

Agrarian Law Reform in Indonesia: Between Legal Certainty and Social Justice

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Abstract	<p>Reformasi hukum agraria di Indonesia merupakan upaya penting dalam mengatur penguasaan dan pemanfaatan tanah agar sejalan dengan prinsip kepastian hukum dan keadilan sosial. Fenomena ketimpangan distribusi tanah, tumpang tindih hak atas tanah, serta meluasnya konflik agraria menjadi tantangan utama dalam mewujudkan reforma agraria yang berkeadilan. Penelitian ini bertujuan untuk menganalisis dinamika reformasi hukum agraria di Indonesia sejak diberlakukannya Undang-Undang Nomor 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria (UUPA) melalui pendekatan yuridis normatif. Data diperoleh dari sumber hukum primer seperti UUPA, peraturan pelaksana, putusan pengadilan, serta literatur ilmiah dan doktrin hukum yang relevan. Hasil penelitian mengungkapkan bahwa meskipun UUPA telah menjadi landasan hukum yang komprehensif, pelaksanaannya masih menghadapi berbagai kendala dalam menjamin kepastian hukum dan keadilan sosial, khususnya terkait konflik agraria dan perlindungan hak masyarakat adat. Pendekatan hukum yang lebih responsif dan inklusif sangat dibutuhkan untuk mengatasi kesenjangan regulasi serta memperkuat perlindungan hak atas tanah bagi seluruh lapisan masyarakat. Penelitian ini merekomendasikan reformasi kebijakan yang mengintegrasikan aspek kepastian hukum dan keadilan sosial melalui mekanisme penyelesaian sengketa yang partisipatif dan pengakuan hak masyarakat adat secara formal dalam sistem hukum agraria nasional.</p>
Abstrack	<p><i>Agrarian law reform in Indonesia is an important effort to regulate the control and use of land in line with the principles of legal certainty and social justice. The phenomenon of inequality in land distribution, overlapping land rights, and the spread of agrarian conflicts are the main challenges in realizing equitable agrarian reform. This study aims to analyze the dynamics of agrarian law reform in Indonesia since the enactment of Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA) through a normative juridical approach. Data is obtained from primary legal sources such as the UUPA, implementing regulations, court rulings, as well as relevant scientific literature and legal doctrine. The results of the study revealed that although the UUPA has become a comprehensive legal foundation, its implementation still faces various obstacles in ensuring legal certainty and social justice, especially related to agrarian conflicts and the protection of indigenous peoples' rights. A more responsive and inclusive legal approach is needed to address regulatory gaps and strengthen the protection of land rights for all levels of society. This study recommends policy reforms that integrate aspects of legal certainty and social justice through participatory dispute resolution mechanisms and formal recognition of indigenous peoples' rights in the national agrarian legal system.</i></p>

I. INTRODUCTION

Agrarian issues in Indonesia are multidimensional issues that are not only related to legal aspects, but also involve social, economic, political, and cultural dimensions¹. From the colonial era to the reform period, land has been a source of conflict, inequality, and struggle for interests, both between citizens and between society and the state². In this context, agrarian law reform is an urgent need to address the legacy of structural injustice and build a land system that guarantees a balance between legal certainty and social justice. The Basic Agrarian Law (UUPA) Number 5 of 1960³, which is expected to be a milestone in the reform of national agrarian law, has actually carried the principles of justice and humanity, but its implementation still faces various obstacles and challenges, especially in terms of regulatory consistency, institutional integration, and alignment with small and indigenous communities.

The reality on the ground shows that inequality in land tenure is still high, with most land held by a handful of elite groups or large corporations, while indigenous peoples, small farmers, and the urban poor struggle to access productive land for their survival⁴. On the other hand, various land legalization programs run by the government, such as the Complete Systematic Land Registration (PTSL),⁵ often emphasize aspects of formal legal certainty, but ignore substantive issues such as the protection of land rights for vulnerable groups. The tension between the need for legal certainty that demands formal legality, certification, and administrative recognition and social justice that demands redistribution, protection of customary rights, and recognition of

¹ Abdul Muthallib, "The Influence of Land Rights Certificates as Evidence in Achieving Legal Certainty," *Jurisprudence: Journal of Sharia Sciences, Legislation, and Islamic Economics* 12, no. 1 (2020): 26, <https://doi.org/10.32505/jurisprudensi.v12i1.1673>.

² Saharuddin Sahar et al., "Transfer of Land Rights in the Tayade System," *Petita: Journal of Legal and Sharia Studies* 10, no. 1 (2025): 195–210, <https://doi.org/10.22373/petita.v10i1.412>.

³ Barid Hardiyanto, "Politics of Land Policies in Indonesia in the Era of President Susilo Bambang Yudhoyono," *Land Use Policy* 101, no. March (2021): 105134, <https://doi.org/10.1016/j.landusepol.2020.105134>.

⁴ Ayu Larasati and Raffles Raffles, "Transfer of Land Rights with Sale and Purchase Agreements According to Land Law," *Zaaken Journal of Civil and Business Law* 1, no. 1 (2020): 127–44, <http://online-journal.unja.ac.id/zaaken>.

⁵ Siti Rahmah, Husni Jalil, and M. Yakub Aiyub Kadir, "Legal Dilemma for Land Deed Officials in Transferring Land Title Within Agrarian Reform in Indonesia: A Study in Aceh, Indonesia," *Samarah* 8, no. 1 (2024): 556–78, <https://doi.org/10.22373/sjkh.v8i1.16898>.

community-based agrarian practices is a paradox that has not been fully resolved until now⁶.

More specifically, this paper raises the fundamental problem of the dichotomy between legal certainty and social justice in the process of agrarian law reform. Legal certainty is often interpreted narrowly as an aspect of formal legality, while social justice as a fundamental goal of the UUPA is actually marginalized in the practice of national agrarian policy. This imbalance reinforces the dominance of normative-legalistic approaches in land policy, which are often incompatible with the social realities of communities living in customary or informal agrarian systems. In fact, in many cases, communities have managed and used land for generations in socially and customarily legitimate ways, although they have not yet received legal recognition from the state.

Previous research and policies have attempted to bridge these tensions by offering technocratic solutions, such as improving the land registration system, strengthening people's rights through mass certification, and harmonizing sectoral regulations⁷. Some academics also highlight the importance of a human rights approach in agrarian policy to ensure access to land as part of the right to a decent life. On the other hand, a land redistribution program within the framework of Agrarian Reform has also been implemented, although the results have not been significant in reducing structural inequality⁸. These initiatives show an awareness of the importance of inclusive agrarian law reform, but have not fully succeeded in synergizing the formal legality aspect with the social reality of society.

However, these efforts still have conceptual and implementable limitations. Many policies are *top-down* and have not involved the active participation of the community in the land policy reformulation process. In addition, the legal approach used is still very positivistic and tends to ignore the legal pluralism that

⁶ Muhammad Ilham Saharuddin, Andi Suriyaman M Pide, Yunus Wahid and Rahmi Sahabuddin Arisaputra, Dzikra Ridha Dwi Aribah, "Tayade System Land Rights : The Concept of Unification of Customary Law and Indonesian Tayade System Land Rights : The Concept of Unification of Customary Law and Indonesian Positive Law," in *The First Forest and Society International Conference 2024 (The 1st FSIC 2024)* (IOP Conf. Series: Earth and Environmental Science 1430 (2024) 012005, 2024), 3, <https://doi.org/10.1088/1755-1315/1430/1/012005>.

⁷ Rifky Anggatiastara Cipta, "Deed of Binding Sale and Purchase of Land Before the Making of Deed of Land Deed Making Official," *Notary* 13, no. 2 (2020): 891, <https://doi.org/10.14710/nts.v13i2.31291>.

⁸ Kadek Julia Mahadewi, "Juridical Review of the Characteristics of the Use of Right of Use in Apartment Ownership by Foreign Citizens in Indonesia," *Gema Keadilan* 6, no. 2 (2019): p. 185, <https://doi.org/10.14710/gk.2019.5862>.

lives in Indonesian society⁹. Reliance on administrative legalization without considering the social and historical context of land tenure creates new conflicts and widens the gap between society and the state. In addition, the existence of various sectoral regulations that overlap with the UUPA also creates legal uncertainty and makes it difficult to enforce land rights fairly and equitably¹⁰.

This paper offers an alternative approach in interpreting and formulating agrarian law reform, namely by placing legal certainty and social justice as two principles that must run simultaneously and complement each other. Legal certainty should not be upheld at the expense of social justice, similarly social justice must be built on the foundation of legal certainty that is in favor of society. This approach requires a reformulation of the concept of national agrarian law that recognizes the plurality of legal systems (state law, customary law, and Islamic law), and encourages the strengthening of institutions that are able to be a bridge between the state and society in the equitable management of agrarian resources.

Thus, the purpose of this study is to critically analyze the direction and implementation of agrarian law reform in Indonesia, especially in relation to the achievement of legal certainty and social justice. This research also aims to formulate a conceptual and policy approach that is able to integrate these two principles in a national agrarian law framework that is responsive to community needs, social dynamics, and sustainable development challenges.

II. METHODOLOGY

This research uses a normative juridical¹¹ method, which is a research approach that examines law as a system of norms written in laws and regulations, court decisions, and relevant legal doctrines. This method examines law in a normative sense, namely as a rule or principle that guides behavior, and does not empirically examine people's behavior towards the law. Therefore, this approach is commonly referred to as literature research¹², because all data is obtained through the study of various written legal sources.

⁹ M. Bakri, "Unification in Land Law Pluralism in Indonesia (Reconstructing the Concept of Unification in UUPA).", *Kertha Patrika* Journal 33, no. 1 (2008): p. 2, <https://doi.org/10.24843/kp.2008.v33.i01.p07>.

¹⁰ Reynaldi A. Dilapanga, "Land Rights Ownership Certificates Are Authentic Evidence According to the Principal Agrarian Law No. 5 of 1960," *Lex Crimen* VI, no. 5 (2017): 1, <http://www.nber.org/papers/w16019>.

¹¹ Irwansyah, "Legal Research on the Choice of Methods & Practices of Article Writing" (Yogyakarta: Mirra Buana Media, 2022), p. 172.

¹² Z. Ali, "Legal Research Methods." (Jakarta: Sinar Grafika., 2021), 105.

In this study, the legal materials studied include primary legal materials¹³ in the form of Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA), Law Number 11 of 2020 concerning Job Creation and its derivative regulations, as well as decisions of the Constitutional Court and the Supreme Court related to agrarian disputes and agrarian reform. In addition, the secondary legal materials used include scientific literature, agrarian law textbooks, national and international academic journals, as well as the opinions of experts relevant to the theme of legal certainty and social justice in the context of agrarian reform. Tertiary legal materials such as legal dictionaries and legal encyclopedias are also used to strengthen conceptual understanding.

Through this approach, this study seeks to analyze how applicable legal norms regulate the relationship between legal certainty and social justice in the Indonesian agrarian system. This research also explores various sectoral regulations related to land tenure and utilization, as well as examines the normative conflicts that occur between national agrarian law and development policies. In addition, this study compares the development of progressive agrarian law thought in legal doctrine and literature.

Using a normative juridical approach, this research is expected to identify legal inconsistencies and gaps in the implementation of agrarian reform, as well as offer alternative norm-based solutions to strengthen the integration between legal certainty and social justice within the national agrarian law framework.

III. RESULTS OF RESEARCH AND DISCUSSION

A. Agrarian law reform in Indonesia since the enactment of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA)

Agrarian law reform in Indonesia is a strategic agenda rooted in the need to revise the legacy of the colonial agrarian system that is dualistic, unjust, and discriminatory¹⁴. The main milestone of the reform was marked by the birth of Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA), which normatively abolished the dualism of agrarian law between

¹³ Nurul Qamar et al., *Legal Research Methods*, ed. Abd. Kahar Muzakkir, 1st ed. (Makassar: CV. Social Political Genius (SIGn), 2017).

¹⁴ Arisaputra, "Agrarian Reform in Indonesia.," ed. Maya Sari, 1st ed. (East Jakarta: Sinar Grafika Bumi Aksara, 2021), 2.

western law and customary law¹⁵. The UUPA states that all earth, water, and space are controlled by the state and are used as much as possible for the prosperity of the people (Article 2 paragraphs (1) and (3) of the UUPA). This conception is based on Article 33 paragraph (3) of the 1945 Constitution which emphasizes that "the earth, water, and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people."

The UUPA is intended as a single legal basis that unites various land regulations that are scattered and contradictory to each other. Explicitly, Article 1 of the UUPA affirms the principle of unification of national agrarian law, by placing customary law as a basis as long as it does not conflict with national and state interests, as well as other laws and regulations¹⁶. However, in its implementation, the post-UUPA agrarian law reform faces serious challenges, both from institutional aspects, overlapping sectoral regulations, and weak political commitment in carrying out the agenda of land redistribution and agrarian conflict resolution.

Agrarian law reform has also undergone crucial phases in its journey, especially after the 1998 reform era, where demands for social justice, land redistribution, and the protection of the rights of indigenous peoples and smallholders have become increasingly apparent¹⁷. These efforts are responded to through various policies such as the National Agrarian Reform Program (PRONA), and finally through Presidential Regulation Number 86 of 2018 concerning Agrarian Reform. However, most of these policies have not been fully able to bridge the tension between legal certainty for capital owners and investors and the demands of social justice for marginalized communities¹⁸.

Thus, the results of this study critically examine how the direction of post-UUPA agrarian law reform is carried out, assess the effectiveness of applicable

¹⁵ Galih Prasetyo et al., "The History of the Formation of Law Number 5 of 1960 concerning the Basic Provisions of Agrarian Principles (Uupa) and Its Implementation Reviewed from the Beginning of the Birth of Agrarian Law in Indonesia," *Causa: Journal of Law and Citizenship* 4, no. 5 (2024): 117, <https://doi.org/DOI:https://doi.org/10.3783/causa.v4i5.3657>.

¹⁶ Wida Wirdaniati et al., "Model Of Legalization Of Land Certification in Rural Areas and Projection of The Value of Ownership Benefits," *Jurnal Hukum Unissula* 38, no. 2 (2022): 122–37, <https://doi.org/10.26532/jh.v38i2.18480>.

¹⁷ Yuda Sanrico Simanullang et al., "THE DYNAMICS OF SOCIAL CHANGE IN AGRARIAN SOCIETIES," *JIIC: JOURNAL OF INTELLECTUAL INSANITY CENDIKIA* 1, no. 8 (2024): 4108–17, <https://doi.org/10.1057/9780333982921>.

¹⁸ Kartika Widyaningsih et al., "Pelaksanaan Pendaftaran Tanah Untuk Pertama Kali Terhadap Tanah Yang Belum Bersertipikat Melalui Program Nasional Agraria (Prona) Di Kantor Pertanahan Jakarta Barat," *Notarius* 12, no. 2 (2019): 824–41.

legal norms, and evaluate the conformity between the basic principles of UUPA and the development of contemporary agrarian regulations and practices. This study is important to assess the extent to which agrarian law reform in Indonesia has succeeded in fulfilling its initial goal, which is to realize a fair, equitable, and sustainable national land system.

Table 1: The Period of Agrarian Law Reform in Indonesia

Period	Main Legal Basis	Reform Direction	Important Notes
Pre-Independence (Dutch East Indies)	Agrarische Wet 1870, Domeinverklaring	Legalization of land tenure by colonial governments and foreign investors	Agrarian law was dualistic: western law for Europeans and customary law for natives.
1945–1959 (Post-Independence Awal)	1945 Constitution Article 33 (3); Emergency Government Regulation No. 8/1953	Efforts to unify the law and nationalize foreign land assets	Many colonial laws are still in force because there is no national agrarian law.
1960–1997 (Old Order – New Order Era)	Law No. 5 of 1960 (UUPA)	Unification of the agrarian legal system; recognition of the rights of the people; Land redistribution	Limited implementation of the UUPA; agrarian reform stagnated during the pro-investment New Order period.
1998–2014 (Early Reform Era)	MPR TAP No. IX/MPR/2001 concerning Agrarian Reform and Natural Resources Management	Reaffirmation of agrarian reform; protection of indigenous peoples; Strengthening of people's land rights	Many policies have not been implemented optimally; Agrarian conflicts are increasing.
2015–2020 (Jokowi Administration Era Volume I)	Nawacita, Agrarian Reform (RA), Land Redistribution; Presidential Decree No. 86/2018	Land data collection, asset legalization, land redistribution for farmers and indigenous peoples	Acceleration of Complete Systematic Land Registration (PTSL); constraints of overlapping land and sectoral regulations.
2020–present (Job Creation Law and Its Impact)	Law No. 11/2020 on Job Creation and its derivative PP; Presidential Decree No. 62/2023 on Agrarian Reform	Regulatory synchronization; acceleration of agrarian investment; integration of PTSL with OSS (Online Single Submission)	It is feared that it will shift the principle of social justice; agrarian conflicts are still high; The rights of indigenous peoples have not been guaranteed.

1. Stages of Agrarian Law Reform in Indonesia

Agrarian law reform in Indonesia has taken place through various historical stages that reflect the social, political, and economic dynamics of the country. The early stages can be traced back to the Dutch colonial period, where the agrarian system was run based on *the Agrarische Wet 1870* which placed land as an object of economic exploitation through long-term land lease schemes by foreign companies. During this period, there was marginalization of indigenous peoples and local farmers who did not have legal certainty over the land they cultivated.

The second stage was marked by the ratification of Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA) which became the main milestone in efforts to unify and nationalize agrarian law. The UUPA abolished the dualistic agrarian legal system and placed land rights within a national legal framework that recognized property rights, business use rights, building use rights, and use rights. In addition, the UUPA recognizes the customary rights of customary law communities and mentions the principle of state control over agrarian resources for the greatest possible prosperity of the people.

The third stage took place during the New Order, where the development orientation prioritized economic growth through investment expansion. Although the UUPA is still in force, its implementation is distorted because agrarian policies are dominated by sectoral regulations that give wide space to large companies, including in the plantation, forestry, and mining sectors. This leads to a concentration of land tenure and an increase in structural agrarian conflicts.

The fourth phase began post-1998 reforms, when civil society movements and political impulses led to the strengthening of people's rights to land. The issuance of the MPR TAP No. IX/MPR/2001 provides a normative basis for the agenda of agrarian reform and natural resource management in a fair and sustainable manner. However, weak policy implementation, lack of harmonization between regulations, and bureaucratic conflicts of interest are the main obstacles to the realization of true agrarian reform.

The fifth stage began since the administration of President Joko Widodo, especially through the launch of the National Agrarian Reform (RAN) program which was confirmed by Presidential Regulation No. 86 of 2018. This program integrates asset legalization, land redistribution, and strengthening community

institutions. In addition, the acceleration of Complete Systematic Land Registration (PTSLS) is an important administrative instrument to provide legal certainty for the community. However, the success of this program is still hampered by overlapping regulations, weak land data collection, and the lack of optimal recognition of indigenous peoples' rights.

2. Criticism of the Implementation of Contemporary Agrarian Reform

Despite the various advances, the implementation of agrarian reform in Indonesia still faces fundamental challenges, especially in terms of integration between legal certainty and social justice. Formally, the existence of regulations such as the UUPA, Presidential Regulation No. 86 of 2018, and various derivative programs shows the seriousness of the state in rearranging the land tenure structure. However, in practice, agrarian reform is often reduced to a mere land certification process, without touching structural dimensions such as comprehensive land redistribution and systemic agrarian conflict resolution.

One of the main criticisms of the implementation of contemporary agrarian reform is the tendency to prioritize investment-based economic logic rather than the protection of people's agrarian rights. This is strengthened by the birth of Law Number 11 of 2020 concerning Job Creation which accelerates business licensing and facilitates land access for large business actors, but actually weakens the position of indigenous peoples, small farmers, and fishermen. This law substantially revises various agrarian provisions without going through a participatory approach involving vulnerable groups.

In addition, the overlap of authority between ministries and institutions that regulate agrarian resources is still a serious obstacle. The existence of asynchronous sectoral regulations, such as in the forestry, mining, and marine sectors, often causes land conflicts that are difficult to resolve. Land redistribution programs often face technical obstacles in the form of a lack of accurate agrarian data and land control by local elites that are difficult to touch by formal policies.

Thus, the agrarian reform agenda requires a new approach that is not only based on administrative legalization, but also emphasizes structural transformation of land tenure and utilization. Agrarian justice can only be realized if the state consistently protects the rights of historically marginalized communities from access to agrarian resources. Therefore, there is a need for a

reorientation of agrarian law policies that restore the principle of social justice as the main foothold in land management in Indonesia.

B. Realization of the principle of social justice in the context of land distribution and tenure in Indonesia

The principle of social justice is one of the fundamental pillars in the formation of the national agrarian legal system, as affirmed in the Preamble to the 1945 Constitution and explicitly described in Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA). Article 1 paragraph (3) of the UUPA emphasizes that the main purpose of agrarian regulation is to create the prosperity of the people equally through fair and sustainable land arrangement and control. In this context, social justice not only means an equitable physical distribution of land, but also guarantees the protection of the rights of indigenous peoples, smallholder farmers, and vulnerable groups to exploitation by large economic interests.

However, the realization of the principle of social justice in the distribution and tenure of land in Indonesia faces various complex structural and historical constraints. Since the enactment of the UUPA, land redistribution has become one of the main instruments designed to reduce inequality in land tenure. However, in practice, the government's land redistribution program is often constrained by limited resources, incomplete land data, and resistance from large landowner groups and corporations. This condition causes the ideal land distribution to not be realized optimally so that the concentration of land tenure is still a dominant phenomenon in several agricultural areas.

Furthermore, the agrarian conflicts that occurred in various regions reflect the failure of the state in realizing substantial agrarian social justice. The conflict arises due to inequality in land tenure, lack of recognition of indigenous peoples' rights, and overlap between customary rights and mining, plantation, or forestry business licenses. According to data from the Agrarian Reform Consortium (KPA), thousands of agrarian conflicts are still ongoing to date which cause social and economic losses to local communities. This condition shows that the principle of social justice has not yet become an integrated part of the national agrarian management process.

On the other hand, the recognition of indigenous peoples' rights as part of the implementation of social justice has received special attention in contemporary agrarian law reform. Law No. 6 of 2014 concerning Villages and the Constitutional Court decision No. 35/PUU-X/2012 affirm the importance of recognizing the customary rights of indigenous peoples over land and natural resources that are controlled for generations. However, the implementation of this recognition is still limited and requires a long process at the national and regional levels. The slow process of legalizing customary lands prolongs legal uncertainty while weakening the protection of indigenous peoples' rights.

To achieve social justice in the distribution and tenure of land, institutional reforms are needed that are able to integrate various interests and accelerate the resolution of agrarian conflicts. A human rights-based approach in agrarian policy is important as a new paradigm that places society as the main subject, not the object of policy. This approach also requires transparency, community participation, and government accountability in managing agrarian resources.

The agrarian conflicts that occurred in Indonesia throughout 2023 show a serious picture of the crisis in the management and distribution of land resources that have a wide impact on people's lives. Based on recorded data, there were 241 incidents of agrarian conflicts that caused the loss of control over 638,188 hectares of land¹⁹. The affected areas include not only agricultural land, but also customary areas, catchment areas, and settlements that are the source of livelihood for around 135,608 heads of families (KK). The scale of this conflict reflects the failure of the agrarian legal system to protect people's land rights, especially vulnerable groups who have been dependent on these resources for their livelihoods²⁰.

Furthermore, the repressive approach applied by the authorities in conflict areas has caused significant casualties. A total of 608 agrarian fighters became victims, indicating that the resolution of agrarian conflicts in Indonesia is still heavily influenced by violence and actions that prioritize power over dialogue and justice. This condition makes Indonesia in the highest position compared to six other Asian countries that also face similar conflicts, namely India, Cambodia,

¹⁹ Agrarian Reform Consortium. "Agrarian Conflict in Indonesia is the Highest of the Six Asian Countries." KPA.or.id, February 27, 2024. <https://www.kpa.or.id/2024/02/27/konflik-agraria-di-indonesia-tertinggi-dari-enam-negara-asia/>. Diakase 14 April 2025

²⁰ Ibid

the Philippines, Bangladesh, and Nepal. The proportion of conflict and casualties in Indonesia reaching 74% of total incidents, 94% of total individual casualties, and 84% of total heads of families affected among these countries, shows the very worrying severity of the national agrarian problem²¹.

Nevertheless, it is important to note that the data only reflects officially documented cases, while many agrarian conflicts are not reported or systematically recorded. This means that the numbers are indicative and are likely to be much greater when referring to the reality on the ground. The impact of agrarian conflicts also extends to social and psychological aspects, especially for women and children who are often invisible victims in every land dispute. Forced evictions, destruction of homes, loss of livelihoods in the form of agriculture and customary territories, and damage to the surrounding natural resources add to the complexity of the problem that must be addressed immediately.

This analysis confirms that agrarian conflicts in Indonesia are not only legal issues, but also social issues that require a comprehensive approach. The strategy that has been oriented towards repressive security and law enforcement must be immediately changed to a settlement mechanism that prioritizes dialogue, human rights protection, and social justice enforcement. Agrarian reform efforts must be able to provide adequate space for affected communities to actively participate in the conflict resolution process and ensure fair and sustainable legal certainty.

Based on an analysis of the very complex conditions of agrarian conflicts in Indonesia, a number of integrated strategic policy steps are needed to overcome these problems and realize the principles of social justice in agrarian management. First, the government needs to change the approach to handling agrarian conflicts from a repressive way to a settlement mechanism based on dialogue and mediation. This approach must involve all relevant parties, including affected communities, local governments, security forces, and non-governmental organizations, so as to create a fair and sustainable solution.

Second, it is necessary to accelerate the legalization and recognition of the rights of indigenous peoples and local communities over land and natural resources that have been controlled for generations. The implementation of Law Number 6 of 2014 concerning Villages and the Constitutional Court's decision recognizing customary rights must be supported by clear implementing

²¹ Ibid

regulations and a transparent and uncomplicated administrative process. This will provide legal certainty while protecting the rights of indigenous peoples from the threat of eviction and expropriation by business or state interests.

Third, land administration reform must be directed at improving data accuracy and transparency in land registration. The use of information technology and a modern land registration system can help reduce tenure overlap and increase the effectiveness of dispute resolution. Land redistribution programs must also be closely guarded so that they are not only an administrative formality, but actually provide equitable access to ownership to smallholders and other vulnerable groups.

Fourth, the government must increase legal protection for victims of agrarian conflicts, especially women and children who often experience the double impact of these conflicts. Social protection policies and post-conflict economic recovery need to be strengthened by involving social institutions and local communities. This is important so that the negative impact of agrarian conflicts does not continue and exacerbate poverty and social inequality.

Fifth, the establishment of an independent and professional special institution for agrarian conflict resolution is urgently needed to speed up the dispute resolution process and reduce the burden on the general justice system. This institution can be a facilitator between parties to conflicts and provide recommendations oriented towards social justice and the sustainability of agrarian resources.

By implementing these policies, it is hoped that agrarian law reform in Indonesia can run more effectively, creating legal certainty and upholding social justice. This effort must be supported by a strong political commitment and active participation of the community so that the main goal of agrarian reform, namely equal distribution of land tenure and people's welfare, can be achieved comprehensively.

IV. CONCLUSION

Agrarian law reform in Indonesia is a complex and dynamic process, which seeks to balance legal certainty and social justice in the management and distribution of agrarian resources. Since the enactment of Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA), various efforts have been made to create a fair and sustainable agrarian system. However, its

implementation still faces various obstacles, such as overlapping land tenure, widespread agrarian conflicts, and inequality of access and land ownership that harm small communities and indigenous groups.

Legal certainty in the context of agrarian has not been fully realized due to regulatory inconsistencies, weak law enforcement, and repressive conflict resolution approaches. Meanwhile, social justice as the foundation of the UUPA's philosophy demands equal distribution of land tenure and the protection of the rights of marginalized communities. The realization of this principle of social justice requires reform policies that not only focus on formal legal aspects, but also involve the recognition and protection of indigenous peoples' rights, the empowerment of local communities, and participatory and equitable conflict resolution mechanisms.

Thus, agrarian law reform must be directed at the integration of legal certainty and social justice as an inseparable unit. Governments and other stakeholders need to adopt an inclusive, transparent, and sustainable approach to ensure that land rights are fairly accessible to all levels of society, while preserving agrarian resources for future generations. Successful agrarian reform is one that is able to present a balance between legal protection and social justice in order to realize a prosperous and sovereign Indonesian society on its own land.

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COMPETING INTEREST

The authors will be asked to sign this statement once the submission has been accepted.

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