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Agrarian Reform, Institutional Fragmentation and Land Justice in Indonesia

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ABSTRACT

This article examines the acceleration of agrarian reform in Indonesia as a strategic instrument for achieving justice in land ownership, with a focus on the implementation of Presidential Regulation No. 62 of 2023. Despite successive reform initiatives, persistent structural inequalities in land tenure continue to generate agrarian conflicts, social exclusion, and unequal economic access. Using a normative legal approach based on statutory, conceptual, and legal-theoretical analysis, the study evaluates the regulatory framework and its implementation within Indonesia's land governance system. The findings indicate that Presidential Regulation No. 62 strengthens the institutional framework for agrarian reform, yet implementation remains constrained by overlapping sectoral regulations, fragmented land administration, incomplete land data, and limited institutional capacity. These barriers hinder equitable land redistribution and legal certainty for communities. The study argues that agrarian reform should be understood not merely as a redistributive policy, but as a transformative mechanism for promoting social justice, economic inclusion, and sustainable rural development. Effective reform thus requires regulatory harmonization, institutional strengthening, transparent monitoring, and meaningful community participation, providing insights for both legal scholarship and policy practice.

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1. Introduction

Agrarian reform remains one of the most persistent and contested legal and political issues in Indonesia.[1] Despite decades of reform initiatives introduced since independence, patterns of land ownership and control continue to reflect deep structural inequalities.[2] A substantial proportion of agricultural land remains concentrated in the hands of political and corporate elites, while rural communities, smallholder farmers, and Indigenous peoples continue to face limited access to productive land and legal protection. Recent studies indicate that approximately 68 percent of agricultural land in Indonesia is controlled by only one percent of the population, reflecting severe inequality in land tenure and resource distribution.[3] This concentration of land ownership has contributed to recurring agrarian conflicts involving local communities, private corporations, and the state, while simultaneously exacerbating rural poverty, social vulnerability, and economic exclusion.[4] These conditions demonstrate that the challenge of agrarian reform in Indonesia extends beyond land redistribution and reflects broader problems of legal governance, institutional fragmentation, regulatory inconsistency, and unequal access to economic resources.[5]

The constitutional foundation for agrarian reform is embodied in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which stipulates that land, water, and natural resources are controlled by the state and must be utilized for the greatest prosperity of the people.[6] Within this constitutional framework, agrarian reform has long been positioned as a strategic component of national development policy aimed at promoting social justice, reducing structural inequality, and strengthening community welfare.[7] Agrarian reform has also been incorporated into Indonesia's National Strategic

[1] H Kartodihardjo dan E Cahyono, "Agrarian Reform in Indonesia: Analyze Concepts and Their Implementation from a Governance Perspective," *Jurnal Manajemen Hutan Tropika* 27 (2021): 1–8.

[2] A Iriantoro, J Girsang, dan S Suwarno, "Structural Inequality Of Land Ownership In Indonesia: A Justice-Based Legal Perspective," *Jurnal Hukum Unissula* 42, no. 1 (2026): 202–30, https://doi.org/10.26532/jh.v42i1.47808.

[3] Z Said et al., "Farming Justice on Economic Regulations in Indonesia and France," *Journal of Human Rights, Culture and Legal System* 5, no. 2 (2025): 659–85, https://doi.org/10.53955/jhcls.v5i2.589.

[4] T Sakti dan E Sidipurwanty, "Conflict on the Land of Agriculture: Structural Land Disputes in Plantation Areas of Central Java," in *BIO Web of Conferences*, vol. 208, 2026, https://doi.org/10.1051/bioconf/202620804002.

[5] A Wahid dan A Sulistiyono, "Justification For The Establishment Of A Land Court In Indonesia: Realizing Justice In Land Dispute Resolution," *Masalah-Masalah Hukum* 54, no. 2 (2025): 179–213, https://doi.org/10.14710/mmh.54.2.2025.179-213.

[6] Dewi Arnita Sari, "Sengketa Pendaftaran Hak Milik Atas Tanah," *Al adalah: Jurnal Hukum dan Politik Islam* 5, no. 2 (2020): 138–54, https://doi.org/https://doi.org/10.35673/ajmpi.v5i2.816.

[7] Muhammad Addi et al., "Legal Protection Of Land Ownership Rights In Coastal Areas Affected By Abrasion: Climate Change, Coastal Border Regime, and Tenure Uncertainty In Indonesia," *Al adalah: Jurnal Hukum dan Politik Islam* 11, no. 1 (2026): 165–85, https://doi.org/10.30863/ajmpi.v11i1.11328.

Program (PSN), particularly through redistributive land policies and rural economic empowerment initiatives intended to improve equitable access to productive resources.[8]

Nevertheless, the implementation of agrarian reform in Indonesia has frequently been characterized by overlapping sectoral regulations, weak institutional coordination, fragmented land administration, and persistent agrarian disputes.[9] Although agrarian reform discourse has intensified over the past decade, its implementation has often failed to produce substantial structural transformation in land governance. Fragmentation between agrarian, forestry, mining, environmental, and spatial planning regulations has generated legal uncertainty and complicated the implementation of land redistribution programs. At the same time, weak land data integration, inconsistent mapping systems, and limited institutional capacity among implementing agencies have further undermined the effectiveness of agrarian reform policies.[10]

In response to these longstanding challenges, the Indonesian government enacted Presidential Regulation No. 62 of 2023 concerning the Acceleration of Agrarian Reform Implementation. This regulation was introduced as a legal instrument intended to strengthen institutional coordination, accelerate agrarian conflict resolution, improve land data integration, and support the empowerment of communities receiving redistributed land. The regulation also reflects the government's attempt to overcome the stagnation that has long affected agrarian reform implementation and to reinforce the institutional framework necessary for achieving more equitable land governance.

However, the effectiveness of Presidential Regulation No. 62 of 2023 remains open to critical legal examination, particularly regarding its normative coherence, institutional design, implementation mechanisms, and supervisory framework within Indonesia's agrarian legal system. As an implementing regulation, the Presidential Regulation must remain consistent with higher legal norms, including the Basic Agrarian Law of 1960 and various sectoral laws governing forestry, mining, environmental protection, and spatial planning.[11] The coexistence of overlapping regulatory regimes raises important questions concerning legal harmonization, institutional authority, and the extent to which the

[8] Krisna Angela dan Anik Setyawati, "Analysis of Land Procurement on Ulayat Land of Indigenous Law Communities in the Framework of a National Strategy Project for Public Interest," *Rewang Rencang: Jurnal Hukum Lex Generalis* 3, no. 3 (2022): 199–216.

[9] W N Tuslian, "Unsettling Ground: Rethinking Land Tenure Security in Indonesia's Legally Plural Setting," *Indonesian Journal of Socio-Legal Studies* 5, no. 2 (2026), https://doi.org/10.54828/ijsls.2026v5n2.2.

[10] Khairunnisa Khairunnisa dan Mohamad Fajri Mekka Putra, "Akibat Hukum Perjanjian Nominee Hak Atas Tanah Berkaitan Dengan Kepemilikan Warga Negara Asing," *Al-Adalah: Jurnal Hukum dan Politik Islam* 7, no. 2 (2022): 151–72, https://doi.org/10.35673/ajmpi.v7i2.2655.

[11] Wahyu Prianto, "Analisis Hierarki Perundang-Undangan," *Jisdik* 2, no. 1 (2023): 15–16.

regulation can effectively address the structural barriers that continue to impede agrarian reform in Indonesia.[12]

In a broader international context, agrarian reform constitutes an integral component of Indonesia's commitment to achieving the Sustainable Development Goals (SDGs), particularly Goal 1 on poverty eradication, Goal 2 on sustainable agriculture and food security, and Goal 15 on the protection of terrestrial ecosystems. Through initiatives such as the National Agrarian Reform Program (NARP) and the Complete Systematic Land Registration Program (PTSL), the Indonesian government seeks to reduce inequalities in land ownership, strengthen land tenure security, and improve the socioeconomic conditions of rural communities.[13] Agrarian reform is further expected to support sustainable agricultural development by expanding smallholders' access to land, enhancing agricultural productivity, and encouraging the adoption of more efficient and sustainable farming technologies.[14] Moreover, the resolution of agrarian conflicts and the promotion of equitable land governance are regarded as essential measures for preserving terrestrial ecosystems and advancing environmental sustainability. Consequently, agrarian reform should not merely be understood as a matter of domestic land policy, but also as part of a broader global discourse on social justice, sustainable development, human rights, and equitable natural resource governance..

Existing scholarship on agrarian reform in Indonesia has extensively examined constitutional foundations, land redistribution policies, agrarian conflicts, and the relationship between land governance and social justice. Comparative studies by Chhachhar (2025) demonstrate how constitutional frameworks in Indonesia and India shape agrarian reform through different institutional and legal approaches,[15] while Arisaputra (2025) emphasizes agrarian reform as a human rights imperative closely

[12] R Dewi, "The Developmental Politics of Land Conflict Resolution: Insights From Indonesia's TORA Programme," *Journal of International Development*, 2026, https://doi.org/10.1002/jid.70079.

[13] S Widodo, "A critical review of indonesia's agrarian reform policy," *Journal of Regional and City Planning* 28, no. 3 (2017): 204–18, https://doi.org/10.5614/jrcp.2017.28.3.4; E B Yuniawan dan E Sulistyaningrum, "Assessing the impact of the Complete Systematic Land Registration (PTSL) programme on land values in Indonesia: evidence from Rejang Lebong, Bengkulu Province," *Journal of Property Research* 42, no. 4 (2025): 356–79, https://doi.org/10.1080/09599916.2025.2495754.

[14] Y S Zamil et al., "Food Security Policy in Indonesia: The Impact to Land Ownership and Farmers' Welfare," *Bestuur* 13, no. 1 (2025): 30–49, https://doi.org/10.20961/bestuur.v13i1.102837; M Ovitasari, "Regulatory and Policy Responses toward SDGs in Achieving Sustainable Agriculture Productivity in Indonesia," in *IOP Conference Series: Earth and Environmental Science*, vol. 985, 2022, https://doi.org/10.1088/1755-1315/985/1/012027.

[15] V Chhachhar et al., "Agrarian reforms vis-à-vis constitutionalism in india: A comparative analysis with indonesia," *Journal of Indonesian Legal Studies* 10, no. 2 (2025): 887–924, https://doi.org/10.15294/jils.v10i2.31841.

connected to distributive justice and equitable land access.[16] Similarly, Emelia (2024) highlights the structural inequality embedded in Indonesia's agrarian system and critiques the weakening of agrarian constitutionalism through liberal-capitalist development policies.[17] Other studies have explored agrarian reform from the perspective of economic governance and institutional strengthening. Said (2024), for example, compares Indonesian and French agricultural governance models and argues that Indonesia's agrarian reform remains constrained by bureaucratic complexity, overlapping regulations, and weak institutional effectiveness.[18] Meanwhile, Wahid (2025) focuses on land dispute resolution and proposes the establishment of a specialized land court to strengthen legal certainty and institutional capacity in resolving agrarian disputes.[19]

Despite these important contributions, existing studies largely examine agrarian reform through constitutional, human rights, economic governance, or dispute-resolution perspectives. Limited scholarly attention has been devoted to analyzing how institutional fragmentation, overlapping sectoral regulations, and weak governance coordination undermine the acceleration of agrarian reform implementation under Presidential Regulation No. 62 of 2023. In particular, the relationship between legal harmonization, institutional coordination, and land justice within Indonesia's contemporary agrarian governance framework remains insufficiently explored.

This article seeks to fill that gap by critically examining agrarian reform through the perspective of institutional fragmentation and land justice within Indonesia's agrarian governance system. Accordingly, this study analyzes the extent to which Presidential Regulation No. 62 of 2023 can strengthen legal coordination, overcome institutional fragmentation, and promote equitable land governance. By combining normative legal analysis with a broader governance perspective, this article argues that the success of agrarian reform depends not only on redistributive land policies, but also on the state's ability to establish coherent legal frameworks, effective institutional coordination, and sustainable mechanisms for protecting community land rights.

2. Legal Material and Methods

This study employs a doctrinal legal research approach combined with an institutional governance perspective to examine the acceleration of agrarian reform within Indonesia's contemporary land governance framework. The analysis focuses on normative

[16] M I Arisaputra dan A M Ashri, "Agrarian Reform As A Human Rights Imperative: Bridging Inequality And Justice In Land Distribution," *Masalah-Masalah Hukum* 54, no. 2 (2025): 227–39, https://doi.org/10.14710/mmh.54.2.2025.227-239.

[17] E Kontesa dan Z J Fernando, "Reclaiming Our Roots: Agrarian Law's Battle Against Land Grabbing," *Lex Scientia Law Review* 8, no. 2 (2024): 945–84, https://doi.org/10.15294/lslr.v8i2.10681.

[18] Said et al., "Farming Justice on Economic Regulations in Indonesia and France."

[19] Wahid dan Sulistiyono, "Justification For The Establishment Of A Land Court In Indonesia: Realizing Justice In Land Dispute Resolution."

coherence, institutional coordination, and inter-regulatory relations underpinning the implementation of Presidential Regulation No. 62 of 2023 on the Acceleration of Agrarian Reform. Rather than merely describing statutory provisions, the study critically evaluates how sectoral regulatory overlap, institutional fragmentation, and inconsistencies in legal governance affect the effectiveness of agrarian reform implementation in Indonesia.

This research is based on library-based legal inquiry using authoritative primary, secondary, and supporting legal materials. Primary legal materials include constitutional provisions, statutes, presidential regulations, and sectoral legislation governing agrarian reform, land administration, forestry, mining, environmental protection, and spatial planning. Secondary materials consist of scholarly articles, academic monographs, legal commentaries, and policy-oriented studies addressing agrarian justice, legal harmonization, and institutional governance. Supporting materials, such as legal dictionaries and encyclopedias, are used to strengthen conceptual clarification and ensure terminological consistency.

The analysis is conducted through statutory, conceptual, and institutional approaches using systematic legal interpretation of norms, institutional arrangements, and regulatory interconnections shaping agrarian reform implementation. The statutory approach is applied to assess regulatory hierarchy, consistency, and harmonization; the conceptual approach examines principles of agrarian justice, legal certainty, and distributive equity in land redistribution policies; while the institutional approach evaluates patterns of authority fragmentation, inter-agency coordination, and regulatory effectiveness. To enrich the analysis, a limited comparative perspective is incorporated by engaging with broader international discourse on agrarian governance and institutional effectiveness in developing countries. Through this framework, the study assesses the extent to which Presidential Regulation No. 62 of 2023 functions as a coherent legal instrument for strengthening institutional coordination and advancing agrarian justice in Indonesia.

3. Results and Discussion

3.1. Accelerating the Implementation of Agrarian Reform in Indonesia

Agrarian reform has long been a central component of Indonesia's national development agenda, aiming to achieve social justice, equitable land ownership, and economic empowerment of the populace. [20]. Constitutionally, Article 33 paragraph (3) of the 1945 Constitution mandates that land, water, and natural resources are controlled by the state for the greatest possible prosperity of the people. Despite this foundational

[20] Felishella Earlene et al., "Implikasi kebijakan reforma agraria terhadap ketidaksetaraan kepemilikan tanah melalui lensa hak asasi manusia Implications of agrarian reform policies on land ownership inequality through the lens of human rights" 6, no. 2 (2023): 152–70.

principle, the structure of land ownership in Indonesia remains highly concentrated, reflecting historical patterns that date back to the Dutch colonial era, when large tracts of productive land were controlled by private foreign plantations.[21] In the contemporary era, this legacy persists through systems such as Right of Cultivation (HGU) and extensive corporate concessions, resulting in a persistent gap between the constitutional mandate and the reality of land distribution.[22]

This concentration of land ownership represents not only an economic inequality but also a structural legal problem, as it contravenes the constitutional principles of social justice and equitable resource governance. The dominance of a small economic elite in land control has entrenched a pattern of exclusion, particularly affecting farmers, fishers, indigenous peoples, and other marginalized groups.[23] Normatively, this situation highlights the need to analyze agrarian reform not merely as a mechanism of land redistribution, but as a complex legal and institutional intervention aimed at reconciling multiple, sometimes conflicting, normative and statutory frameworks.[24]

Empirical evidence from Konsorsium Pembaruan Agraria (KPA) underscores the persistent and structural nature of agrarian conflicts in Indonesia. Between 2013 and 2018, at least 2,612 agrarian conflict cases were documented, with forest-related disputes accounting for approximately 5–8% of the total cases.[25] The trend has continued in recent years: more than 200 agrarian conflicts were recorded in 2022, while 295 cases were documented in 2024, representing a 21.9% increase from the previous year and affecting more than 1.1 million hectares of land.[26] These conflicts predominantly involve disputes between local communities and corporate actors and are frequently associated with land dispossession, the criminalization of peasants, and broader human rights concerns. The persistence and escalation of such conflicts reveal significant deficiencies not only in the substantive legal framework governing land tenure and agrarian reform, but also in the institutional mechanisms responsible for policy implementation and dispute resolution. This situation further demonstrates that the mere existence of formal legal instruments, including the Basic Agrarian Law of 1960 (Undang-Undang Pokok Agraria 1960) and various sectoral regulations in forestry, mining, and spatial planning, does not guarantee

[21] Yanis Maladi, "Reforma Agraria Berparadigma Pancasila Dalam Penataan Kembali Politik Agraria Nasional," *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 25, no. 1 (2013): 27, https://doi.org/10.22146/jmh.16108.

[22] I Nurlinda et al., "The Implementation of Agrarian Reform for Achieving Food Security: Lessons from West Jawa," *Sriwijaya Law Review*, 2026, 140–55, https://doi.org/10.28946/SLREV.V10I1.5715.

[23] N H Alimuddina et al., "Indonesia's Land Bank Authority: Aligning with Agrarian Law or Facilitating Land Grabbing?," *Journal of Law and Legal Reform* 5, no. 4 (2024): 1609–44, https://doi.org/10.15294/jllr.v5i4.14472.

[24] N A Setiawati et al., "Customary Land Rights and Postcolonial Land Governance: The Case of Pakel Village, Indonesia, 1950s-1980s," *Paramita* 35, no. 2 (2025): 245–57, https://doi.org/10.15294/paramita.v35i2.18311.

[25] J Patiung dan M Dassir, "Tenure Conflict Resolution Strategy For Pongtorra Protected Fores Area In North Toraja," in *IOP Conference Series: Earth and Environmental Science*, vol. 1553, 2025, https://doi.org/10.1088/1755-1315/1553/1/012039.

[26] Patiung dan Dassir.

effective agrarian governance without coherent institutional coordination and regulatory harmonization.

Presidential Regulation No. 62 of 2023 concerning the Acceleration of Agrarian Reform Implementation represents a strategic attempt to address these structural and institutional deficiencies. The regulation provides a legal and operational framework for the Agrarian Reform Task Force (GTRA) and related agencies to: (i) accelerate land legalization processes, (ii) resolve agrarian conflicts, (iii) implement land redistribution programs, and (iv) ensure inter-agency coordination across ministries and institutions.[27] Analytical evaluation, however, suggests that while the regulation strengthens formal institutional arrangements, its capacity to overcome pre-existing fragmentation remains contingent upon: the integration of land data under the One Map Policy, resolution of overlapping sectoral permits, and legal recognition of customary land rights.[28] These conditions are critical for ensuring that redistributed land confers genuine legal security and prevents re-concentration in the hands of a few.

A doctrinal analysis reveals that accelerating agrarian reform involves navigating multiple layers of legal norms and institutional actors. The regulation's effectiveness is mediated by the alignment (or misalignment) between statutory law, customary rights, and sectoral policies. For instance, conflicts between HGU permits and customary claims underscore the necessity for legal harmonization and consistent interpretation of land rights.[29] In this sense, Presidential Regulation No. 62 of 2023 (Perpres 62/2023) is not merely a policy instrument. It functions as a mechanism for normative coherence and institutional synchronization, aiming to reconcile the principles of agrarian justice with practical governance constraints.

Furthermore, agrarian reform must be understood in conjunction with broader socio-economic interventions. Legal redistribution alone is insufficient if beneficiaries lack the resources, technical knowledge, or institutional support to utilize land productively.[30] A comprehensive acceleration strategy therefore requires the integration of legal, economic, and participatory dimensions to ensure sustainability. This approach aligns with the normative principles of equitable land governance and the international agenda on sustainable development, highlighting agrarian reform as both a domestic legal challenge

[27] Farah Ananda Resti dan Harvini Wulansari, "Peran Gugus Tugas Reforma Agraria Mewujudkan Kampung Reforma Agraria," *Jurnal Tunas Agraria* 5, no. 2 (2022), https://doi.org/https://doi.org/10.31292/jta.v5i2.178.

[28] L Nuhidayah, P J Davies, dan S Alam, "Resolving land-use conflicts over Indonesia's customary forests: One map, power contestations and social justice," *Contemporary Southeast Asia* 42, no. 3 (2020): 372–97, https://doi.org/10.1355/cs42-3c.

[29] E Z Octavia, M H Masykur, dan M Fadil, "Legal status of former customary land ownership evidence after its validity period expires: Assessment of the legal certainty over indigenous peoples' land rights," *Law. Human. Environment* 16, no. 3 (2025): 160–72, https://doi.org/10.31548/law/3.2025.160.

[30] G Makamure dan I S Nojiyeza, "Socio-economic outcomes of the Zimbabwe Fast-Track Land Reform program in terms of productive efficiency," *OIDA International Journal of Sustainable Development* 16, no. 12 (2023): 117–26.

and a component of Indonesia's global commitments to the Sustainable Development Goals.

In summary, accelerating the implementation of agrarian reform in Indonesia demands more than regulatory enactment; it requires the orchestration of coherent legal norms, robust institutional coordination, and active community engagement. From a doctrinal perspective, the legal and institutional frameworks, exemplified by Perpres 62/2023, provide critical tools for addressing structural inequalities in land ownership. However, the ultimate success of agrarian reform hinges on the regulation's capacity to mitigate institutional fragmentation, harmonize overlapping legal norms, and empower beneficiaries economically and socially, thus operationalizing the constitutional vision of land justice.

3.2 . Legal Analysis of Presidential Regulation No. 62 of 2023

Presidential Regulation No. 62 of 2023 serves as a pivotal legal instrument aimed at accelerating the implementation of agrarian reform in Indonesia. While sub-bahasan 3.1 addressed the social and economic rationale for agrarian reform, this section focuses on the legal and institutional dimensions, evaluating the regulation's coherence with national agrarian law, its capacity to address institutional fragmentation, and its potential to operationalize constitutional principles of land justice.

Legally, Perpres 62/2023 derives its normative authority from the Basic Agrarian Law No. 5 of 1960 (UUPA) and is intended to operationalize its core principles, including the prevention of excessive land concentration (Article 7 UUPA) and the promotion of equitable land distribution (Article 17 UUPA). The regulation establishes a framework for two main mechanisms: (i) legalization of land assets already controlled by communities informally, and (ii) redistribution of land from state land, abandoned land, or former HGU holdings that have not been renewed.[31] From a doctrinal perspective, these mechanisms demonstrate an attempt to translate normative principles of social justice into actionable legal procedures.

A key feature of the regulation is the establishment of the Agrarian Reform Task Force (GTRA) across multiple levels of government. The GTRA is tasked with coordinating ministries, local governments, and community actors to implement reform programs.[32] While the creation of such a cross-sectoral body addresses past challenges of institutional fragmentation and asynchronous implementation, doctrinal analysis highlights several limitations. In practice, the GTRA often lacks sufficient enforcement authority, particularly in reviewing permits, revoking unlawful claims, and ensuring equitable land distribution. Consequently, the regulation's formal coherence does not automatically

[31] Guntoro, "Menggagas Reforma Agraria Perkotaan : Perspektif Hak Asasi Manusia dan Good Governance Untuk Pemenuhan Hak Atas Tempat Tinggal Universitas Indonesia , Indonesia At-Tasyrih : Jurnal Pendidikan dan Hukum Islam," *At-Tasyrih: Jurnal Pendidikan dan Hukum Islam* 11, no. June (2025): 35–52.

[32] Rismahayani et al., "Tinjauan Yuridis Peran Gtra (Gugus Tugas Reforma Agraria) Dalam Pelaksanaan Reforma Agraria Di Kabupaten Kuantan Singingi," *Jurnal Review Pendidikan dan Pengajaran* 8, no. 1 (2025): 2179–92.

translate into functional effectiveness, illustrating the gap between normative intent and institutional capacity.

Perpres 62/2023 also emphasizes the integration of agrarian data through the One Map Policy, aiming to mitigate conflicts arising from overlapping concessions, customary claims, and unclear legal status.[33] This mechanism demonstrates awareness of the structural sources of legal uncertainty in the agrarian sector. However, a critical legal analysis reveals potential tensions between the Perpres and other sectoral regulations, such as forestry, mining, and spatial planning laws. For instance, overlapping mandates may persist if inter-ministerial coordination is weak, undermining the normative goal of distributive justice. From a comparative doctrinal perspective, this highlights the need for harmonization of laws and clear operational authority to prevent fragmentation of legal norms at the implementation level.[34]

Another analytical focus is the regulation's approach to legal protection and participatory governance. Perpres 62/2023 mandates the certification of land rights and the involvement of civil society organizations, farmer associations, and academics in the verification process. While these provisions theoretically enhance legal certainty and public accountability, their practical efficacy depends on robust enforcement mechanisms, transparent complaint channels, and the mitigation of potential political interference.[35] In other words, the regulation's success in promoting land justice is contingent upon institutional credibility and stakeholder capacity, rather than the mere existence of legal norms.

Furthermore, doctrinal evaluation indicates that economic sustainability is an essential dimension of legal effectiveness. Land redistribution without complementary programs for agricultural training, access to finance, and technical support risks undermining the objectives of social justice and economic empowerment.[36] From a legal perspective, the regulation implicitly recognizes this need by emphasizing cross-sectoral collaboration with the Ministry of Agriculture, microfinance institutions, and other relevant agencies. The normative challenge, however, lies in ensuring that these inter-institutional arrangements are legally binding and enforceable, thereby preventing the reconcentration of land or the emergence of new inequities.

In conclusion, Perpres 62/2023 embodies a normatively coherent legal framework that aligns with the UUPA and constitutional principles of land justice. Nevertheless, doctrinal and institutional analysis reveals that its effectiveness is conditional upon: (i)

[33] Nuhidayah, Davies, dan Alam, "Resolving land-use conflicts over Indonesia's customary forests: One map, power contestations and social justice."

[34] S Aksinudin, "Implikasi Pertanahan Dalam Penanganan Konflik Agraria Di Indonesia," *Jurnal Litigasi* 24, no. 2 (2023): 184–204, https://doi.org/10.23969/litigasi.v24i2.9804.

[35] Z Akhmadiyeva dan T Herzfeld, "How does practice matches land laws in Central Asia?," *Land Use Policy* 109 (2021), https://doi.org/10.1016/j.landusepol.2021.105726.

[36] M Sadyohutomo, "The benefits of an agrarian reform model in Indonesia," in *IOP Conference Series: Earth and Environmental Science*, vol. 202, 2018, https://doi.org/10.1088/1755-1315/202/1/012030.

resolving overlaps and inconsistencies across sectoral regulations, (ii) strengthening the operational authority of the GTRA, (iii) ensuring transparent and participatory governance, and (iv) integrating legal redistribution with economic empowerment strategies. By addressing these challenges, the regulation has the potential to transform agrarian reform from a procedural exercise into a substantive mechanism for achieving equitable land ownership and sustainable social justice in Indonesia.

3.3. Obstacles to the Implementation of Agrarian Reform and Handling Strategies

The implementation of agrarian reform in Indonesia continues to encounter a complex and interrelated set of obstacles that significantly impede equitable land distribution and the realization of social justice. From a legal and regulatory perspective, the persistence of fragmented and overlapping sectoral regulations - covering forestry, mining, plantations, spatial planning, and land-use permits (HGU/HPL) - creates substantial normative ambiguity and legal uncertainty. Presidential Regulation No. 62 of 2023 (Perpres 62/2023), although providing procedural guidance for the acceleration of reform, cannot fully resolve these conflicts without comprehensive, legally binding harmonization across sectors. Consequently, land that could potentially be redistributed often remains constrained by legal disputes or competing claims, revealing a critical gap between normative design and enforceability. Empirical evidence from Sirait (2017) illustrates this challenge: in the redistribution of "state" forest lands to local tillers in Java and Sumatra, lands previously subject to informal communal tenure or allocated to state-owned logging and plantation concessions were transferred to individual ownership without full administrative compliance or compensation to former concession holders.[37] This case highlights the persistent tension between formal legal frameworks and preexisting land use arrangements, demonstrating how regulatory complexity and fragmented authority can generate inequality and uncertainty even after redistribution.

Institutional limitations further complicate the implementation process. The Agrarian Reform Task Force (GTRA) is tasked with coordinating efforts across ministries and local governments; however, its operational authority - particularly regarding land redistribution, permit review, and dispute resolution - is frequently constrained. Local governments, often limited by budgetary resources, human capacity, or political-economic interests, may inadvertently delay or obstruct reform initiatives. This misalignment between policy objectives and institutional capacity underscores that formal legal provisions alone are insufficient; effective implementation requires empowered and accountable agencies with the operational authority to exercise it. Similar institutional and participatory dynamics are observed in Afrizal's (2026) study of Indonesia's TORA program, where the transformation of communal Indigenous land into individual titles resolved legal conflicts with state-owned companies but simultaneously undermined

[37] M T Sirait, B White, dan U Pradhan, "Land Rights and Land Reform Issues for Effective Natural Resources Management in Indonesia," in *Redefining Diversity and Dynamics of Natural Resources Management in Asia*, vol. 1, 2017, 141–55, https://doi.org/10.1016/B978-0-12-805454-3.00009-8.

collective tenure.[38] Such cases reveal the critical importance of institutional credibility and stakeholder engagement in ensuring that land redistribution does not exacerbate social inequality.

Technical and data-related challenges exacerbate these constraints. Current land administration systems suffer from incomplete mapping, outdated technology, and limited human expertise, producing overlapping certificates, inaccurate measurements, and unresolved claims. Although the One Map Policy mandates the integration of spatial and administrative datasets, its effectiveness depends on reliable, enforceable, and legally recognized information. Inaccuracies in land data not only hinder enforcement but also increase the risks of corruption and unauthorized land appropriation, thereby undermining public confidence in the reform process. The empirical experiences reported by Sirait (2017) further underscore the consequences of incomplete or inaccurate cadastral information, as disputes arose over lands that had been informally managed by local communities but were officially claimed as state property.[39]

Participatory dynamics also play a critical role in shaping reform outcomes. Many communities continue to rely on customary leaders or informal mechanisms to assert land claims, while formal institutions such as the National Land Agency (BPN) remain underutilized or inaccessible to vulnerable populations. This asymmetry in access to legal recourse amplifies risks of displacement, criminalization, and exclusion, illustrating the persistent gap between procedural frameworks and substantive protection of land rights. Ensuring meaningful participation, particularly for marginalized groups and Indigenous communities, is therefore essential for equitable and sustainable agrarian reform. Afrizal's (2026) analysis of the Senama Nenek community demonstrates that legal recognition through individual titles can provide formal security yet simultaneously disenfranchise collective customary rights, emphasizing the socio-political dimensions of agrarian reform beyond technical or legal compliance.[40]

Addressing these multidimensional obstacles requires integrated and strategic interventions. Regulatory harmonization is essential to reduce normative conflicts and clarify priorities for land redistribution. Institutional strengthening at central and local levels - through training, dedicated work units, and legal empowerment - ensures that GTRA and other agencies can execute authority effectively. Enhancing land data reliability through GIS-based systems, digital certification, and transparent monitoring mechanisms is necessary to prevent disputes and foster public trust. Participatory governance must be institutionalized, involving farmer organizations, NGOs, academics, and local communities in verification, monitoring, and dispute resolution. Complementary economic empowerment initiatives - such as access to credit, training, and productive inputs - ensure

[38] Dewi, "The Developmental Politics of Land Conflict Resolution: Insights From Indonesia's TORA Programme."

[39] Sirait, White, dan Pradhan, "Land Rights and Land Reform Issues for Effective Natural Resources Management in Indonesia."

[40] Dewi, "The Developmental Politics of Land Conflict Resolution: Insights From Indonesia's TORA Programme."

that redistributed land becomes a sustainable and productive asset, rather than a new burden.

A comparative perspective further illuminates the contextual dimensions of these challenges. In Indonesia, major impediments include regulatory fragmentation, elite concentration of land ownership, and institutional incoherence, whereas in Jordan, land tenure insecurity is predominantly influenced by patriarchal inheritance practices and gender-based exclusion within formal registration systems. As demonstrated by Viktoriia Adamenko (2024) in her study entitled Gender and Inequality for Land Supply in Jordan, women in Jordan remain disproportionately affected by insecure land tenure due to the interaction between formal legal structures, customary norms, bureaucratic barriers, and unequal inheritance practices.[41] Despite these contextual differences, both cases demonstrate that agrarian reform cannot be addressed solely through formal legal instruments. Inclusive governance structures, institutional credibility, and equitable access to land rights are crucial determinants of successful implementation, reinforcing the understanding that agrarian reform is as much a socio-political process as a legal or administrative one.

From an analytical standpoint, these obstacles highlight that agrarian reform is not merely a legal or administrative procedure but a complex interplay between normative design, institutional capacity, technical infrastructure, and participatory mechanisms. While Perpres 62/2023 provides a coherent procedural framework, its effectiveness is contingent upon addressing structural gaps, aligning cross-sectoral regulations, strengthening implementing institutions, and actively engaging stakeholders. The integration of empirical insights from Sirait (2017) and Afrizal (2026) demonstrates how practical challenges - ranging from regulatory complexity to the socio-cultural implications of individualizing communal lands - must be considered alongside formal legal mechanisms. Only through such comprehensive strategies can agrarian reform achieve its broader objectives of sustainable land justice, social equity, and inclusive development, offering lessons not only for Indonesia but also for other countries confronting similar structural and socio-cultural challenges in land governance.

4. Conclusion (bold, 12 pt)

Agrarian reform constitutes a strategic agenda for promoting social justice, equitable land ownership, and economic empowerment in Indonesia. This study demonstrates that while Presidential Regulation No. 62 of 2023 provides a robust normative and legal framework for accelerating agrarian reform, its effectiveness is constrained by institutional fragmentation, overlapping sectoral regulations, insufficient land data, and limited local implementation capacity. Analytically, these findings reveal a persistent gap between normative intent and practical execution, emphasizing that legal

[41] V Adamenko dan L Al-Sabatin, "Gender and Inequality for Land Supply in Jordan," in *Innovations for Land Management, Governance, and Land Rights for Sustainable Urban Transitions: The Middle Eastern Perspectives*, 2024, 261–84, https://doi.org/10.1007/978-3-031-59671-1_11.

instruments alone cannot achieve agrarian justice without synchronized policies, empowered institutions, and active stakeholder participation. Strengthening the Agrarian Reform Task Force (GTRA), ensuring data transparency through integrated mapping, and enforcing legal protections for land recipients are therefore critical for bridging this gap. Furthermore, agrarian reform must be holistically integrated with community empowerment, economic access, and participatory mechanisms to ensure sustainable utilization of redistributed land. Beyond land redistribution, the reform program should function as a transformative instrument that aligns constitutional mandates with practical implementation, fostering equitable resource control and inclusive development.

This study contributes to the scholarly discourse on Indonesian agrarian law by highlighting the interplay between legal frameworks, institutional capacity, and socio-economic participation, offering insights into how regulatory acceleration can translate into meaningful social and economic outcomes. In conclusion, the successful implementation of agrarian reform requires legal coherence, institutional strength, and multi-stakeholder engagement, positioning it as a cornerstone for achieving land justice and sustainable welfare in Indonesia.

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