Conflict of Law Regarding Natural Resource Management in Indonesia

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Abstract: Law on natural resource management in Indonesia only deals with each sector, which results in a frequent conflict of law between laws in one sector and another. To prevent such conflict, Indonesia requires one comprehensive, integrated, and synergic law regarding the natural resource management in order that each law in this sector does not conflict. In addition, Indonesia also needs to actualize harmonization, revision, and invalidation of law, and even needs to establish new law in natural resource management.

Keywords: Law conflict, management, natural resources.

INTRODUCTION

The term "conflict" means a fight, war, or struggle, that is a physical confrontation between some parties. According to Wayne Pace and Don Faules, conflict can also be defined as the expression of a dispute between one individual or group and another for a certain reason. The dispute suggests that there is a difference which is expressed or experienced between individuals or groups involved. In addition to an individual conflict, conflict also occurs at an organizational level. It is an interaction between two or more parties which are related and dependent to one another but separated by their different purposes (Limbong, 2012).

Moreover, conflict can also be viewed based on a legal aspect. Conflict of laws is traditionally developed from domestic legal system and rules regarding hierarchical relations between rules and on systematic legislations interpretation were also made in the scope of domestic legal system (Michael, R. & Pauwelyn, 2012). Which is defined as a collapse between legislations because he fact that the legislation which is not integrated into a particular legislation. The collapse between norms in the field of laws in the natural resource management results in a legal conflict in this sector. Some legislation in the natural resource management violates Law No. 5 of 1960 regarding Basic Regulation of Agriculture, which is evident from Article 5 paragraph (2) of Law No. 41 of 1999 regarding forestry, which reads state forest can also be forest under customary law or forest own and protected by indigenous peoples. Although the national legislation recognizes the forest under the customary law, the forest is still the state forest. Therefore, the government is still responsible for this forest management as a part of natural resources although Law No. 5 of 1960 states that the responsibility for such forest rests on the indigenous peoples. In this case, Law No. 5 of 1960 should have been considered as a reference for Law No 41 of 1999, but the two laws have a conflicting regulation.

The conflict of law in the natural resource management is also found between legislation on the mining sector and that on forestry. Law No. 4 of 2009 and Government Regulation No. 22 of 2010 regarding mining area as well as Government Regulation No 23 of 2010 regarding the implementation of mining business activities do no regulate mining locations in forest areas. However, Ministry of Agriculture Regulation No. 26 or 2007 regarding guidelines for plantation permit regulates requirement technical consideration for land availability along forest areas. This regulation results in various different interpretation regarding which department is to follow, be it central department (Ministry of Forestry) or regional department (Department of Forestry). This gives significant differences in terms of the relationship between central and regional government regarding permits for plantation and forestry. If the regional government is in charge with the permits, the central and regional government are independent, but the authority for forest area release lies on the central government.

The hierarchic conflicts of law are found between legislations in central government level and those in

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regional government. One such conflict is between Regulation of Ministry of Marine and Fisheries No. Per.49/Men/2011 regarding amendment of Regulation of Ministry of Marine and Fisheries No.Per.14/Men/ 2011 regarding capture fishery business and Qanun of the Province of Aceh No. 7 of 2009 regarding fisheries. Article 5 paragraf (1) of the regulation of the Ministry of Marine and Fisheries No. Per.49.Men/2011 states that: A director general is authorized to issue a trading business permit, fishing permit, and fish transport vessel permit for a fish vessel with the size of bigger than 30 GT. While in article 43, point (2) of Aceh Qanun No. 7 of 2010 regarding fisheries, the authorized governor is authorized to issue: a fishing permit for a vessel with the size of bigger than 30 GT.

Based on the explanation above, the administration of a trading business permit, fishing permit, and fish transport vessel permit regulated in Qanun No. 7 of 2010 is not in line with the Regulation of the Ministry of Marine and Fisheries No. Per.49/men/2011. The conflict of law in the natural resource management sector between the central government and regional government levels negatively impacts the implementation of law development.

LITERATURE REVIEW

The sovereignty belongs to the state and it regulates the life of its people. As the highest organization of a state it is granted power to regulate, plan, draft and make a law. Thus, the responsibility in managing natural resources such as rules is on the hand of the state. It is in line with John Locke, who views that one of the powers of the state is acting as legislative body. The lawmakers in this context are the process of making law by the state, and it must fulfill requirements. The government body meant the responsible body for doing this, especially a body having power to make general laws, and a law making is done through procedures that have been made (Faisal, 2009). According to Van Der Pot, enacting or passing a law must be in good intention, based on the rules have been made as bases, and its contents and aims must be in accordance with the laws which are used as legal bases (Latif, A. and Ali, 2010). Therefore, to have a law that can protect the interest of the people and natural resources in its enactment must consider some factors that are economy, religion, appropriateness, politic, environment and society.

Regarding some considerations in making laws above, thus, the conflict of laws in terms of natural resources can be minimized. Thus to solve the conflicts in relation to natural resources management, the author takes several references to facilitate the author as well as providing novelty in the study of legal analysis related to conflict resources.

Indonesia is blessed with enormous natural resources. The Indonesian Constitution 1945 clearly stipulates that the natural resources are controlled by the state in order to bring in maximum prosperity of the people. However, the sources have not been able to make the people prosperous because there have been some mistakes in the management (Bambang & Susanti, 2020)

Research conducted by (Hadi, S., and Saleng, 2015) on Analyzing the Perspective of Indonesian Mining Conflict Regulations says that mining conflicts in Indonesia are caused by vertical and horizontal conflicts. Vertical conflict issued by authorized authority between the central government and regional governments. While horizontal conflicts occurs between fellow communities of customary law as ulayat rights orner. In addition, this research also looks at international relations. The locus of this study in Papua. (Buckles, D. J., & Rusnak, 1999), research related to the management of natural resources that lead to conflict can be resolved with a cultural approach. Cultural approach is carried out so that conflicts that always arise in managing natural resources can be resolved and can turn conflicts into collaboration. Research conducted by (Humphreys, 2005), related to natural resources, conflict, and conflict resolution: uncovering the mechanisms. The writer sees the emergence of conflict as being more responsive to the impact of resource production in the past, than future production. The researcher also said the impact of conflicts from natural resources cannot be said to be entirely with weak state mechanisms, and had nothing to do with state power.

METHODS

Researches on conflict of laws in natural resources are a doctrinal research. This research applies statutory and conceptual approaches. According to (Soejono & Abdurrahman, 2005), doctrinal legal research are using secondary data which are comprising of:

1. Primary legal sources that are legal sources directly obtained from literatures discussin conflict of laws in the management of natural

resources comprising of: Constitution 1945, People's Consultative Assembly, Statutes on Environment, Agriculture, Forestry, mining and fishery, and some legislations that are relevant to law development and other rules that are relevant to this research.

2. Seconady legal sources are used to support primary legal sources comprising of; researches, article, journals, books, and other relevant documents with this reserach. Secondary legal sources are being gudances in in this research (Peter, 2005)

3. Non-legal sources are the sources used to be guidance for primary and secondary legal sources (Mukti Fajar & Yulianto Achmad, 2010) consisting of law enciclopedia etc.

Secondary data are primary, secondary dan non-legal sources obtained from field research and Internet sources.

Analysis is meant as a systematic process towards certain phenomena (Soejono & Abdurrahman, 2005; Soekanto, S. and Mamudji, 2010), Analysis of data in this research is done towards primary and secondary and non-legal sources. It is done through legal method and uses legal method aims to support the normative research. The result of data analysis then will be described in theoretical explanation. Theoretical perspective in this research is in relation to the solution to solve the conflict of law in managing natural resources in Indonesia.

THE CAUSES OF CONFLICT OF LAW REGARDING NATURAL RESOURCE MANAGEMENT

The conflict of law in natural resource management is caused by the high number of legislation without a specific institution established to monitor the potential conflict of law. Although the Ministry of Law and Human Rights has the Directorate General of Legislation, the institution only serves to provide guidance and consultation before a law is passed. The pluralism in the legal system (the recognition of customary law, Islamic law, and western law) contributes to more potential for conflict of law. The large number of departments/institutions authorized to make legislation makes it more challenging to avoid conflicts of law in Indonesia.

In the case of legislation on natural resource management, especially regional regulation and the regulation in a higher hierarchical level have not been able to avoid conflict of law because there are many legislations which are not synergic. There are also many legislations which overlap and even contradict between one legislation and another. In all case of conflict of law in natural resource management, the state becomes a tool for capitalism to take over the natural resource to obtain significant excuses, both in legislation aspects and in defining the legislation (Bosko, 2006). Therefore, for sound environmental management, Indonesia needs to implement an integrated and comprehensive system in natural resource management through legislation.

In addition to the fact that many regional regulations fail to adhere to legislation in the central government level, the conflict of law on the natural resource management is caused by sectoral and centralistic regulation, and collapsing authority among central and regional departments and institutions. This condition gives an opportunity for regional governments to make regulation in the natural resource sector based on their interpretation and interest, so that they can gain more authority to manage anything in their areas. In addition, regional governments consider that they know better their condition, problems, and potentials so that they can establish regulations in accordance with their need and interest (Djajaatmadja, 2007). This is evident in the Province of Aceh as a province with special autonomy status. The establishment of Qanuns (regional regulation) related to natural resources in 2002 was motivated by the interpretation that Aceh was widely authorized to manage its natural resource. The lack of primary legislation which regulates natural resources was one of the causes of the conflict of law. In the present time, the law on basic agrarian principles is considered as the primarily-referred law for natural resource sector, which is irrelevant because the law on agriculture deals only with the land sector.

Only small parts of the law address other natural resources such as forestry, water, and mining. This lack of clarity in law on natural resources motivated the establishment of sectoral laws which conflict with law on the agriculture sector. For example, Article 1 point 2 Law No. 41 of 1999 states that a forest is a group of the ecosystem in the form of land areas full of plants dominated by trees related to one another. This definition is not in line with that given by the law of agriculture, where the definition also includes not only plants but also lands. A land without plants is frequently still considered forest or forest areas. This creates overlapping duties and functions of the institution in

charge with forestry (Manurung, 2012). The solution to the overlapping between laws is not easy because each sector holds the law in the respective sector and the level of those sectors are the same. Meanwhile, the position of the law on basic agrarian principles which was initially intended to be the reference for legislation on natural resources has degraded. Each sectoral law directly refers to Article 33 point (3) of the 1945 Constitution.

Furthermore, the conflict of law on natural resources is also caused by the absence of a ministry or department authorized to monitor the establishment of policies related to natural resource management, but each sector abides by its own ministry (Sumardjono, 2012), As a result, the laws become inconsistent. The weakness of the legislation is escalated by the absence of coordination among institutions, either among sectors or between central and regional governments. Without clear regulations on how related institutions work together, initiative coordination between those institutions cannot be actualized (Kartikasari I.F., *et al*., 2012) Multiple conditions causing the conflict of law in natural resources make it very challenging to solve. The difficulty to solve the conflict of law is motivated by the following conditions (Djajaatmadja, 2007) :

1. The difference between many laws and legislation and the growing number of laws which makes it difficult to spot all the conflicting laws;

2. The conflict between laws and regulations for implementation;

3. The difference between laws and policies issued by government institutions;

4. The difference between legislation and jurisprudence and official notices by the Supreme Court;

5. Conflicting policies made by central government institutions;

6. The differences between policies issued by the central and regional governments;

7. The differences between legislation and operational definitions of some terms;

8. The conflict between government authorities because of nonsystematic and unclear distribution of authority.

In Indonesia, the relationship between the central and regional governments in the level of policies and in the level of regulations is not harmonic. This kind of relationship impacts the legal system in regional government (Lubis, 2011). Many laws regarding natural resource management have changed, but the laws in regional government have not responded to these changes. The inability of the regional government to follow up the changes in central government level results in many conflicts of law.

In addition, the conflict of law in the national level regarding the natural resource management is a result of the law characteristics in Indonesia, i.e. sectoral and centralistic, and collapsing authorities between central departments/institutions and those in regional governments. Conflict of law regarding the natural resource management does not only happen in Indonesia. According to (Katili, 1983), no country in the world has successfully establish policies which do not conflict. What they do is to establish a number of policies in sectoral levels. This condition provides opportunities for regional governments to manage this natural resource sector based on their interpretation and interest so that these particular regional governments consider that they are more authorized to manage resources in their regions. The regional governments further consider that they know best the condition, problems, potentials and other aspects related to their regions, so that they claim authority to establish regulations which meet their need and interest (Djajaatmadja, 2007). This is evident from the Province of Aceh, with the status of special autonomy. The establishment of many Qanuun (regional government regulations) related to the natural resources in 2012 is motivated by the interpretation that Aceh is widely authorized to manage the natural resource in the Province of Aceh. The absence of a primary law regulating natural resources in Indonesia results in many conflicts of law regarding natural resources. In the present time, the law on basic agrarian principles is considered as the reference law for the natural resource sector. This interpretation is inappropriate because the law on basic agrarian principles deals mainly with the land sector, with only a very limited part of the law is intended for other such sectors as forestry, water, and mining.

Furthermore, the conflict of law regarding the natural resource is also caused by the absence of a ministry/department authorized to monitor policies related to the natural resource and their implementation. The lack of coordination among

institutions, both among sectors and between the central and regional governments, is partly because each sector lies under their own ministry (Sumardjono, 2012). It is a challenging task for Indonesia to encourage coordination between institutions without clear mechanism related to institution relationship establishment (Kartikasari I.F., *et al*., 2012).

With the conflict of law regarding the natural resource management as outlined above, (Sumardjono, 2012), states that it can result in the following impacts: (1) Inequality in the structure of authority/ownership, allocation, and the use of the natural resource; (2) Deficiencies in the quality and quantity of natural resources; and (3) Disputes in authority/ownership and the use of natural resources (between one sector and another, between one sector and indigenous people, between an investor and indigenous people, and between one investor and another related to a permit to use natural resources)These conflicts of law will hinder the implementation of the law, and thus policies to prevent it is urgent.

SOLUTIONS FOR THE CONFLICT OF LAW REGARDING THE NATURAL RESOURCE MANAGEMENT

Conflict in natural resource management in the community can impact the ongoing development. Therefore, the government needs to establish policies to prevent conflict by using comprehensive strategies. Although it is difficult to establish conflict-free law regarding natural resource management, efforts to minimize the conflict of law are essential. To achieve good natural resource management without conflict of law, the government needs to establish a comprehensive and integrated policy system regarding the natural resource management. that law serves to synchronize all purposes and interests among individuals, and between individuals and the community. Therefore, in establishing conflict-free law regarding thenatural resource management, the government needs to make all efforts to establish harmonizedlaws.

In relation to the legal system, in the implementation of a legal system, a law is a complex entity where the substance and culture interact with one another. Therefore, to ensure the establishment of harmonized law, the government is required to establish coordination among sectors. To establish a good coordination, the government needs to establish an institution to be assigned the coordination implementation or to host many meeting for coordination. Sometimes, the coordination can also be conducted on demand, through a meeting or a deliberation. Such coordination has a weakness, that is when an official is replaced, the criteria for the policy will change. Thus, coordination depends mostly on the management and interest of an official (Huijbers, 1982). Therefore, Indonesia requires clear regulations to actualize implementable coordination.

In the establishment of law regarding the natural resource management in Indonesia, many institutions should be involved. In order that the law can be established well, a good coordination between sectoral institutions involved should be sought.In the establishment of law regarding natural resource management, coordination is the key weakness. A regulation regarding natural resource management issued by one institution is not well known by other institution. This can be changed by involving all stakeholders since the drafting process of the regulation. To improve the coordination process in Japan, the government conducted a consensus and staff exchange between institutions (Hadi, 1999). With such system, it is expected that the regulation can meet the interest of all people, so that good coordination can be created, and thus establishing regulation which only satisfies a sectoral interest can be prevented.

Coordination in establishing law regarding the natural resource management is intended to prevent collapsing regulations in natural resource management. With coordination, an institution can be aware of each plan organized by other sector institutions. The main objective of a coordination is to integrate law regarding natural resource management into one bigger framework, so that law regarding the natural resource management related to many sectors and become one united law.

Beside establishing conflict free law, an academic draft for each law or regional regulation establishment is essential. An academic draft needs to be conducted comprehensively to describe the urgency of the drafted law in order that the law can be implemented effectively. With the comprehensive academic draft, it is expected the established law is more responsive, accommodative, efficient and effective (Zaelani, 2011), An academic draft is an initial manuscript containing ideas related to regulations and materials of legislation in a certain area (Sophia Hadyanto 2010).According to

Article 1 point (11) Law No. 12 of 2011 regarding the establishment of law,an academic draft is defined as a research result or legal study or other research result related to certain problems related to regulation for that problem as a solution to the problems.

The requirement of an academic draft for law establishment is regulated in Article 43 point (3) of Law No 12 of 2011 which states that a bill submitted by House of Representative, President, or Regional Representative Council should be accompanied by an academic draft. Furthermore, according to Article 43 point (4) of Law No 12 od 2011, the requirement to attach an academic draft in a bill does not apply to law related to state budget and law invalidation or government regulation invalidation as a replacement to law.

An academic draft in establishing law is significant because it is very useful in explaining and providing guidelines, objectives, and goals. An academic draft prepared based on a research result is used as a guide to help with the establishment of law in determining the interest of the government and citizen as the stakeholder. In addition, an academic draft can provide a guideline for people in charge of the drafting process of law to the substantive material law which is appropriate to identified problems (Zaelani, 2011). In short, academic draft in the establishment of law or regulation, either in the national or regional level, can minimize passing conflicting law or ambiguous law.

To avoid conflict of law regarding the natural resource management, the community should be also be involved in the drafting process of the law. Their involvement is in line with democracy. The more they involve in the establishment of law, the more they accept and implement it. Their involvement should also be based on the substance of the law. The institution in charge of the drafting process should determine which community should be involved. In the establishment of law regarding the natural resource management in any level, a direct involvement of the community is very important for the quality and effectiveness of law implementation, and most importantly to avoid conflict of law.

Another solution to prevent the conflict of law regarding natural resource management is to update all legislation regarding the natural resource management in central and regional government levels. This step is significant to adjust all legislation with the changes which have been made in the central government level and to meet the changes in the regional community. The changes in the sectoral law regarding the natural resource in the central government level cause inconsistency with legislation in regional government level. These changes also make some legal norms in regional legislations contradict with other legislation.

Therefore, the law regarding the natural resources in Indonesia needs to be amended. In fact, a law should not be static, but it should always be dynamic, and revision should always be made to adjust it with changes over time and changes in the community (Limbong, 2012). When a revision is made in the central government level, the law in regional level also needs to be adjusted. When a law is amended, the regulation under the law including the legislation in regional level needs adjustment. This is in line with what (Kelsen Hans, 1995) proposed in stufen theory, that is norms are leveled and layered. The establishment of a lower hierarchical norm is determined by another higher hierarchical norm whose establishment is determined by another higher hierarchical norm, and this regression stops at the paramount law/grundnorm.

This will show that the paramount law has the highest hierarchical position and it is the foundation for all legal structure. Therefore, a lower hierarchical law should be based on, referred to and not contradictory to a higher hierarchical law. The contradiction in law causes its invalidation. Thus, revision for the law regarding the natural resource management is intended to minimize and even to remove the conflict of law in order that the law can be implemented well for the welfare in Indonesian citizen.

Please remember that all the papers must be in English and without orthographic errors. Do not add any text to the headers (do not set running heads) and footers, not even page numbers, because text will be added electronically.

CONCLUSION

Law on natural resource management in Indonesia only deals with each sector, which results in a frequent conflict of law between laws in one sector and another. The hierarchic conflicts of law are found between legislations in central government level and those in regional government. The conflict of law regarding natural resource management in Indonesia is caused by the high number of legislation and the high number of institutions/departments authorized to establish

legislation on natural resource management. In addition, the conflict of law on the natural resource management is also caused by the fact that the legal system regulating the natural resource management has plural characteristic (customary law, Islamic law, and western law). To minimize the conflict of law on the natural resource management, Indonesia needs to establish a law which is comprehensive as a reference for all legislation on the natural resource management. With this comprehensive law, the conflict of law can be prevented, either for a vertical or horizontal law on the natural resource management.

REFERENCES

Bambang, S. R., & Susanti, B. R. W. and V. (2020). Culture of Corruption Politicians' Behavior in Parliament and State Official During Reform Government Indonesia (Genealogical Study). *International Journal of Criminology and Sociology*, *9*, 52–62. https://doi.org/https://doi.org/ 10.6000/ 1929-4409.2020.09.06.

Bosko, E. R. (2006). *Indigenous Peoples' Rights in the Context of Management of Natural Resources*. Elsam.

Buckles, D. J., & Rusnak, G. (1999). *Cultivating peace: conflict and collaboration in natural resource management*. IDRC Publication.

Djajaatmadja, B. I. (2007). *Harmonisasi Hukum Pengelolaan Sumberdaya Kelautan Dalam Kerangka Desentralisasi (Synchronization in Marine Resource Management for Decentralization)*. Departemen Hukum Dan HAM RI.

Faisal. (2009). *Fungsi dan Kedudukan Mahkamah Agung Sebagai Penyelenggaraan Kekuasaan Kehakiman Yang Merdeka Sesuai Dengan Paham Negara Hukum (Function and Position of Supreme Court as an Independent Judiciary Conductor Based on the Rule of Law)*. Syiah Kuala University Press.

Hadi, S., and Saleng, A. (2015). *Analyzing the Perspective of Indonesia Mining Conflict Regulation*. JL Pol'y & Globalization.

Hadi, S. . (1999). *Manajemen Lingkungan Berbasis Kerakyatan Dan Kemitraan (Community and Partnership-based Environmental Management), Pidato Pengukuhan Penerimaan Jabatan Guru Besar Madya Dalam Ilmu Manajemen Lingkungan dan Ilmu Administrasi Pada Fakultas Ilmu Sosial dan Il*. Badan Penerbit Universitas Diponegoro.

Huijbers, T. (1982). *Filsafat Hukum Dalam Lintasan Sejarah (Philosophy of Law in the Glimpse of History)*. Kanisius.

Humphreys, M. (2005). "Natural resources, conflict, and conflict resolution": Uncovering the mechanisms. *Journal of Conflict Resolution*, *49*(4), 508–537. https://doi.org/10.1177/0022002705277545

Kartikasari I.F., *et al*. (2012). *Perizinan Terpadu untuk Perbaikan Tata Kelola Hutan di Indonesia, Studi Kasus Kalimantan Tengah (Integrated Permits for Improvement in Forestry Management in Indonesia, A Case Study in Central Kalimantan)*. Indonesian Center for Environmental Law.

Katili, J. . (1983). *Sumberdaya Alam Untuk Pembangunan Nasional (Natural Resources for National Development*. Ghalia Indonesia.

Kelsen Hans. (1995). *Teori Hukum Murni, Dasar-Dasar Ilmu Hukum Normatif Sebagai Ilmu Hukum Empirik-Deskriptif (Pure Theory of Law, Fundamental of Normative Law as Empirical Descriptive Law)* (Somardi (ed.)). Rimdipress.

Latif, A. and Ali, H. (2010). *Politik Hukum (Politics of Law)*. Sinar Grafika.

Limbong, B. (2012). *Konflik Pertanahan (Land Conflict)*. Margaretha Pustaka.

Lubis, S. (2011). *Serba-serbi Politik dan Hukum (Sundry in Politics and Law)*. Policy & Law, Sofmedia.

Manurung, M. (2012). Solusi Tumpang Tindih Peraturan Di Bidang SDA (Solution for Collapsing Regulations on Natural Resource Sector). In Kurnia Toha (Ed.), *Prosiding Konfrensi Internasional "Regulatory Reform on Indonesian Land laws for People's Welfare."* Badan Penerbit FH UI.

Michael, R. & Pauwelyn, J. (2012). Conflict of Norms or Conflict of Laws?: Different Techniques in the Fragmentation of Public International Law. *Duke Journal of Comparative & International Law*, *22*.

Mukti Fajar & Yulianto Achmad. (2010). *Dualisme Penelitian Hukum Normatif &Empiris (Dualism in Normative and Empirical Legal Research)*. Pustaka Pelajar.

Peter, M. M. (2005). *Penelitian Hukum (Legal Research)*. Kencana.

Soejono & Abdurrahman. (2005). *Metode Penelitian, Suatu Pemikiran dan Penerapan (Research Method, A Thought and Application)*. Rineka Cipta.

Soekanto, S. and Mamudji, S. (2010). *Penelitian Hukum Normatif (Normative Legal Research)*. Rajawali Press.

Sumardjono, S. W. M. (2012). Solusi Tumpang Tindih Pengaturan SDA (Solution for Collapsing Management on Natural Resources). In Kurnia Toha (Ed.), *Prosiding Konfrensi Internasional:"Regulatory Reform on Indonesian Land laws for People's Welfare"*. Badan Penerbit FHUI.

Zaelani. (2011). Naskah Akademik Dalam Penyusunan Peraturan Perundang-Undangan Menurut Undang-Undang Nomor 12 Tahun 2011 (Academic Draft in Establishing Legislations Based on Law No 12 of 2011). *Jurnal Legislasi Indonesia, Direktorat Jenderal Peraturan Perundang-Undangan Kementerian Hukum Dan Hak Asasi Manusia, RI*, *4*

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