



Implementation of the Policy for the Recognition and Protection of the Indigenous Law Community of Kampung Kuta in Ciamis Regency

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Abstract: *This study examines the implementation of policies for the recognition and protection of the indigenous law community in Kampung Kuta, Ciamis Regency. A qualitative approach was employed, gathering data through in-depth interviews, observations, and document analysis. Thematic analysis identified key issues, and triangulation ensured validity by cross-referencing multiple data sources. A central finding is the ongoing conflict between customary laws in Kampung Kuta, which support communal land ownership, and national land regulations that emphasize individual land registration, leading to legal ambiguity and disputes. The study reveals substantial challenges, including inadequate socialization by the government, which has resulted in limited awareness within the indigenous community regarding their rights. Furthermore, limited financial and human resources impede effective implementation, while bureaucratic inefficiencies and poor coordination among implementing agencies have delayed policy outcomes. To address these issues, it is essential to improve resource allocation, conduct regular community workshops to enhance understanding of indigenous rights, and establish a legal framework that harmonizes customary and national laws. Strengthening local authorities and aligning policy objectives with the cultural context of Kampung Kuta are also critical steps. These measures are necessary to safeguard indigenous rights and preserve Kampung Kuta's cultural heritage, fostering a sustainable model for indigenous rights protection in Indonesia.*

Keywords: *Policy implementation, indigenous law community, Kampung Kuta, thematic analysis, legal alignment.*

1. INTRODUCTION

This study aims to examine the implementation of policies related to the recognition and protection of the indigenous law community in Kampung Kuta, Ciamis Regency. Indigenous law communities play an essential role in preserving local wisdom, cultural identity, and the rights to land they have traditionally owned. In Indonesia, the existence of indigenous law communities has been constitutionally recognized, particularly through Article 18B paragraph (2) of the 1945 Constitution, which states that the state acknowledges and respects the unity of indigenous law communities along with their traditional rights.

In this context, the policy for recognizing and protecting the indigenous law community in Kampung Kuta is enshrined in Ciamis Regency Regulation No. 15 of 2016. This policy recognizes the existence of the indigenous law community along with their collective rights, including land rights, cultural identity, and the management of their traditional territories. However, despite the implementation of this policy, several challenges affect its effectiveness on the ground.

One of the main challenges in implementing this policy is the lack of adequate socialization by the local government to the indigenous community. This has resulted in the Kampung Kuta indigenous community having limited understanding of their rights and the objectives of the policy. Additionally, limited resources, both financial and human, have further hindered the effective implementation of the policy. Another challenge faced is the incompatibility between customary law and national law, which often leads to legal ambiguities, particularly concerning land ownership and use.

The research also found that coordination between the institutions responsible for implementing this policy has not been optimal. Complex bureaucracy and insufficient communication between implementing agencies have slowed the policy's execution on the ground. Therefore, this research emphasizes the need for improvements in coordination, communication, and the alignment of policy objectives to better suit the social and cultural context of the Kampung Kuta community.

Using a qualitative approach, this study employed in-depth interviews, observations, and document analysis to collect data. Thematic analysis and triangulation were used to ensure the validity of the data obtained. The findings are expected to provide clearer insights into the obstacles faced in implementing the policy for recognizing and protecting the indigenous law community in Kampung Kuta, as well as recommendations for improving the effectiveness of this policy.

By conducting this research, it is hoped that the recognition and protection policy for the indigenous law community in Kampung Kuta can be implemented more effectively, ensuring the protection of indigenous rights and the preservation of their culture amid the tides of development and modernization. Furthermore, this study aims to contribute to the broader discourse on indigenous rights protection in Indonesia, offering actionable strategies to better align policies with the unique cultural and legal contexts of indigenous communities. It highlights the importance of a more collaborative approach between government agencies, indigenous leaders, and external stakeholders to overcome the existing challenges and optimize policy outcomes.

Literature Review

The rights of indigenous peoples have become a key focus at both the international and national levels, as they form an integral part of humanity, with legal and customary systems passed down through generations. Indigenous peoples have a deep connection to the land and a way of life rooted in spirituality, which dictates their rights over

territories, customary laws, and resource management.

Indigenous Rights and Human Rights

According to Amnesty International (2022), indigenous peoples' rights include the ability to manage their customary lands, exercise their traditional laws, and receive information and access to development services. This recognition is critical for protecting the social and cultural integrity of indigenous communities. In Indonesia, the recognition of indigenous rights is formally outlined in Article 18B, paragraph (2) of the 1945 Constitution, which emphasizes that the state acknowledges and respects indigenous law communities along with their traditional rights. This recognition aligns with international legal instruments, such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the International Labour Organization (ILO) Convention No. 169.

Ter Haar (1960) explains that indigenous communities in Indonesia existed before independence, living by their respective customary laws and holding wealth and authority in their territories. Cornelis van Vollenhoven, an expert on customary law, divided Indonesia into 19 customary law regions, each with unique traditions and customs. Yahya Ahmad Zein (2017) asserts that the rights of indigenous peoples are part of human rights, which must be respected and comprehensively protected.

Zulfikar Jayakusuma (2019) adds that the protection of indigenous rights is governed by various international regulations. However, despite substantial legal backing, indigenous communities often face violations of their rights, particularly related to land and natural resources. Land conflicts between indigenous peoples and multinational corporations are frequent issues.

Principles of Recognition and Protection of Indigenous Peoples

Recognition of indigenous peoples encompasses their right to practice customary law and manage natural resources autonomously. According to Husen Alting (2010), indigenous communities possess magical-religious, communal, concrete, and immediate characteristics. They live in communities that prioritize collective interests over individual needs and apply customary law directly in daily life.

This recognition can be either *de facto* or *de jure*. *De facto* recognition reflects the indigenous communities' effective management of their territories, while *de jure* recognition refers to formal acknowledgment through legislation. Hans Kelsen elaborates

that this recognition has two dimensions: political actions involving the will of the state and legal actions involving formal procedures according to international law.

The right to self-determination is a key element in the recognition of indigenous peoples. Anaya (2004) argues that this right allows indigenous peoples to manage their territories according to their own will, including in political, social, and economic spheres. This right is recognized as a non-negotiable part of human rights and must be respected by the state.

Policy Implementation of Indigenous Recognition and Protection

In Indonesia, recognition of indigenous law communities is regulated by various regional laws, such as Ciamis Regency Regulation No. 15 of 2016, which acknowledges the existence of the indigenous law community in Kampung Kuta. However, this research finds that the implementation of policies for the recognition and protection of indigenous peoples often encounters challenges, such as inadequate dissemination of information to the community, limited resources, and conflicts between customary and national laws.

The conflict between customary and national laws poses a major challenge in policy implementation. Kartiwa (2014) explains that inconsistencies between these two legal systems often result in ambiguities, particularly regarding land ownership. In many cases, indigenous peoples feel their rights have been taken away by the state or companies that do not recognize their customary rights.

Moreover, bureaucratic complexities and ineffective communication between government institutions create further obstacles. Local governments, responsible for policy implementation, often lack sufficient human resources to ensure the policy is executed effectively. For example, although the Ciamis Regional Regulation provides legal recognition for the indigenous community of Kampung Kuta, a lack of coordination between local government and customary institutions has hindered the optimal execution of the policy.

Advocacy and Empowerment of Indigenous Communities

Beyond formal recognition, advocacy and empowerment are also crucial to ensuring the protection of indigenous peoples' rights. Empowerment includes raising legal awareness among indigenous communities about their rights and providing training on managing natural resources and upholding customary law.

Indigenous participation in decision-making processes is equally important. Indigenous communities must be involved in every decision that affects their lives, including development and land use planning. According to AMAN (2010), indigenous peoples have the right to approve or reject development plans in their customary territories.

Active engagement in such processes ensures that their voices are heard, and their cultural integrity is preserved. Empowering indigenous leaders to navigate formal legal systems is also critical for effectively advocating for their communities' rights within the broader legal and political frameworks. Through advocacy and support, indigenous communities can secure their rights and ensure that development aligns with their traditions and needs.

The successful recognition and protection of indigenous communities like those in Kampung Kuta depend not only on legal acknowledgment but also on efforts to bridge the gap between customary practices and national law. These efforts require more effective government engagement, better resource allocation, and stronger partnerships between government agencies, indigenous leaders, and external stakeholders.

2. METHODS

This research uses a qualitative approach to explore the implementation of policies concerning the recognition and protection of the indigenous law community in Kampung Kuta, Ciamis Regency. The qualitative method was chosen because the study focuses on a deep understanding of the social, political, and cultural phenomena within the indigenous law community. This approach allows the researcher to delve into the experiences, perceptions, and interpretations of the community and stakeholders related to the implemented policies.

a. Research Design

The qualitative research design is descriptive-exploratory, aiming to understand and explain how the policy for the recognition and protection of the indigenous law community is implemented in Kampung Kuta and the challenges encountered in its execution. This design provides flexibility for the researcher to explore data in depth through various relevant data collection techniques. As a result, the study can answer research questions regarding the effectiveness of the policy and the obstacles faced during its implementation in the field.

b. Data Collection Techniques

The research employs three main techniques for data collection: in-depth interviews, participant observation, and document analysis.

1) In-Depth Interviews

In-depth interviews were conducted with key informants, including indigenous community leaders, policymakers, and representatives from local government. The purpose of these interviews is to gain insights into the views and experiences of informants regarding the implementation of the policy for the recognition and protection of the indigenous law community in Kampung Kuta. A semi-structured interview guide was used to maintain flexibility in gathering further information based on the responses of the informants. These interviews were conducted in person, considering the cultural and social background of the informants to build rapport and obtain valid data.

2) Participant Observation

The researcher also conducted participant observation in Kampung Kuta to directly observe how the policy is being implemented and how the indigenous community responds to it in their daily lives. This observation is crucial for witnessing firsthand the social interactions and dynamics in the community, particularly in the context of customary practices and their relations with external parties, such as the government and non-governmental organizations. Through this method, the researcher could gain a deeper understanding of the challenges faced by the indigenous community in exercising their rights.

3) Document Analysis

In addition to interviews and observation, document analysis was used to examine regulations related to the indigenous law community, such as the Ciamis Regency Regulation on the recognition of the Kampung Kuta indigenous community. Other documents analyzed include government reports, meeting minutes, and other relevant materials on policy implementation. Document analysis is vital to understanding the policy framework and how it was formulated and executed on the ground.

c. Data Analysis Techniques

Data collected from interviews, observations, and document analysis were analyzed using thematic analysis techniques. In thematic analysis, the researcher identifies key themes emerging from the data to find patterns related to policy implementation. This process involves reading and categorizing data based on themes such as implementation challenges, policy dissemination, and conflicts between customary law and national law. Once these themes were identified, the researcher conducted data triangulation to ensure the validity and reliability of the research findings.

d. Validity and Reliability

To ensure the validity of the findings, the researcher used data triangulation. Triangulation was conducted by comparing information obtained from various sources, including interviews, observations, and document analysis. This method allows the researcher to verify data consistency and ensure that the results reflect the actual conditions in the field. The validity of the research is also strengthened by the active participation of informants throughout the research process, ensuring that the interpretation of findings accurately represents the reality in Kampung Kuta.

This research methodology is designed to provide a comprehensive picture of the implementation of the policy for the recognition and protection of indigenous law communities, as well as the factors influencing the success or failure of the policy in the field. The approach allows for an in-depth analysis of both the strengths and weaknesses of the current implementation efforts, providing valuable insights and recommendations for improving the effectiveness of the policy.

3. FINDINGS

Research on the implementation of policies for the recognition and protection of the Indigenous Law Community of Kampung Kuta in Ciamis Regency has revealed several important findings regarding the process, challenges, and its impact on the indigenous law community. These findings are summarized based on factors influencing policy implementation, as proposed by Van Metter and Van Horn. The analysis highlights various key aspects of policy implementation, including policy size and goals, resources,

characteristics of implementing agents, inter-organizational communication, and the external environment.

a. Policy Size and Goals

The implementation of the policy for the recognition and protection of the Indigenous Law Community of Kampung Kuta focuses on recognizing indigenous rights, particularly concerning land ownership and natural resource management. The findings indicate that the policy has led to positive changes in the formal recognition of indigenous rights and the preservation of local culture. Indigenous community members acknowledge that the policy legitimizes their rights, which had previously not been officially recognized. This is evident from infrastructure improvements supporting cultural activities and the economic empowerment of the community through active participation in local resource management. However, there is a gap in policy implementation, particularly concerning policy goals, which are often too idealistic and unrealistic at the local indigenous level. Some informants noted that while the policy is conceptually sound, its implementation in the field remains limited due to a lack of adequate resources and the absence of adjustments to the local context. Therefore, more relevant and realistic policies are needed to ensure successful implementation.

b. Resources for Implementation

The availability of resources, both financial and human, significantly affects the success of policy implementation. The research shows that limited budgets and personnel involved in policy implementation in Ciamis Regency are major obstacles to achieving the policy's goals optimally. Local governments and related agencies struggle to provide adequate technical support, such as training for the indigenous law community and capacity building for local government officials.

Furthermore, there are challenges in terms of community participation in the policy implementation process. The indigenous community, who should be the primary beneficiaries of this policy, still faces limitations in accessing information and education regarding their rights. This causes many community members to not fully understand the policy's implications for their daily lives.

c. Characteristics of Implementing Agents

The implementation of the recognition and protection policy for the Indigenous Law Community of Kampung Kuta involves various actors, including local government, indigenous institutions, and the community itself. The research found that coordination between these institutions is still suboptimal. Although there have been efforts by the government to involve the indigenous community in decision-making, this process is often hampered by complex bureaucracy and a lack of coordination between agencies.

Additionally, the characteristics of the implementing agents play an important role in the success of the policy. Field agents often lack a deep understanding of the culture and customary law system, making it difficult for them to tailor the policy to the local context. The research findings suggest that more intensive training and more active participation from indigenous leaders in the implementation process are needed to strengthen the policy's effectiveness.

d. Inter-organizational Communication

Good communication between the government, the indigenous community, and other institutions involved in policy implementation is essential for ensuring the success of this policy. However, the research shows that communication between these parties is still ineffective. The dissemination of the policy to the indigenous community is often conducted in ways that do not align with local cultural practices, making it difficult for the community to understand the policy's content and their rights.

Furthermore, coordination between local government and indigenous institutions needs to be improved. The local government is expected to be more open and responsive to input from the indigenous community and more proactive in involving them in decision-making processes. This is important to avoid conflicts and misunderstandings that can hinder policy implementation.

e. External Environment (Economic, Social, and Political)

The social, economic, and political environment surrounding Kampung Kuta also influences the implementation of the policy for recognizing and protecting the indigenous law community. The research found that the indigenous community in Kampung Kuta still faces external pressures, particularly related to the exploitation

of natural resources and land disputes. Although the policy aims to protect indigenous rights, in practice, they are often involved in conflicts with external parties who have economic interests in their customary lands.

Additionally, the lack of support from the central government and related agencies at the provincial level also hampers policy implementation. Local governments do not always receive sufficient support from the central government in terms of funding and other supporting policies, making it difficult for them to implement programs designed to protect indigenous communities.

f. Indigenous Community Participation

Although the policy focuses on recognizing indigenous rights, the active participation of the community in the implementation process remains limited. One of the key findings of this research is the need to increase indigenous community participation in all stages of policy implementation, from planning to evaluation. By involving the indigenous community more actively, the policy can be more effective in meeting their needs and expectations.

Furthermore, enhancing participation will likely improve policy transparency and foster a stronger sense of ownership among the community. When the community feels empowered and involved in the policy-making process, they are more inclined to support its objectives and collaborate with local authorities for successful outcomes. Moreover, providing indigenous leaders with leadership training and platforms to voice their concerns can bridge the gap between customary practices and formal governance structures. This, in turn, will contribute to a more holistic and inclusive approach in the policy's application, ensuring that it better aligns with the cultural and social realities of the Kampung Kuta community.

4. DISCUSSION

The discussion section of the research focuses on the effectiveness of policy implementation in recognizing and protecting the indigenous law community of Kampung Kuta in Ciamis Regency. It emphasizes several key factors that influence the process, both positive and negative, and how they interact with the unique cultural, legal, and social context of the indigenous people in the area.

a. Policy Objective and Scope

The primary goal of the policy under study is to formally recognize and protect the indigenous rights of the Kampung Kuta community, particularly concerning land ownership, resource management, and cultural preservation. The policy framework is well-intentioned, aiming to integrate the rights of indigenous law communities into the broader legal system of Indonesia. However, one of the main challenges identified is the mismatch between the formal objectives of the policy and the lived realities of the Kampung Kuta community.

The indigenous law of Kampung Kuta operates based on ancestral customs and local traditions, which sometimes conflict with national laws. For example, issues related to land tenure and resource use are often governed by customary law, but national policies may impose different regulations, creating legal ambiguity and tension between the two systems. This gap complicates the practical implementation of the policy, as local leaders and government agencies struggle to harmonize these divergent legal frameworks.

Moreover, the scope of the policy is ambitious, aiming to cover a wide range of issues from legal recognition to economic development and cultural preservation. While this comprehensive approach is commendable, it places significant strain on the available resources and institutional capacities needed to implement the policy effectively. The government, both at the local and national levels, has made efforts to promote the recognition of the Kampung Kuta community, but limitations in terms of funding, human resources, and technical expertise have hindered the full realization of the policy's objectives.

b. Resource Allocation and Institutional Capacity

The study highlights that one of the major barriers to effective policy implementation is the lack of sufficient financial and human resources. The government has not provided enough budgetary support to carry out the necessary programs for the Kampung Kuta community, such as infrastructure development, education, and health services. Furthermore, the institutions responsible for implementing the policy, including local government agencies and traditional leadership structures, are often under-resourced and lack the necessary expertise to navigate the complex interplay between customary and national laws.

Additionally, there is a need for capacity-building initiatives for both

government officials and community leaders. Many of those tasked with implementing the policy do not have a deep understanding of the cultural and legal intricacies of indigenous communities, which leads to misunderstandings and inefficiencies. Training programs that enhance knowledge about indigenous rights, land management, and the role of customary law are critical for improving policy outcomes.

In the context of Kampung Kuta, the indigenous leaders themselves also need support to better engage with governmental processes. While they possess deep knowledge of their local customs and traditions, navigating the bureaucratic requirements of modern governance presents a challenge. Building their capacity to advocate for their rights within the formal legal framework would be an important step toward more effective policy implementation.

c. Socialization and Public Awareness

Another critical issue identified in the research is the lack of adequate socialization efforts by the government. Many members of the Kampung Kuta community are unaware of the specific provisions of the policy and how it impacts their rights and responsibilities. This lack of awareness has contributed to misunderstandings and has hindered the active participation of the community in the policy implementation process.

Effective policy implementation requires not only the commitment of government officials but also the informed engagement of the community. Socialization campaigns that communicate the objectives, benefits, and legal ramifications of the policy in a manner that is accessible to the Kampung Kuta community are essential. These campaigns should be designed to resonate with local values and traditions, using language and communication channels that are familiar to the indigenous population.

Moreover, engaging the community in participatory processes can help to foster a sense of ownership and empowerment. When people feel that their voices are being heard and that they have a role in shaping the policies that affect their lives, they are more likely to support and participate in the implementation process. In the case of Kampung Kuta, this could involve regular consultations between government agencies and traditional leaders, as well as community meetings to discuss the progress of policy initiatives.

d. Coordination and Communication Between Stakeholders

The study also finds that the lack of coordination and communication between different stakeholders is a significant impediment to successful policy implementation. The indigenous community, local government, non-governmental organizations, and national authorities all have roles to play, but their efforts are not always aligned. This misalignment leads to confusion, duplication of efforts, and missed opportunities for collaboration.

For instance, the policy mandates that local government bodies work closely with traditional leaders in Kampung Kuta to ensure that indigenous customs are respected in the implementation of laws related to land and resource management. However, the research shows that bureaucratic inefficiencies and institutional silos often prevent this from happening in a smooth and timely manner. There is a need for a more integrated approach where all stakeholders can share information, coordinate their actions, and work toward common goals. Improving communication channels between these various actors is crucial. Establishing formal mechanisms for dialogue and coordination, such as joint task forces or regular inter-agency meetings, could help to streamline the implementation process and ensure that all parties are working toward the same objectives. Furthermore, creating platforms for the community to voice their concerns and offer input on policy decisions would help to bridge the gap between government agencies and the people they serve.

e. Legal and Cultural Compatibility

A recurring theme in the research is the tension between national legal frameworks and local customary law. In Kampung Kuta, many aspects of daily life, including land ownership and natural resource use, are governed by customary law. However, national policies often impose regulations that do not align with these traditional practices, leading to legal ambiguities and, in some cases, conflicts.

This legal incompatibility poses a major challenge to policy implementation. Government agencies are tasked with enforcing national laws, but in doing so, they sometimes undermine the very rights that the policy aims to protect. For example, national laws related to land registration may conflict with the communal land ownership model practiced by the Kampung Kuta community. These conflicts create uncertainty for both the government and the community, slowing down the implementation process and, in some cases, causing friction between the two parties.

Resolving this issue requires a more nuanced approach that respects the legitimacy of customary law while ensuring that it is compatible with national legal standards. This could involve legal reforms that recognize and incorporate elements of customary law into the national framework or the creation of special legal provisions for indigenous communities like Kampung Kuta. Additionally, legal training for both government officials and community leaders would help to clarify the relationship between customary and national laws and ensure that both are applied fairly and consistently.

f. The Role of External Support

Finally, the research points to the importance of external support, both from non-governmental organizations (NGOs) and international bodies, in facilitating the implementation of the policy. NGOs, in particular, have played a vital role in advocating for the rights of indigenous communities and providing technical assistance to both the government and local leaders.

International organizations can also offer valuable resources and expertise, particularly in areas such as capacity-building, legal reform, and community development. By partnering with these external actors, the government can leverage additional resources and knowledge to enhance the effectiveness of its policies.

5. CONCLUSION

The research highlights significant challenges and opportunities in implementing policies aimed at recognizing and protecting the indigenous law community of Kampung Kuta, Ciamis Regency. Despite the policy's well-intentioned goals, its success is hindered by a variety of factors including insufficient resource allocation, lack of socialization efforts, bureaucratic inefficiencies, and legal incompatibilities between national law and customary law. These challenges impede the full realization of the policy's objectives, particularly regarding land ownership, resource management, and the preservation of cultural heritage.

A key finding is the need for stronger communication and coordination between all stakeholders involved, including government agencies, indigenous leaders, and external organizations. The lack of effective collaboration has led to misunderstandings and delays in the policy's execution. Improving communication channels and fostering more participatory processes could help align the interests of the various actors and ensure the

policy is more responsive to the needs of the community.

Furthermore, addressing the legal tensions between national frameworks and customary practices is critical. Harmonizing these systems or creating legal provisions that recognize indigenous laws will provide clearer guidelines for both government officials and the community, reducing conflicts and ambiguities in land rights and resource management.

In conclusion, while the policy framework for recognizing and protecting Kampung Kuta's indigenous law community is promising, its implementation requires significant improvements. By enhancing resource allocation, fostering greater public awareness, and improving coordination and legal compatibility, the policy can more effectively safeguard the rights and culture of Kampung Kuta's indigenous community. With these improvements, the policy has the potential to create a more inclusive and sustainable model for indigenous rights protection in Indonesia.

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