

# **Problematic of The Single Meaning of Village and Indigenous Village Towards The Protection of Indigenous People's Rights in Optical of Legal Certainty**

(Analysis of Law Number 6 of 2016 concerning Villages)

Heriyanto<sup>1</sup>, Edy Mulyanto<sup>2</sup>, Yoyon Mulyana Darusman<sup>1</sup>

Email : [heriy3842@gmail.com](mailto:heriy3842@gmail.com), [arvoedy99@gmail.com](mailto:arvoedy99@gmail.com), [yoyon.darusman@yahoo.co.id](mailto:yoyon.darusman@yahoo.co.id)

## **ABSTRAK**

Negara yang menganut konsep negara hukum, Maka dalam penyelenggaraan kehidupan berbangsa dan bernegara harus sesuai dengan hukum, Negara Indonesia memiliki hukum dasar yaitu Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. Konstitusi telah memberikan jaminan hak konstitusional masyarakat adat sebagai bagian dari bangsa Indonesia yang memiliki hak dan kewajiban yang setara sesuai ketentuan hukum yang berlaku, Masyarakat adat adalah bagian dari warga negara Indonesia yang memiliki hak konstitusional yang khusus dan eksistensinya dilindungi, sehingga negara wajib memenuhinya dengan memberikan kepastian hukum terkait dengan perlindungan eksistensinya, aspek yuridis terkait institusi desa diatur dalam Undang-Undang Nomor 6 Tahun 2016 Tentang Desa, namun dengan adanya landasan hukum tersebut tidak memberikan kepastian hukum karena undang-undang tersebut menyamakan makna antara desa dan desa adat, sehingga memberikan subjektifitas yang besar kepada negara terutama pemerintah yang memiliki kewenangan menghapus desa dengan alasan pengembangan program strategis nasional.

**Kata Kunci : Negara Hukum, Desa, Kepastian Hukum.**

## **ABSTRACT**

*A country that adheres to the concept of a state of law, then in the implementation of the life of the nation and state must be in accordance with the law, the State of Indonesia has a basic law, namely the 1945 Constitution of the Republic of Indonesia, the Constitution has guaranteed the constitutional rights of indigenous peoples as part of the Indonesian nation that has equal rights and obligations in accordance with applicable legal provisions. Indigenous peoples are part of Indonesian citizens who have special constitutional rights and their existence is protected, so the state is obliged to fulfill them by providing legal certainty related to the protection of their existence, juridical aspects related to village institutions are regulated in Law Number 6 of 2016 concerning Villages, but with the legal basis it does not provide legal certainty because the law equates the meaning between village and Indigenous village, thus giving great subjectivity to the state, especially the government which has This is the authority to delete villages on the grounds of developing a national strategic program.*

**Keywords: State of Law, Village, Legal Certainty.**

<sup>1</sup>Student of Law Magister of Pamulang University, *South Tangerang City, Indonesia*

<sup>2</sup>Lecture of Law Faculty of Pamulang University, *South Tangerang City, Indonesia*

<sup>3</sup>Senior Lecture of Law Magister of Pamulang University, *South Tangerang City, Indonesia*

## **A. Introduction.**

Indonesia is a unitary state in the form of a republic consisting of various provinces, districts or cities which are the most important part in the implementation of the life of the nation and state, including in supporting the existence of the state is the role of the village, the village is divided into two namely villages and traditional villages which have values and values. a separate social order that is constitutionally recognized by the state in writing is stated in the state constitution, so that any ruler who keeps changing has the obligation to maintain his existence in maintaining national identity which is diverse in ethnicity and culture.

In the period of the formation of the state and national law, what happened was a fierce struggle between the influence of the church and the kingdom and wars between the various kingdoms. The same thing when talking about the legal state of Indonesia with regard to the village there is a fierce struggle between local government and its role in the Unitary State of the Republic of Indonesia. There is a legal reality that is forgotten in the development of national law, namely matters relating to the legal position in this case is village law or customary law in the development of national law.<sup>1</sup>

The history of Indonesian independence cannot be separated from the role and existence of indigenous peoples who previously lived at the social level and had their respective ideological principles and were bound in one breath of struggle, namely with the same view as a colonized nation, so that the concept of living together as a nation was born. In Indonesia, the role of indigenous peoples is a characteristic of Indonesia itself, therefore the state gives recognition through written law in its constitution which is the basis for the highest legal source.

In line with this, considering that Indonesia is a constitutional state in accordance with the provisions of Article 1 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia, the consequences of these provisions mean that in the administration of the state, state administrators and the people as a whole must comply with legal principles. , the law as a fundamental guide no legal subject may place themselves above the law, the state government system as confirmed in the explanation of the Constitution of the Republic of Indonesia is a state based on law (*Rechtsstaat*). It

---

37. <sup>1</sup>SatjiptoRahardjo, *Pendidikan Hukum Sebagai Pendidikan Manusia*, (Yogyakarta: Genta Publishing, 2009). Hlm.

is not based on mere power (Machts-Staat). ). Constitutional System: government based on the constitution (basic law) is not absolutism (unlimited power).<sup>2</sup>including in carrying out the constitutional mandate to maintain the existence of indigenous peoples through their institutions, namely traditional villages.

The existence of traditional villages and their communities is a form of the identity of the Indonesian nation itself, formed based on different cultural, ethnic and religious backgrounds, to bind these differences, it is necessary to have a common view of life and ideology called the Pancasila ideology as the philosophy of the nation's life. and the implementation of the rights of indigenous peoples depends on the policy of the state itself because the state is an organization of power in an area that has the highest legal power and is obeyed by its people.<sup>3</sup>So in exercising power, it must be based on legal norms that provide constitutional authority and rights so that in administering the state it does not lead to abuse of power, especially in providing protection for the existence of indigenous peoples.

Therefore, the rule of law and the formation of law, especially laws related to villages, both ordinary villages and traditional villages, are very important, especially to provide legal certainty to village communities and traditional villages so that they continue to run according to constitutional guarantees. IhzaMahendra Normatively, the law must underlie power, as reflected in the concept of the rule of law, of course this does not ignore the principle of freedom of action, as long as it is in accordance with the principles of law and propriety.<sup>4</sup>

Today, in the development of globalization, including technological developments and the needs of civil society, it also penetrates the boundaries of social space and demography of indigenous peoples living in traditional villages, especially the need for land and the need for national strategic programs that have the potential to eliminate the territorial areas of rural communities, given the guarantee of legal certainty through Law Number 6 of 2014 concerning Villages has not provided clear certainty between ordinary villages and customary villages so that the principles of the rule of law, especially the legal certainty of indigenous peoples have not been realized properly.

---

<sup>2</sup>Bachsan Mustafa, *Sistem Hukum Indonesia*, (Bandung: Remadja Karya,1985), Hlm. 89.

<sup>3</sup> Miriam Budiharjo, *Dasar-Dasar Ilmu Politik*,(Jakarta: PT Gramedia Utama,2008), Hlm.17.

<sup>4</sup>YusrilIhzaHahendra, *Dinamika Tata Negara Indonesia Kompilasi Aktual Masalah Konstitusi Dewan Perwakilan Dan Sistem Kepartaian*, Cetakan I,(Jakarta: Gema Insani Press,1996), Hlm. 24.

That in the provisions of Article 1 number 1 of Law Number 6 of 2016 concerning Villages which reads :

*“Village is a village and customary village or what is called by another name, hereinafter referred to as Village, is a legal community unit that has territorial boundaries that are authorized to regulate and manage government affairs, the interests of the local community based on community initiatives, origin rights, and/or traditional rights. recognized and respected in the system of government of the Unitary State of the Republic of Indonesia”.*

In the general provisions of the article equate the meaning between an ordinary village (a village that is not a traditional village) and a traditional village, causing legal problems at the normative level as well as the potential for abuse in its implementation because the implementation reference refers to written legal guidelines in this case the law, considering the village and Traditional villages actually have substantial differences both in the scope of the area, the enactment of regulations and how to solve social problems.

The problem of norms related to the potential threat to the sustainability of traditional villages and their communities in other normative juridical aspects is the enactment of the provisions of Article 9 of Law Number 6 of 2014 concerning Villages which reads: *“Villages can be deleted due to natural disasters and/or strategic national program interests.”*. These provisions provide great subjectivity to the government if in the implementation of the national strategic program it is necessary to remove villages because villages and adat villages are not distinguished in general provisions, it has the potential to threaten the existence of indigenous peoples whose constitutional rights are guaranteed by the state constitution.

The background of this writing based on the problems described above, it is very important to equate the meaning of village and traditional village to be criticized considering the purpose of the law is to provide the value of legal certainty, the benefit of law and the value of justice. The law has a high quality value so that it can minimize errors at the norm level, considering that countries that adhere to the legal flow of legal guidance in implementing legal reality are norms so that the norms in the material content of the law must be in accordance with scientific principles and the formation of legislation.

## **B. Focus of Problems.**

From the description above, the problem is formulated as follows:

1. What is the singular meaning of traditional village and village in the environment of indigenous peoples?
2. What are the obstacles in implementing the single meaning of traditional village and village within the indigenous community?

### **C. Research Methodology.**

The research methodology in this study was carried out with the following steps:

#### 1. Types of Normative Research

This type of research is normative legal research, which seeks to see the law in a real sense or can be said to see, examines how the law works in society, using a qualitative research approach. To strengthen where the error lies or the empty space that results in inequality in the implementation or enforcement and implementation of law enforcement in a state of law in the context of law enforcement related to the existence of rural communities and traditional villages in accordance with statutory regulations.

#### 2. Research Approach

##### a. Legal Sociology Approach

Analyze how people react and interact when the system and norms work in society

##### b. Legal Anthropology Approach

Studying ways of resolving disputes, both in modern and traditional societies.

##### c. Legal Psychology Approach

The law is seen from the human psyche, related to the factors that cause people to commit acts that violate the law.

#### 3. Data Collection Techniques

Data collection techniques are based on legal principles and legal theories that examine positive legal teachings such as laws or other regulations as well as higher legal bases with legal materials sourced from:

##### a. Secondary Data

Data or legal materials that provide an explanation of primary legal materials, such as, for example, legislation, research results, work from legal circles, and so on.

##### b. Tertiary Data

Legal data or materials that provide instructions or explanations for primary and secondary legal materials, consisting of dictionaries, encyclopedias, and others, by studying literature, internet sources related to this research.

#### 4. Analysis

Analysis is the process of simplifying words into a form that is easier to read and also easy to interpret. In this case, the data analysis used by the researcher is descriptive qualitative, namely the analysis that describes the situation or a phenomenon with words or sentences, then separated by category to obtain conclusions. In processing the data or the analysis process, the researcher presents first the data obtained from the field or from interviews, then the interpretation and interpretation of the data is carried out with reference to the theoretical related or related to the research problem.

### D. DISCUSSION.

#### 1. General Understanding.

##### a. Traditional Villages and Villages

Article 1 point 1 of Law Number 6 of 2016 concerning Villages which reads: *“Village is a village and customary village or what is called by another name, hereinafter referred to as Village, is a legal community unit that has territorial boundaries that are authorized to regulate and manage government affairs, the interests of the local community based on community initiatives, origin rights, and/or traditional rights. recognized and respected in the system of government of the Unitary State of the Republic of Indonesia”*.

##### b. Custom Society.

According to the Indigenous Peoples Congress of the Archipelago I (March 1999), indigenous peoples are defined as: groups of people who have ancestral origins (from generation to generation) in a certain geographical area, and have a system of values, ideology, economy, politics, culture, social and territory.alone.Ter HaarBzn, in his book “Principles and Composition of Customary Law”, states that throughout the Indonesian archipelago at the level of the common people, there is a social life in groups that behave as a unit towards the outside world, physically and mentally.These groups have a fixed and eternal order.These human groups have their own administrators, own property,

worldly property and supernatural property, which are legal alliances.<sup>5</sup> This legal alliance according to its basic structure can be classified into a legal partnership structure based on genealogy (patrilineal, matrilineal, parental) and territorial (regional environment). This legal alliance based on territory is called a village alliance.<sup>6</sup> The village association has a social structure as a form of organizing a social life, namely how it determines the relationship between institutions in society, how it arranges its social layers, compiles its rules, and so on. And then this social structure will develop its own appropriate legal system.<sup>7</sup>

## 2. The Principle of Legal Certainty.

Normative legal certainty is when a regulation is made and promulgated with certainty because it regulates clearly and logically. It is clear in the sense that it does not cause doubt (multi-interpretation) and is logical. It is clear in the sense that it becomes a norm system with other norms so that it does not clash or cause norm conflicts. Legal certainty refers to the application of a clear, permanent, consistent and consequent law whose implementation cannot be influenced by subjective circumstances. Certainty and justice are not just moral demands, but rather, factually characterize the law. An uncertain and unjust law is not just a bad law.<sup>8</sup>

According to Utrecht, legal certainty contains two meanings, namely, first, the existence of general rules that make individuals know what actions may and may not be carried out and secondly, in the form of legal security for individuals and government arbitrariness because of general rules, individuals can know what may be charged. or committed by the State against individuals.<sup>9</sup>

Countries that adhere to a legal state system with the concept of legism emphasizes the principle of legal certainty, in order to form a social order of different communities having a collective legal awareness. Certainty is related to certain conditions, provisions or stipulations.

---

<sup>5</sup>Syamsudin, S. (2008). Beban masyarakat adat menghadapi hukum negara. *Jurnal hukum usquiaiustum*, 15(3), 338-351.

<sup>6</sup>SoerojoWignjodipoero, *Pengantar Dan Asas-Asas Hukum Adat*, (Jakarta: TokoGunung Agung, 1995), Hlm. 79-80.

<sup>7</sup>SatjiptoRahardjo, *Hukum Masyarakat Dan Pembangunan*, (Bandung: Alumni, 1980), Hlm. 13-15.

<sup>8</sup>CstKansil, Christine , S.T Kansil, Engelian R, Palandeng ,Godlieb N Mamahit, *KamusIstilah Hukum*, (Jakarta: RinekaCipta, 2009), Hlm. 385.

<sup>9</sup>Ridwan Syahrini, *RangkumanIntisariIlmuHukum*,(Bandung: Citra Aditya,1999), Hlm.80.

The law must essentially be certain and fair. It must be a code of conduct and fairness because the code of conduct must support an order that is considered reasonable. Only because it is fair and carried out with certainty the law can carry out its functions. Legal certainty is a question that can only be answered normatively.<sup>10</sup>

The State of Law is a translation of Rechtsstaat in Dutch, As a form of juridical formulation of the idea of constitutionalism, Therefore the State constitution is complementary, the State is nothing but an organization of positions, Because in every State there are always various positions in State institutions that have certain tasks , such as the House of Representatives and Government (Executive) positions as well as the Judicial Power body, that is the basic conception of the state that affirms its position as a state of law<sup>11</sup>

Indonesia is a legal state, the provisions are contained in the 1945 Constitution of the Republic of Indonesia as a grandnorm, Article 1 Paragraph (3) which reads “*Indonesia is a country of law*”.As a consequence of these provisions, state administrators must implement basic legal provisions that contain guarantees of the constitutional rights of citizens, both citizens with ordinary categories or with citizens who have the status of customary law communities, both of which are equally important in the implementation of national and state life

Communities in Indonesia are classified into two categories, namely civil society or ordinary people and indigenous peoples, both of whom live in different areas, namely villages and traditional villages. the culture and traditions of their ancestral heritage to continue to exist and comply with customary regulations. The two categories of society, of course, cannot be separated from the concept of national development, which in principle is an effort and struggle towards modernization in various aspects of life which can also be interpreted as a total transformation from a traditional pattern of life to a modern life pattern in accordance with the level of progress of the times based on science and technology. In the implementation of such development, the law is not only seen as one of the objects of development, but the law must be placed as a means of supporting the continuity of development, both in providing

---

<sup>10</sup>DominikusRato, *Filsafat Hukum Mencari: Memahami Dan Memahami Hukum*, (Yogyakarta: LaksbangPresindo, 2010), Hlm.59.

<sup>11</sup> Sri Soemantri, *Hukum Tata Negara Indonesia Pemikiran dan Pandangan*,(Bandung: PT Remaja Rosdakarya,2014), Hlm.47.

the basis for legal certainty, as a security tool, and at the same time as a tool to accelerate the development process. The law functions not only as a toll of control, which can be interpreted as a tool that functions to maintain stability, but as stated by Sunaryati Hartono that law is one of the "Mental Infrastructure" to enable development in an orderly and orderly manner, without losing the human dignity of community members (author: especially indigenous peoples) where the law is used to accelerate the process of community education towards a mental attitude that is most in line with the aspired society.<sup>12</sup>

Therefore, the state, in this case the government, together with the House of Representatives of the Republic of Indonesia, enacted Law Number 6 of 2016 concerning Villages as a form of fulfilling the constitutional rights of citizens, namely legal certainty in providing boundaries for the rights and obligations of every community living in the village area. both in the category of village and customary village so that the state recognizes community unity this can be seen in the constitution Article 18B Paragraph (2) which reads :  
*“The state recognizes and respects customary law community units and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated in law.”*

However, there is a substantial problem at the normative level related to the definition of village and customary village, this can be seen in the provisions of Article 1 number 1 of Law Number 6 of 2016 concerning Villages which reads:

*“Village is a village and customary village or what is called by another name, hereinafter referred to as Village, is a legal community unit that has territorial boundaries that are authorized to regulate and manage government affairs, the interests of the local community based on community initiatives, origin rights, and/or traditional rights. recognized and respected in the system of government of the Unitary State of the Republic of Indonesia”*.

The provisions of the article equate the definition between village and customary village, causing legal problems at the normative level as well as the potential for abuse in its implementation because the implementation guidelines refer to written legal guidelines in this

---

<sup>12</sup>Abdurrahman, *Aneka Masalah Hukum Dalam Pembangunan Di Indonesia*, (Bandung, Alumni, 1979), Hlm. 64-65.

case the law, considering that traditional villages and villages essentially have substantial differences both in space the scope of the area, the enactment of regulations.

The difference in definition threatens the existence and constitutional rights of indigenous peoples whose rights are protected by the constitution as the highest law, the threat is very genuine because the state can delete villages with its subjectivity.

The problem of norms relating to the potential threat to the sustainability of traditional villages and their communities in other normative juridical aspects is the enactment of the provisions of Article 9 of Law Number 6 of 2014 concerning Villages which reads: "*Villages can be deleted due to natural disasters and/or strategic national program interests.*". These provisions provide great subjectivity to the government if in the implementation of the national strategic program it is necessary to remove villages because villages and adat villages are not distinguished in general provisions, it has the potential to threaten the existence of indigenous peoples whose constitutional rights are guaranteed by the state constitution.

Considering that the State as the creator and enforcer of law in its activities must obey the law.<sup>13</sup>In the sense that the law becomes a guideline in carrying out state duties based on the legal awareness of the people, then the law is equal and does not have authority in relation to individuals (impersonal) or state institutions. It is clear that the obligation to obey the law is not only imposed on the people but also the state administrators, so the law is the guide for the highest power of the state, not the legal subject who has the power so that the principle of equality before the law (Equality before the law) becomes a complete awareness for state administrators who manage the state and the people. who live in a Country.

These different phrases create legal uncertainty so that they are contrary to the provisions of Article 28D Paragraph (1) of the 1945 Constitution of the Republic of Indonesia which reads: "*Everyone has the right to recognition, guarantee, protection, and fair legal certainty and equal treatment before the law*".

The non-fulfillment of the principle of legal certainty is clearly contrary to the constitution because it reduces the state's obligation to protect the legal community as stipulated in Article 18B Paragraph (2) of the Constitution of the Republic of Indonesia.

---

<sup>13</sup>Usep Ranawijaya, *Hukum Tata Negara Dasar-Dasarnya*, (Jakarta: Ghalia Indonesia,1983). Hlm.181.

Based on the above analysis, the elements of legal certainty that are the basis for supporting the existence of the Indonesian legal state are not fulfilled by equating the meaning of the phrase village and customary village in Law Number 6 of 2014 concerning Villages, Does not meet the Principle of Legal Compliance both in Theory Perspective and Juridical Aspects in this is the Constitutional Power of the Act.

#### **E. Conclusion.**

The similarity of meaning between village and customary village creates problems at the normative level and has the potential to be misused, considering that traditional villages and villages essentially have substantial differences. These differences in definitions threaten the constitutional rights of indigenous peoples because the state can abolish villages, The potential threat to the sustainability of traditional villages in the juridical aspect is the enactment of the provisions of Article 9 of Law Number 6 of 2014 concerning Villages which reads: "Villages can be deleted due to natural disasters and/or strategic national program interests." These provisions provide great subjectivity to the government if in the implementation of the national strategic program it is necessary to remove villages because villages and customary villages are not distinguished, it has the potential to threaten the existence of customary law communities whose constitutional rights are guaranteed by the state constitution so that Law Number 6 of 2014 concerning Villages does not meet the Legal Compliance Principle.

#### **F. Recommendation**

In the frame of providing legal certainty regarding the mention of the double meaning between village and customary village in the law on villages, to be clarified by providing a clearer understanding by making changes to the law on villages or the issuance of implementing regulations that will provide a concrete explanation of the mention singular meaning of village and traditional village.

#### **References / Bibliography :**

Abdul Mukhtie Fadjar, *Hukum Konstitusi Dan Mahkamah Konstitusi*, Jakarta: Konstitusi Press, 2006.  
Abdulkadir Muhamad, *Hukum Dan Penelitian Hukum*, Bandung, Citra Aditya Bakti, 2004.

- Abdurrahman, *Aneka Masalah Hukum Dalam Pembangunan Di Indonesia*, Bandung: Alumni, 1979.
- Abu Daud Busroh dan Abubakar Busroh, *Asas-asas Hukum Tata Negara*, Jakarta: Ghalia Indonesia, 1983.
- Arif Budiman, *Teori Negara (Negara, Kekuasaan dan Ideologi)*, (Jakarta: Gramedia, 1996.
- Bachsan Mustafa, *Sistem Hukum Indonesia*, Bandung: Remadja Karya, 1985.
- CST Kansil, Christine , S.T Kansil, Engeliën R, Palandeng ,Godlieb N Mamahit, *Kamus Istilah Hukum*, Jakarta: Rineka Cipta, 2009.
- Dominikus Rato, *Filsafat Hukum Mencari: Memahami Dan Memahami Hukum*, Yogyakarta: Laksbang Presindo, 2010.
- Elizabeth Nurhaini Butarbutar, *Metode Penelitian Hukum*, Bandung: Refika Aditama, 2018.
- H.L.A Hart, *Konsep Hukum The Concept Of Law*, Bandung: Penerbit Nusa Media, 2015.
- Jimly Asshiddiqie, *Pokok-Pokok Hukum Tata Negara Indonesia*, Jakarta: PT. Bhuana Ilmu Populer, 2008.
- Jimly Assidiqqie, *Komentar Atas Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, Jakarta: Sinar Grafika, 2009.
- Jimmy Assidiqqie, *Konstitusi Dan Konstitusionalisme Indonesia*, Jakarta: Sinar Grafika, 2010.
- Maria Farida Indrati S, *Ilmu Perundang-undangan Jenis Fungsi dan Muatan Materi*, Yogyakarta: PT Kanisius, 2007.
- Miriam Budiharjo, *Dasar-Dasar Ilmu Politik*, Jakarta: PT Gramedia Utama, 2008.
- Moh Mahfud MD, *Konstitusi dan Hukum dalam Kontroversi Isu*, Jakarta: Rajawali Pers, 2010.
- Moh. Kusnadi, Bintan R. Saragih, *Ilmu Negara*, Jakarta: Gaya Media Pratama, 2000.
- Moh.Mahfud MD, *Membangun Politik Hukum, menegakkan Kosntitusi*, Jakarta: Pustaka LP3S, 2006.
- Muhammad Tahir Azhary, *Negara Hukum suatu studi tentang prinsip-prinsipnya dilihat dari segi Hukum Islam Implementasinya pada periode Negara Hukum Madinah dan masa kini*, Jakarta, Bulan Bintang, 2003.
- Ni'matul Huda, *Hukum Tata Negara Indonesia*, Edisi Revisi, Jakarta: Raja Grafindo Persada, 2016.
- Purnadi Purbacaraka, Sarjono Sukanto, *Perihal Kaedah Hukum*, PT. Citra Aditya Bhakti, 2015.
- R. Abdoel Djamali, *Pengantar Hukum Indonesia Edisi Revisi*, Jakarta: Raja Grafindo Persada, 2016.

- Ramlan Surbakti, *Memahami Ilmu Politik*, Jakarta; Grasindo, 2010.
- Ridwan HR, *Hukum Administrasi Negara*, Jakarta: Rajawali Press, 2011
- Ridwan HR, *Hukum Administrasi Negara*, Yogyakarta: UII Press, 2002.
- Saldi Isra, *Pergeseran Fungsi Legislasi, Menguatnya Model Legislasi Parlementer dalam Sistem Presidensial Indonesia*, Jakarta: Rajawali Pers, 2010.
- Sarjono Soekanto, Sri Mamuji, *Penelitian Hukum Normatif*, Jakarta: PT. Raja Grafindo Persada, 2012.
- Satjipto Rahardjo, *Pemanfaatan Ilmu Sosial Bagi Pengembangan Ilmu Hukum*, Bandung: Alumni, 1977.
- \_\_\_\_\_, *Hukum Masyarakat Dan Pembangunan*, Bandung: Alumni, 1980
- \_\_\_\_\_, *Ilmu Hukum*, Bandung: Citra Raditya Bakti, 2000.
- Soebekti, *Mengenal Hukum Suatu Pengantar*, Yogyakarta: Cahaya Atma Pustaka, 2010.
- Soerjono Sukanto, *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*, Jakarta: Bumi Aksara, 1983.
- Soerojo Wignjodipoero, *Pengantar Dan Asas-Asas Hukum Adat*, Jakarta: Toko Gunung Agung, 1995
- Sri Soemantri, *Hukum Tata Negara Indonesia Pemikiran dan Pandangan*, Bandung: PT Remaja Rosdakarya, 2014.
- Syamsudin, S. (2008).Beban masyarakat adat menghadapi hukum negara. *Jurnal hukum ius quia iustum*, 15(3), 338-351.
- Sudikno Mertokusumo, Purnadi Purbacaraka, *Sendi-Sendi Ilmu Hukum dan Tata Hukum*, Bandung: Citra Aditya Bakti, 2015.
- Taufiqurrohman Syahuri, *Hukum Kosntitusi*, Bogor: Ghalia Indonesia, 2004.
- Usep Ranawijaya, *Hukum Tata Negara Dasar-Dasarnya*, Jakarta: Ghalia Indonesia,1983.
- Yusril Ihza Hahendra, *Dinamika Tata Negara Indonesia Kompilasi Aktual Masalah Konstitusi Dewan Perwakilan Dan Sistem Kepartaian, Cetakan 1*, Jakarta: Gema Insani Press,1996.