

Strengthening the Social Function of Land Rights through Learning Priangan Agraria Study in Civic Education Perspective (A study in Vocational High School, Pasawahan, Ciamis)

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ABSTRACT — *This study aims to explore the extent of how “Priangan Agrarian Study”, a subject taught at Vocational High School (SMK) Pasawahan in Ciamis, West Java, could strengthen the people’s understanding of social function of land. The researcher believes that adequate understanding of the function will contribute to the enforcement of agrarian law. The study used a qualitative and explorative research methodology to find new ideas, relations as well as problems to produce a new grounded theory. This study was conducted at SMK Pasawahan by using purposive sampling. The data was analyzed by using interactive analytical model. Based on the study, it was found that (1) the “Priangan Agrarian Study” was taught by the school in a bid to equip its students with knowledge, skills and mindset about agrarian reform; (2) SMK Pasawahan has developed its students’ competencies through active learning process, discussions, problem-based learning, simulation and research about agrarian life in rural areas; (3) “Priangan Agrarian Study” can be used as an alternative solution to shape citizens’ characters so that they have more awareness in implementing the social function of land. Based on Priangan Agrarian Study, this article develops a model of civic education that promotes teaching on social function of land. The model is based on developing three competences that include: (1) civic knowledge (discussing knowledge on social function of land); (2) civic dispositions (discussing characters needed to implement social function of land); and (3) civic skills (discussing skills needed to cultivate and use land according to its social.*

Keywords--- social function, civic education

1. INTRODUCTION

Various countries are currently facing a threat of dwindling number of natural resources, thanks to their own reckless and without regard to the environmental aspects. Such reckless actions are triggered by the waning of local ethics among other causes. The same also happens in Indonesia. Despite being protected in the nation’s 1945 Constitution as well as in various sets of laws, natural resources in the country have been unwisely exploited.

The Constitution says in Article 33 (3) that, “the land, the waters and the natural resources within shall be under the powers of the State and shall be used to the greatest benefit of the people.” Besides, the Indonesian government issued Law No. 5/1960, also known as Indonesian Agrarian Law, whose article 1 (1) states that, “The entire territory of Indonesia is a unified motherland of the whole of the Indonesian people who are united as the Indonesian Nation.” Article 1 (2) of the law states that “The entire earth, water and airspace, including the natural resources contained therein, in the territory of the Republic of Indonesia as the gifts of God Almighty are the earth, water and airspace of Indonesian nation and constitute the wealth of the nation.”

The law further specifies the role of the state as the controller of the lands in article 4 (1) stating that “based on the State’s right of control as it is meant in Article 2, several kinds of rights are determined concerning the surface of the earth, which called land which may be granted to and owned by persons and by Corporations.”

According to Harsono (1997, p. 214), in Indonesia, land has communal and religious characters, a philosophy drawn from customary laws which become the core of various land laws and regulations. The characters mean that land is seen as a gift from God. Therefore, humans should protect land for the benefit of all people.

The philosophy - communal and religious - is realized as the social function of land which also becomes the basis for the implementation of land laws in the country. The principle is mentioned in article 6 of the Agrarian Law and states “all rights on land have a social function.” The article means that every person in the country who owns land has to use it wisely in regards to communal interest so that he/she does not bring harm to others. The social function principle of land

rights requires the use of land will bring benefit not only to the owner but also to other people. This is what is known as the social function of land.

However, currently, land owners have committed various actions that ignore the social functions of their land. Some, for instance, have used land without considering the local agrarian characteristics. Such actions are believed to prompt a loss of social agrarian life. A study by the Central Statistic Agency shows that the agrarian area on Java Island is annually decreasing by 27 acres. Another data from the Food Security Agency shows that some 110,000 acres of agricultural lands have been transformed into other land-uses throughout 2009 (The State Secretariat of Republic of Indonesia, 2010, http://www.setneg.go.id/index.php?option=com_content&task=view&id=4617&Itemid=29).

If the agricultural areas are constantly transformed into other land-uses, then the lives of farmers will lose ground as their capital. Besides, reckless land-use is often cited as the cause of various land disputes. This reality is far from an ideal society whose principles on land's social function are enacted as stipulated by the Agrarian Law. Therefore, this study argues that it is important to strengthen the people's understanding of social function principles of land rights in an attempt to preserve land as a source of livelihood for all Indonesian citizens.

2. RESEARCH PROBLEM

This study explored the implementation of a local school subject called "Priangan Agrarian Study" in Vocational High School (SMK) Pasawahan, Ciamis, West Java. This research is motivated on the importance of strengthening the social function principle of land rights on citizens. This research problem to formulate :

- 1) What is the role of learning "Priangan Agrarian Study" in Vocational High School (SMK) Pasawahan, Ciamis, West Java to establish the competence of citizens about the land law ?
- 2) How learning methods of "Priangan Agrarian Study" in Vocational High School (SMK) Pasawahan, Ciamis, West Java ?
- 3) How the subject strengthened the students' understanding on social functions principle of land rights through learning "Priangan Agrarian Study" in Review Civic Education?

3. RESEARCH METHODOLOGY

This study used a qualitative explorative methodology which aims to find ideas or connections or new problems to produce a grounded theory. This study incorporated socio-legal approach which refers to a combination between legal research and social research. The approach helped this study to better understand the connections between legal aspects and social reality.

The study was conducted in SMK Pasawahan in Ciamis, West Java. The school was chosen because the school has been advocating the fulfillment of land rights. The school, in addition, has a specific subject aimed to educate students on the social function of land. This study used an interactive analysis model coined by Miles and Huberman (1984, pp. 21-22)

Which consist of three activities including data reduction, data display, and conclusion or verification :

- 1) Reduction of Data (Data Reduction).
The data identified by category of research data collection, both primary and secondary data, which is done through observation of learning, instructional documents, teaching methods, and interviews with teachers, students and education experts civic education.
- 2) Serving Data (Data Display)
Presentation of data in this study is done by creating categorization strengthening civic competence in chart and map concept.
- 3) Withdrawal Conclusion (Conclusion drawing/verification)
Conclusion of this research to descriptions of research data, based on the formulation of the research problem.

4. DISCUSSION

A. The Principles on the Social function of land in the Agrarian Law System

The discussion on the social function of land is important because it serves as the basis for the government to implement various land laws and regulations. To start the discussion, this study will start by explaining the social function of land in general.

It was Leon Duguit who in 1922 developed a theory on social function of land. The theory asserts that someone's authority is actually bordered by the needs of his or her surrounding community (Rasjidi, 2002, p. 120). Duguit further argues that subjective rights (*subyektifrecht*) is absent in a social function. Social function wins over subjective rights (Parlindungan, 1998, p. 65).

Based on the theories above, another scholar, Notonagoro (1992) argues that the individualistic characteristic as embodied in the right of ownership is replaced by communal characteristic. Therefore, the right of ownership also has a

social function. Further, Notonagoro suggests, based on Pancasila (Five Principles of Indonesia), Indonesian law recognizes “dwitunggal” (two in one) principle instead of individualism principles. The “dwitunggal” principle means that our personal interest should be in balance with the society’s interest. Thus, in this regard, the right of ownership in Indonesia is understood not only as personal ownership but also as communal or collective ownership (Limbong, 2011, pp. 122-123).

Article 6 of the Indonesian Agrarian Law determines that “all rights on land have a social function.” Thus, the article explicitly determines that all rights on land, not only rights of ownership, have social functions. The article further explains that someone must use his or her land not only for personal benefits but also for community interests. However, it does not mean that land’s owner has no personal rights. The article only determines that one’s personal interest should be in harmony with communal interest. The principles of land’s social principles, in this context, will prevent people from abusing land.

In addition, the People’s Consultative Assembly (MPR) also issued a decree No. IX/MPR/2001 which states that:

“Agrarian resources/natural resources include earth, water, space and mineral resources form The gift of God to the people of Indonesia. Therefore, they should be grateful for the national wealth which should be organized and used for the current and the upcoming generations to achieve a prosperous and just society”

The decree further stipulates in article 4 that agrarian reform and natural resources should be based on the social function of land principles, harmony principles and ecological function principles according to the local cultural and social condition. The decree asserted that an agrarian reform be immediately initiated. It can be done by implementing the principles on the social function of land.

Iwan Nurdin of the Consortium of Agrarian Reform (data reduction, September 29, 2013) states that agrarian reform can only be initiated under certain circumstances only if the government has a political will on if people have an adequate understanding on agrarian reform; if there is a strong community organization like strong farmers organization; and only if the agrarian resources are adequate.

Based on the explanations above, it can be inferred that the government is not the only key player in the agrarian reform. Rather, all members of the society should be involved to promote the agrarian reform movement. It is expected that such movement will make people more aware that besides legal aspect, the use of land should also be based on historical, sociological and factual aspects concerning. If they have such awareness, then people will be wiser to use land according to its social function. People will use land not only for personal interest but also communal interest. Thus, a balance between rights and responsibility of land may also be achieved.

The explanations above also underlie the importance of knowledge on social function of land. The knowledge, moreover, is more crucial to be owned by the future generations of farmers. Therefore, the government should design an education to equip generations of farmers with such knowledge.

B. The Implementation of Priangan Agrarian Study in SMK Pasawahan in Ciamis, West Java

The study was conducted to explore new ideas on an education model that can strengthen the principles on social function of land. The model was found in Vocational High School (SMK) Pasawahan in Ciamis, West Java. The school was founded in 2009 by Pasundan Farmers Union (SPP), a local farmer organization. The union was established in 1999 and it works to better the lives of the farmers. The members are farmers from various areas in West Java like Garut, Tasikmalaya and Ciamis. Among many of its activities, the union advocates the importance of education for all local farmers.

According to Sarno Maulana (data reduction, January 30, 2013), a teacher on civic education subject at the SMK as well as an activist at the SPP, the union requires its members to develop the following trits:

- 1) Responsible to have sense solidarity to members of the union and to all humans regardless their racial backgrounds.
- 2) Responsible to develop a habit of community service.
- 3) Responsible to join and implement the result of consensus taken by the union.
- 4) Responsible to have faith in Allah (Muslim's God).
- 5) Responsible to protect nature.
- 6) Responsible to work hard to achieve a better life.
- 7) Responsible to be a wise community leader.
- 8) Responsible to always learn and study new things.
- 9) Responsible to fight for the good.

To implement the eight points, the SPP established the school in an attempt to educate the next generation of farmers in their area on the importance of agrarian life. This aim is also explicitly stated in the school' vision which says "[The

school] strives to be an education institution that produces active, critical, creative and religious young generations who have adequate life skills as well as having a high social awareness on the local agricultural life."

SMK Pasawahan combines both the national curriculum and values on social awareness to develop their local agricultural areas and villages. The curriculum is specifically tailored to equip the students with life skills as farmers so that they may have sustained lives in the future. Besides hard skill (farming skills), the school also equips the students with soft skills which include education on developing a green agricultural area as well as independence and toughness in surviving. The school also teaches its students about the importance of respect and caring for nature so that in the future they can use nature wisely and protect it at the same time. The importance of togetherness and community service are also taught at the school.

The school uses an active learning teaching methodology. This approach positions both teachers and students as the subjects of the study. The teaching is not merely based on science but also on religious aspects because the school wants to prepare their students to have both scientific and religious intelligences. The school teaches its students organic farming methodology and optimizing a limited land. It is expected that after finishing the education, the students can have skills to not only cultivate agricultural areas but also to produce a mass and collective food products as well as marketing them.

The school to teaching that the land as the natural resources that should be protected and preserved. The school to designed a subject called as Priangan Agrarian Study. According to HaslinaQodarian, the subject's teacher at the school (data reduction, Januari 31, 2013). Priangan Agrarian Study is given to schools start the tenth grade in semester 1 (There are three grades in the school: tenth, eleventh and twelfth respectively). The subject was initially designed to respond to the contemporary crisis to in local communities: the young generations start to pay less respect to their local values, including their agricultural roots. The young generations considered that they had no interest to preserve their agricultural roots. Young generations long for lives outside their communities. Thus, at that time, the older generations felt a necessity to make the young generations more aware about their lives as local farmers in teh village. Thus, the Priangan Agrarian Study was born. Through the subject, students are taught to solve problems they may daily face as farmers.

The Priangan Agrarian Study discusses the following issues:

- 1) Exploitation by lcal farmers household.
 - a) Learning activities I
 - (1) Lectures on foundation, structures and aims of the Priangan Agrarian History
 - (2) Narrate and read an article the life of a family of tobacco farmer in Priangan.
 - (3) Analyze the livelihood of a family of tobacco farmer in Priangan.
 - (4) Identify different types of family of farmer living in Priangan.
 - b) Learning activities II
 - (1) Lectures on various spending of various categories of a rural household.
 - (2) Students form groups to identify spending of various categories of a rural household of farmers.
 - (3) Students form groups to discuss about an example of job available in their area.
 - c) Learning activities III
 - (1) Ask four to five students to present their analysis based on previous activities.
- 2) Exploitation of thr agricultural products of rural farmers.
 - a) Learning activities IV
 - (1) Identify various local income resources.
 - (2) Identify the supply chain from farmers to consumers.
 - (3) Identify various supply chains of the needs of rural households.
 - b) Learning activities V
 - (1) Count the annual income of farmers for their harvest.
 - (2) Count the annual income of the Bandar (someone who collect agriculture product) from farmers before selling it back with different prices).
 - (3) Analyze and discuss the discrepancy of income between farmers and the Bandar.
 - (4) Simulating a scene of how a Bandar and a farmer interact one to another, learning how a Bandar sets the price for the rice farmers sell to him and learning how he determines the price.
- 3) Unequal distribution of production tools in rural farms.
 - a) Learning activities VI
 - (1) Tracing the social history of local farmers.
 - (2) Teachers will guide how to analyze the difference the actual land possession from a data on the economical and social life of local farmers.
 - b) Learning activities VII
 - (1) Compare the shifting land use in the area: from an era when plantation and forest still dominate the area compared to the current era. Students make charts and tables based on the available data.
 - c) Learning activities VIII

- (1) Present and discuss an article entitled Indonesia: An Agrarian Wealth.
- (2) Lectures to conclude the discussion. Teacher will give assignments to students.
- 4) Destructions on the nature which are caused by exploitative actions of productions and consumption.
 - a) Learning activities IX
 - (1) Read articles on mining exploitations and marine resources that endanger nature and on land cultivation activities that damage soil's structure.
 - (2) Watch film on the making of rubber plantation.
 - (3) Ask students to discuss human practices that cause natural destructions.
 - b) Learning activities X
 - (1) Present a paper on various natural destructions caused by agrarian resources exploitations both in production and distribution process.
- 5) The phenomena of Indonesian migrant workers (TKI) originating from rural areas as a result of exploitation to local households and local agricultural products.
 - a) Learning activities XI
 - (1) Read an article on the life of migrant workers from various resources. The article tells about the income origins of TKI and their income.
 - (2) Discuss the push factors that make people want to be a migrant worker.
 - (3) Discuss the lives of migrant workers who come back to Indonesia and their family. Discuss main problems of female migrant workers faced abroad.
 - (4) Make a play to illustrate the life of a migrant worker's family.
 - b) Learning activities XII
 - (1) Simulating a family of farmers whose members endorse one of on its member to be a migrant worker.
 - (2) Read various articles on migrant workers that tell about their cases and how foreign governments deal with their legal cases. Also read about legal procedures to be migrant workers and their protection by the Indonesian government while working abroad.
- 6) Malpractices on the administrative management of agrarian resources
 - a) Learning activities XIII
 - (1) Make a group discussion to categorize malpractices on administrative management of agrarian resources based on previous materials. The discussion should be reflected on each student's area.
- 7) Malpractices on the land use of agrarian resources
 - a) Learning activities XIV
 - (1) Make a group discussion to categorize malpractices on land use of agrarian resources based on previous materials. The discussion should be reflected on each student's area.
- 8) Malpractices on the production activities on agrarian resources
 - a) Learning activities XV
 - (1) Make a group discussion to categorize malpractices on production activities on agrarian resources based on previous materials. The discussion should be reflected on each student's area.
- 9) Mismanagement of agrarian resources.
 - a) Learning activities XVI
 - (1) Make a group discussion to categorize malpractices on the management of agrarian resources based on previous materials. The discussion should be reflected on each student's area

The Priangan Agrarian Study serves as an innovation and as an educational model that is based on social reality. Through the subject, the school has played an active role in the agrarian reform movement. The school realizes that land has a social function which plays a vital role in the social life. The school, as well as the local communities, realize that the future generations should be prepared so that in the future they have adequate skills, knowledge as well as appropriate attitudes when cultivating land for their sustained lives.

C. The Implementation of Agrarian Study to Strengthen Social Function in the Framework of Civic Education

This study argues that education is a key factor to introduce people to the social function of land. However, not all schools are able to develop an education model that incorporates teachings on the importance of social function of land in their school's curriculum. Therefore, this study provides an alternative solution to the problem by providing an example of educational model developed by SMK Pasawahan.

The Priangan Agrarian Study developed by the SMK has been proven as a powerful device to minimize future land dispute potentials because the subject has equipped the school's students with knowledge on the importance of social function of land.

Land disputes happen when social interests are conflicted with personal, state or private companies' interest. Disputes happen when land owners and his their surrounding community do not realize their rights and responsibilities of

possessing the land. In other words, they do not realize that actually various land laws and regulations also mention that land has a social function.

According to Effendi, Masyhur (1994, p. 33), some law experts who met in a forum organized by International Commission of Jurists held in Bangkok in 1965 argue that rule of law should include the following :

- 1) The existence of constitutional protection
- 2) The existence of free and independent court system
- 3) The existence of free general election
- 4) The existence of freedom to express opinions.
- 5) The existence to freedom to make an organization or join cooperation
- 6) The existence of civic education.

The six points should be undertaken by any country which wants to uphold laws in its area. They could be implemented through various approaches which not only include repressive approach but also preemptive approach and preventive approach (Triyanto, 2011, p. 228).

The preemptive and preventive approaches to enforce law in a society could be done by activities of distributing information to communities as well as through education. These activities should be done to make people familiar with motives, causes and factors that make people violate laws and regulations. As education serves as a tool to enforce law, this study then argues that civic education can be used to make people of Indonesia more aware of land laws and also on social function of land.

Civic education, broadly speaking, refers to "...the kinds of course work taking place within the context of formalized schooling structure". In this regard, Cogan defines civic education as "...the foundational course work in civic education designed to prepare young citizens for an active role in their communities in their adult lives" (Cogan, 1994, p. 4; Winataputra, 2007, p. 10).

In its new paradigm, civic education aims to develop civic competences which consist of civic knowledge (citizenship knowledge), civic dispositions (values, commitments and attitudes of citizens) and civic skills (intellectual, social and personal citizenship skills). These competences should be possessed by each citizen (Winataputra, 2001, pp. 317-318).

Law No. 20/2003 on National Education System states in Article 37 (1) that civic education aims to shape students to be humans who have high nationalism. The aim is re-articulated in regulation No. 22/2006 issued by the Minister of National Education which states that Civic education focuses on shaping citizens to understand their rights and responsibilities so that they may act accordingly to be Indonesian citizens who are smart, tough, and have characters as stipulated by the 1945 Indonesian Constitution.

Another regulation, Permen No. 22/2005 on Standard Of Contents Units For Primary And Secondary Education limits the teaching of civic education in schools to cope with the following issues:

- 1) National unity
- 2) Norms, laws and regulations.
- 3) Human rights.
- 4) Citizens' needs.
- 5) State's constitution.
- 6) Power and politics.
- 7) Pancasila (The Five Pillars).
- 8) Globalization.

This study proposes that Priangan Agrarian Study taught at SMK Pasawahan be used as a model so that all schools could provide civic education which aims to introduce students to land laws and on social function of land. This study also proposes to incorporate moral values to preserve agrarian resources developed by the Pasundan Farmers Union (SPP) into the teachings of civic education.

- 1) Civic knowledge

All citizens should equip themselves with adequate civic knowledge. Thus, civic education is given to students at elementary school up to senior high schools. This study proposes that civic education should also include discussions on land laws and regulations so students in future have more awareness on such matters. The teaching on land laws and regulations could be incorporated in the following discussion:

- a) Discussion on the nation's unity.
Students will discuss about the harmonious life in an agrarian community. Students will also discuss on how to develop compassion on nature and develop actions to preserve and use land wisely.
- b) Discussion on norms, laws and regulations.

Students will discuss land laws and regulations especially those concerning the social function of land. They will also identify various legal cases on land disputes and how they are solved.

- c) Discussion on human rights.
Students will discuss the rights and responsibility of each citizen as a land owner. They will also discuss the rights and responsibility of a citizen who should put community’s interest ahead of personal interest in regards to land use.
- d) Discussion on the needs of citizens.
Students will discuss the role of community service. They will also discuss how to develop respect to land as a natural resource that should be preserved as a national heritage. The discussions will also concern developing a sense of social solidarity and equality in regards to social function of land.
- e) Discussion on the Constitution.
The discussion on this subject should concern the basic function of state in relation to land issues and on the relation of every citizen concerning land that relates to communal needs.
- f) Discussion on Pancasila (The Five Pillars).
The discussion will concern the function of Pancasila as the state’s philosophy to guarantee the enforcement of land laws in Indonesia. The discussion will also revolve around philosophical values of land and attitudes towards land based on Pancasila principles.
- g) Discussion on globalization.
The discussion on globalization will incorporate studying the impact of globalization on social function of land.

2) Civic Dispositions

Besides civic knowledge, citizens should also equip themselves with adequate civic dispositions to prepare them to acquire personal characteristics and public characteristics needed in social interaction. Citizens will be able to implement social function of land if they exhibit the following personal and public characteristics which are summarized from the Center for Civic Education, National Standard for Civics and Government, (1994, pp. 1-5; 127-135) and the aims of Pasundan Farmers Union (SPP) :

- a) Obeying land laws and regulations and accepting punishments for violating them.
- b) Using land wisely according to its soil characteristics and its land use.
- c) Respecting other land owners, not being greedy to possess a land and obeying principles on social solidarity when using land.
- d) Developing social solidarity among members of a community regardless of their ethnic background.
- e) Developing a positive attitude towards community service.
- f) Having faith in God.
- g) Preserving land and environment.
- h) Striving to get a descent and prosperous life.
- i) Hunger for more knowledge.
- j) Striving for justice and truth.

3) Civic Skills

To implement the principles of social function of land, citizens should also equip themselves with civic skills which comprise of intellectual skills and participation skills, which are summarized from the Center for Civic Education, National Standard for Civics and Government, (1994, pp. 1-5; 127-135) as shown below :

Table 1. Civic Skills

Intellectual Skills	Participation Skills
1) Able to explain the meaning of social function of land;	1) Having good communication skills which include but not limited to asking questions, answering questions and discussions.
2) Able to explain the importance of land as a resource that benefits the lives of many people;	2) Able to monitor various news outlets, ranging from electronic, printed or other media.
3) Able to identify attitudes that disrupt social interest in relation to social function of land;	3) Able to conduct interviews to government officials, public figures or NGOs to get information regarding social function of land.
4) Able to identify sources of agrarian injustices;	4) Able to lobby policies concerning land issues through publishing articles in media.
5) Able to analyze problems occurring in the management of agrarian resources;	5) Able to hold simulations of interactions between stakeholders involved in land rights fulfillment.
6) Able to analyze the needs of agrarian households in villages;	
7) Able to analyze the impact of land disputes on the formation of citizens’ characters;	
8) Able to evaluate the role of the government concerning the fulfillment of the social function of	

land; 9) Able to understand the importance of land in the social life; 10) Able to be consistent in implementing social function of land	
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The three aforementioned competencies are interconnected one to another. Each citizen should possess all the competencies so that they will have more awareness to implement social function of land.

5. CONCLUSION

The social function of land is one of principles in Agrarian Law that should be fulfilled in order to achieve an agrarian justice for all citizens. Thus, it is very important to make citizens internalize characters that will make them aware of the need to fulfill the social function of land. To realize this need, this study has shown that education is a powerful instrument.

This study formulates a model of civic education that will equip young citizens with adequate knowledge on social function of land. Besides, the proposed model of civic education is also aimed at developing citizens' characters to fulfill the social function of land by equipping students with these three competencies: civic knowledge, civic dispositions and civic skill.

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