai Kamuyang and explore the roles of the key actors involved, including the Indigenous community, the government, and private entities. It also examines the dynamics between these actors, focusing on the tension between traditional customs and modernisation and the efforts of the Indigenous community to defend their rights amid external pressures.

## **METHODS**

This study employs a qualitative approach to gain an in-depth understanding of the failure of conflict resolution in managing customary land in Nagari Sungai Kamuyang. The qualitative approach is chosen because it allows for exploring social

and cultural phenomena in complex contexts, focusing on the behaviours, perceptions, motivations, and actions of individuals involved in the conflict (Moleong, 2013). Data collection involves in-depth interviews, observations, and focus group discussions (Afrizal, 2014). We conduct interviews with purposively selected informants, based on specific criteria relevant to the research topic, to gather their narratives, views, and experiences related to the land conflict. Observations capture social dynamics and interactions during conflict and resolution efforts. Focus group discussions provide diverse perspectives on conflict and resolution strategies.

Data collected includes both primary and secondary data. Primary data comes directly from informants, while secondary data is sourced from documents such as regulations, historical records, previous research reports, and news related to the conflict. We analyse the data following the steps outlined by Miles and Huberman, which include data reduction, data presentation, and conclusion drawing. We filter out irrelevant information during the data reduction and organise the remaining data into key themes. We present the data in descriptive narratives, tables, or graphs to identify patterns and relationships among categories (Black, 2001). In the conclusion-drawing phase, we interpret the findings to answer research questions and verify the validity of interpretations through triangulation. The units of analysis include individuals, groups, events, and legal documents related to the land conflict, aiming to provide a comprehensive understanding of the dynamics and factors influencing the failure of conflict resolution.

## **RESULT AND DISCUSSION**

### **A. Causes of Customary Land Conflicts in Sungai Kamuyang**

The conflict over customary land in Sungai Kamuyang reveals several key factors contributing to its occurrence:

#### **1. Differences in Interpretation of Land Ownership and Usage**

In the Minangkabau customary system, customary land is considered communal property passed down through generations. However, differing interpretations of ownership rights and land use can trigger conflicts. For instance, conflicts often arise due to ambiguities regarding land boundaries or ownership rights. According to

interviews with local leaders, Irmaizar Dt. Rajo Mangkuto from the Kerapatan Adat Nagari (KAN) Sungai Kamuyang stated:

“Conflicts over customary land in Nagari Sungai Kamuyang occur due to differences in understanding of land ownership. This issue requires discussions to unify perceptions of customary land ownership” (Irmaizar Dt. Rajo Mangkuto, 2024).

Similarly, Isral, the Wali Nagari of Sungai Kamuyang, added: “Customary land conflicts are often rooted in changes in the social and economic dynamics of the community. When there is pressure to use customary land for commercial purposes, tensions among community members can rise, especially if some parties feel their rights are being ignored” (Israel, 2024).

These statements highlight how conflicts stem from varying interpretations of customary land rights. Effective communication and discussions are crucial for achieving mutual understanding and preventing disputes. The role of KAN is vital in aligning community perceptions regarding land ownership and usage. As the highest customary institution at the Nagari level, KAN is a custodian and protector of customary values and laws. In land conflicts, KAN is a mediator, bridging differences between various parties. By involving customary leaders, community figures, and members in discussions, KAN creates an inclusive forum for problem-solving. KAN also ensures that every voice is heard and valued, promoting acceptable decisions to all parties. Furthermore, KAN oversees the implementation of agreed decisions, ensuring compliance and reinforcing social solidarity and cohesion.

## 2. Population Growth and Economic Pressures

Population and economic growth increase pressure to develop customary land for residential, commercial, or modern infrastructure purposes. This often leads to clashes between the traditional needs of indigenous communities and the demands of modernisation. Indigenous communities resist converting customary land into national forest areas. Zulhendri Dt. Sinaro expressed:

“Customary land is an inheritance from our ancestors that must be preserved. The pressure to convert it into residential or commercial land is growing, especially with

rapid population and economic growth. However, we must be cautious in making these decisions. Many indigenous people oppose the conversion because they fear losing their cultural identity and traditional rights” (Zulhendri Dt. Sinaro, 2024).

The conflict reflects a broader struggle between economic development and the preservation of cultural values. Migration and changing social and economic values significantly influence how customary land is accessed and used, creating tensions among different community interests (Sari, 2024). The community comprises groups with often conflicting interests. In this context, there are two main groups: indigenous people who view customary land as cultural heritage and those advocating economic development through land conversion (Miko, 2006). The former values traditional values and cultural identity, while the latter focuses on economic growth and modernisation. This conflict reflects deep-seated differences between these two groups. Resi Anggraini commented:

“KAN plays a crucial role in balancing modernisation and cultural preservation needs. We often face pressure from various parties wanting to develop customary land. However, our task is to ensure that decisions do not harm indigenous communities. We facilitate discussions to hear all views and seek the best solutions. We also educate the community about preserving customary land as part of their cultural identity. Development can proceed but must respect tradition and common interests” (Resi Anggraini, 2024).

KAN's role in maintaining the balance between modernisation and cultural preservation is crucial in addressing conflicts arising from differing interests. This situation mirrors a conflict between economic interests and cultural values. Proponents of land development emphasise economic benefits, such as increased revenue and local economic growth, while Indigenous communities view customary land as integral to their cultural identity and ancestral heritage. KAN acts as a mediator by facilitating dialogue and discussions, ensuring all voices are heard before making decisions. This approach promotes more equitable and inclusive resolutions, reduces conflict potential

by educating the community about the importance of preserving customary land, and helps build solidarity and social cohesion (Citrawan, 2020).

### 3. Overlap between Customary Law, National Law, and Government Policies

The overlap between customary law, national law, and government policies often exacerbates the situation. R. Dt Rangkayo Putiah observed:

“The overlap between customary law and national law often creates legal uncertainty. When these two legal systems are not harmonised, we see cases where court decisions become complicated and inconsistent. Resolving customary land disputes requires attention to both customary and positive law. This can confuse the parties involved, as customary rights are often inadequately accommodated within the national legal system” (R. Dt Rangkayo Putiah, 2024).

Another perspective from R. Dt Rangkayo Putiah highlighted:

“The main challenge is the legal uncertainty resulting from the incompatibility between customary and national laws. Customary law is often not thoroughly considered, leading to potentially unfair court decisions for indigenous communities. The solution is to enhance the understanding of law enforcement officials about the importance of integrating customary law into the national legal system and ensuring that customary rights are not ignored” (R. Dt Rangkayo Putiah, 2024).

This issue illustrates the conflict between local values and formal legal structures, which often fail to integrate well. Customary law, derived from regional traditions and practices, reflects community-accepted values and norms. Conversely, with its formal and universal characteristics, national law sometimes neglects cultural diversity and local practices. The misalignment between these legal systems results in complicated and inconsistent court decisions, failing to address Indigenous rights adequately and creating legal uncertainties that can lead to social tension and erode trust in the legal system. This analysis underscores the need for a more culturally sensitive approach in policy formulation and legal enforcement, integrating customary law into the national system to create a fairer and more harmonious legal framework and strengthen social trust and cohesion (Mawaddah et al., 2022).

#### 4. Local Political Factors

Local political factors also play a significant role in the dynamics of customary land conflicts. Political competition and influence can complicate the resolution of land disputes. R. Dt Rangkayo Putiah noted:

“Local political competition often worsens customary land conflicts by adding layers of complexity. Political actors may have agendas to gain support from certain groups by granting them access to customary land. This exacerbates existing conflicts and creates new ones between indigenous communities and politically powerful parties. Political involvement in land disputes often ignores indigenous rights and focuses on political gains” (R. Dt Rangkayo Putiah, 2024). Jamadi further explained: “Local political factors greatly influence the dynamics of land disputes. Power struggles among various political actors often complicate the dispute-resolution process. Politicians with specific interests may manipulate situations for personal or group gain. For instance, political support for businesses or certain parties can affect court decisions or government policies regarding land rights. This often makes the resolution process more complex” (Jamadi, 2024).

Local political competition functions not only as an external factor influencing dispute resolution but also as an element deepening social injustice. Political actors often use customary land conflicts as a platform to bolster their power by manipulating outcomes to gain support from specific groups (Afrizal et al., 2023). This exacerbates existing conflicts and creates new dynamics between indigenous communities and politically influential parties. Political involvement often disregards Indigenous rights in favour of political or economic advantages. When politicians support certain parties, such as businesses or interest groups, court decisions and government policies can become skewed, creating structural injustices where Indigenous communities, already in weaker positions, do not receive their rightful entitlements. This results in not only a complicated but also an unfair resolution process, reinforcing social disparities and inequalities between Indigenous communities and politically powerful groups.

#### **B. The Role of Actors in the Sungai Kamuyang Ulayat Land Conflict**

The ulayat land conflict in Sungai Kamuyang highlights the crucial role of various actors, including the Kerapatan Adat Nagari (KAN), in managing disputes



related to the ownership and control of customary land. Each actor brings a unique dynamic that influences the course of the conflict.

### 1. Kerapatan Adat Nagari (KAN) Leadership

According to Minangkabau customary law, KAN plays a central role in safeguarding and managing ulayat land. Within the adat (customary) law framework, KAN serves as the authority over ulayat land, facilitating dispute resolution and mediating between conflicting parties. However, in the case of Sungai Kamuyang, the emergence of dual KAN entities has made the conflict resolution process increasingly complex.

Traditional Role of KAN:

- a) KAN protects ulayat land and ensures its use and management align with customary law.
- b) They function as mediators in adat disputes, where decisions are made through deliberation and consensus, considering the values of justice and truth within adat.
- c) KAN also holds the authority to establish policies related to the management of ulayat land, ensuring that the interests of the adat community are safeguarded from external influence. In Nagari Sungai Kamuyang, a dualism of KAN has emerged, where two separate KAN entities operate concurrently. The KAN version of the Extraordinary Grand Meeting (Mubeslub) was formed in 2023 following dissatisfaction with the existing KAN leadership. This process was marked by the walkout of most Mubeslub participants, indicating a crisis of legitimacy. The Mubeslub appointed Irmaizar Datuak Rajo Mangkuto as the head of the new KAN, but the election methods and alleged interference from the Nagari government sparked considerable controversy. This dualism exacerbates the uncertainty in enforcing customary law and managing play land. Disputing parties may choose the KAN entity that best serves their interests, complicating efforts to reach a fair and equitable settlement. The dual KAN leadership has created community confusion and slowed land dispute resolution (Hidayah & Yunaldi, 2024).

### 2. Niniak Mamak (Clan Leaders)

Niniak mamak serve as informal leaders within the Minangkabau adat community. They play a critical role in resolving disputes within their clans. However, the leadership dualism within KAN also reflects friction among the niniak mamak themselves. Some support the old adat leadership, and others support the Mubeslub KAN. These differing perspectives have deepened the polarisation within the adat community.

### 3. Wali Nagari (Village Head)

In the context of the ulayat land conflict in Sungai Kamuyang, the Wali Nagari has often been accused of interfering in the election process for the Mubeslub KAN chairmanship. This interference has triggered protests from the link mamak, who feel that the election was neither democratic nor transparent. As the administrative leader of the Nagari, the Wali Nagari find themselves in a difficult position, balancing adat demands with the governance responsibilities (Rais, 2020).

### 4. Government

Government intervention, at both the local and national levels, is another factor exacerbating the ulayat land conflict. Government policies that do not always align with Minangkabau adat law add further complications to the management of ulayat land. The government is often seen as prioritising economic interests, such as development and investment, which frequently clash with the traditional values upheld by the adat community (Effendi, 2021).

### 5. Adat Community

The adat community, directly involved in managing ulayat land, also plays a key role in this conflict. They often find themselves caught between two competing KAN entities, uncertain where to turn to resolve disputes. The community hopes for the unification of KAN or another solution that would reduce confusion and provide fairness in resolving ulayat land conflicts.

## **C. Dynamics Among Actors in the Ulayat Land Conflict in Nagari Sungai Kamuyang**

In Nagari Sungai Kamuyang, the ulayat land conflict involves several actors with differing interests and perspectives, creating a complex dynamic. The adat

community is the primary steward of ulayat land, relying on it for their daily lives and cultural sustainability (Putra W, 2017). They strive to preserve their customary rights, protect natural resources, and safeguard cultural heritage but often face threats from external parties seeking to claim or use their land without consent.

“Ulayat land is our ancestral heritage and crucial for our daily life. We feel our rights are often ignored by outsiders trying to claim our land without permission. We frequently feel overlooked and not involved in decision-making processes.” (R. Dt Rangkeyo Putiah, 2024)

The power gap between the community and external parties (government and investors) is evident. The community is politically and economically weaker than external parties but has greater access to resources and power. This imbalance creates a situation where community rights are frequently disregarded or overlooked (Nur Adinda, 2023).

“There is also pressure from various parties wanting to use ulayat land for their economic activities.” (Sari, 2024)

The conflict is about tensions over ulayat land and power relations between the managing community and external parties. External parties possess greater power in decision-making processes. The pressure they exert threatens the community's economic resources and disrupts long-standing social structures and cultural identities. The adat community, dependent on ulayat land for survival, often feels excluded from decision-making, leading to injustice and resistance.

Government policies often do not align with adat rights. One of the biggest challenges is the lack of support from the Nagari government to ensure the proper use of ulayat land. “We also face pressure from companies wanting to use our land for their economic activities, and the lack of socialisation can lead to dissatisfaction among the adat community.” (Ihsan & Salim, 2022)

The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) is responsible for land registration, recognition, and regulation. They strive to provide legal certainty over land rights, but administrative processes that do not adequately involve the adat community often lead to disputes. Investors or companies interested in land for economic activities, such as plantations or mining, frequently face

conflicts when their financial interests clash with adat rights, resulting in negative environmental impacts.

The dynamics of this conflict involve negotiations and mediation among various parties, with potential tensions and protests as responses to injustice. This process can influence government policies, with regulation changes and land administration potentially more effectively accommodating adat rights. Managing this conflict requires an inclusive approach involving constructive dialogue and a deep understanding of adat rights and modern needs to achieve fair and sustainable solutions.

## CONCLUSION

The land conflict in Nagari Sungai Kamuyang highlights the complexities of the relationships between Indigenous communities and various external actors, such as the government, investors, and other parties with economic interests. As the primary managers of customary land, Indigenous communities struggle to defend their rights, protect natural resources, and preserve cultural heritage. However, they often find themselves in a weaker position than external parties with greater access to resources and power.

The dualism within the Kerapatan Adat Nagari (KAN) exacerbates uncertainty and conflict in land management. The presence of the old KAN and the Musyawarah Besar Luar Biasa (Mubeslub) version creates confusion and delays in conflict resolution, deepening polarisation within the Indigenous community. Niniak mamak, the wali Nagari, and the government also play significant roles in the conflict, often with policies and actions that do not align with customary rights and interventions in decision-making processes that lead to injustices.

The lack of legal support and government policies that are misaligned with Indigenous rights further complicate the conflict. The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) and investors often face conflicts when their economic interests clash with Indigenous rights, negatively impacting the environment.

An inclusive approach involving constructive dialogue among all parties is required to address this conflict effectively. Policy formulation and land administration must deeply understand customary rights and modern needs. Conflict resolution

processes must engage all actors fairly and sustainably to reach solutions that respect indigenous rights while accommodating development needs.

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