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Reconstructing Hak Guna Usaha (HGU) Policy in Indonesia's Plantation Sector: A Public Policy Approach to Agrarian Justice and Environmental Sustainability

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Abstract

This study reconstructs the legal and policy framework governing *Hak Guna Usaha* (HGU) in Indonesia's plantation sector. Doctrinal scholarship has diagnosed the departure of HGU regulation from the Basic Agrarian Law of 1960 (UUPA) but rarely explains how legal reconstruction becomes enacted policy. Combining normative legal research (statutory and conceptual approaches) with a document-based policy analysis using the Advocacy Coalition Framework, the study asks how HGU is regulated under Government Regulation No. 18 of 2021

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and related instruments, how compatible this regulation is with agrarian justice, the social function of land, and environmental sustainability, and what reconstruction and advocacy pathways are feasible. It finds that renewal of the staged 35+25+35-year tenure rests on open-textured criteria, that no ceiling binds land rights held by corporate groups, and that environmental carrying capacity is not a condition for granting or renewing HGU. These gaps coincide with persistent conflict: 295 agrarian conflicts were recorded in 2024, 111 of them in plantations. The study proposes group-level ceilings, staged and criteria-based tenure evaluation consistent with Constitutional Court Decisions 21-22/PUU-V/2007 and 185/PUU-XXII/2024, and carrying-capacity indicators with graded consequences, together with an advocacy roadmap assigning actors, outputs, and milestones.

Keywords

Hak Guna Usaha; agrarian justice; environmental sustainability; public policy; advocacy coalition

A. Introduction

Article 33(3) of the 1945 Constitution provides that "the earth, water, and natural resources contained therein shall be controlled by the State and utilized for the greatest prosperity of the people."[1] The State thus acts not as a private owner. Still, as a public authority on behalf of the people, the General Elucidation of the Basic Agrarian Law (Undang-Undang Pokok Agraria/UUPA) states that the State, as the organization of the entire people, holds a right of control, not ownership, over land and serves as the regulator, manager, and supervisor of agrarian resources.[2]

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[1] Indonesia, Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, art. 33(3), https://peraturan.go.id/id/uud-1945.

[2] Indonesia, Undang-Undang Nomor 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria (UUPA), Lembaran Negara Republik Indonesia Tahun 1960 Nomor 104, https://peraturan.go.id/id/uu-no-5-tahun-1960; see also Aisyah Syafa Carolina, Teza Salih Mauludin, and Meiza Hafilda, "Menakar Ukuran Ideal

Land Cultivation Rights (Hak Guna Usaha/HGU) are the primary legal instrument for large-scale plantation activity. Established under Law Number 5 of 1960 (UUPA), HGU has underpinned plantation commodities such as rubber, oil palm, tea, coffee, and sugarcane, and is designed to reconcile investment with the orderly use of state land.[3] Its current regulation is primarily Government Regulation Number 18 of 2021 (PP 18/2021), an implementing regulation of the Job Creation Law.[4]

A significant change appears in Article 27 of PP 18/2021, which sets out HGU holders' obligations. Unlike earlier regulations, Article 27(a) no longer lists plantation activities as permitted uses and refers only to agricultural, fisheries, and livestock activities, even though Article 27(i) still assumes plantation use by limited liability companies.[5] Plantation-specific rules, including area ceilings, now appear in Government Regulation Number 26 of 2021 (PP 26/2021).[6] This does

Pembatasan Hak Guna Usaha (HGU) untuk Badan Hukum sebagai Upaya Mengatasi Ketimpangan Penguasaan Lahan Perkebunan Kelapa Sawit di Indonesia," Jurnal Hukum Lex Generalis 3, no. 9 (2022): 712–29, https://doi.org/10.56370/jhlg.v3i9.306.

3 Boedi Harsono, Hukum Agraria Indonesia: Sejarah Pembentukan UUPA, Isi dan Pelaksanaannya (Jakarta: Djambatan, 2003), https://lib.ui.ac.id/detail?id=20362099&lokasi=lokal.

4 Indonesia, Peraturan Pemerintah Nomor 18 Tahun 2021 tentang Hak Pengelolaan, Hak Atas Tanah, Satuan Rumah Susun, dan Pendaftaran Tanah, arts. 22, 27, https://peraturan.bpk.go.id/Details/161848/pp-no-18-tahun-2021; see also Mutiara Panjaitan, Agus Sardjono, and Harsanto Nursadi, "Ensuring Land Status Security to Accelerate the Rejuvenation of Small-Scale Oil Palm Plantations in Indonesia," Jurnal Hukum Unissula 40, no. 2 (2024): 88–109, https://doi.org/10.26532/jh.v40i2.39387.

5 Aditya Darmawan Zakaria, "Kebijakan Pemberian Hak Guna Usaha Di Atas Hak Pengelolaan Dalam Perspektif Undang-Undang Pokok Agraria," Notaire 5, no. 1 (2022): 1–16, https://doi.org/10.20473/ntr.v5i1.33073.

6 Indonesia, Peraturan Pemerintah Nomor 26 Tahun 2021 tentang Penyelenggaraan Bidang Pertanian, https://peraturan.bpk.go.id/Details/161856/pp-no-26-tahun-2021.

not remove HGU from plantation investment; instead, it spreads the regime across instruments with different purposes.[7]

The most contested feature is tenure. Article 22(1) of PP 18/2021 provides that HGU may be granted for up to 35 years, extended for up to 25 years, and renewed for up to a further 35 years, a cumulative 95 years, whereas UUPA Article 29 contemplated at most 60 years.[8] Long tenure is not unconstitutional as such: the Constitutional Court rejected an up-front grant of 95 years but accepted a staged structure in which each stage depends on evaluation criteria.[9] The decisive question is therefore the quality of the evaluation, not only the number of years.

The urgency is documented in official and civil-society data, used here with their dates and limitations. The Ministry of Agriculture fixed national oil palm cover at 16.38 million hectares,[10] about 53 percent (8.64 million hectares) held by private estates, 42 percent by

[7] Setiawan Wicaksono, Imam Koeswahyono, Iwan Permadi, and Hanif Nur Widhiyanti, "Paradigm Transformation in Land Area of Plantation Cultivation Right from Agrarian Basic Law to Job Creation Law," YURISDIKSI: Jurnal Wacana Hukum dan Sains 21, no. 3 (2025): 299–320, https://doi.org/10.55173/yurisdiksi.v21i3.312.

[8] Indonesia, Peraturan Pemerintah Nomor 18 Tahun 2021, art. 22(1); Undang-Undang Nomor 5 Tahun 1960, art. 29 (HGU of up to 25 years, or 35 years for enterprises needing a longer period, extendable by up to 25 years).

[9] Mahkamah Konstitusi, Putusan Nomor 21-22/PUU-V/2007 (read 25 March 2008), invalidating the words "di muka sekaligus" in art. 22 of Undang-Undang Nomor 25 Tahun 2007 tentang Penanaman Modal, https://peraturan.bpk.go.id/Details/39903/uu-; Putusan Nomor 185/PUU-XXII/2024 (read 13 November 2025), reading art. 16A of the IKN Law as HGU of up to 35 years, extension of up to 25 years and renewal of up to 35 years "berdasarkan kriteria dan tahapan evaluasi," https://en.mkri.id/news/details/2025-11-13/Land_Rights_Periods_in_the_IKN_Law_No_Longer_Two_Cycles.

[10] Kementerian Pertanian Republik Indonesia, data areal perkebunan kelapa sawit nasional, reported in "Kementerian Pertanian: Luas Perkebunan Sawit Indonesia Capai 16,38 Juta Hektare," GoodStats, 2025, https://goodstats.id/article/kementerian-pertanian-luas-perkebunan-sawit-indonesia-capai-16-38-juta-hektare-6r5BV; see also Jan Horas V. Purba and Tungkot Sipayung, "Perkebunan Kelapa Sawit Indonesia dalam Perspektif Pembangunan Berkelanjutan," Masyarakat Indonesia 43, no. 1 (2017): 81–94, https://doi.org/10.14203/jmi.v43i1.717.

smallholders and 5 percent by state-owned enterprises.[11] Official figures are not fully consistent, and the palm oil fund agency BPDPKS acknowledged in 2024 that no single dataset exists.[12] TuK Indonesia estimated that 25 business groups controlled about 5.8 million hectares of oil palm land bank, including unplanted land, in 2017.[13] Regarding conflict, the Consortium for Agrarian Reform (KPA) recorded 295 agrarian conflicts in 2024, a 21 percent increase from 2023, with 111 in plantations, and attributed some to the issuance or extension of HGU and location permits;[14] its next report records 341 conflicts in 2025.[15] These data indicate an association with HGU, the title through which corporate plantation control is secured, not causation.

Existing scholarship has largely followed a doctrinal path, testing statutory provisions against UUPA or analyzing specific disputes

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[11] Kementerian Pertanian, Keputusan Menteri Pertanian Nomor 833/KPTS/SR.020/M/12/2019 (national oil palm cover); composition as reported on the Ministry's Satu Data portal, https://satudata.pertanian.go.id/details/berita/382.

[12] Investortrust.id, "BPDPKS: Belum Ada Data Tunggal Lahan dan Produktivitas Perkebunan Sawit," 19 June 2024, https://investortrust.id/business/30628/bpdpks-belum-ada-data-tunggal-lahan-dan-produktivitas-perkebunan-sawit.

[13] TuK Indonesia, *Kuasa Taipan Kelapa Sawit di Indonesia* (Jakarta: TuK Indonesia, 2018), as reported in CNN Indonesia, "3,3 Juta Ha Tanah Kalimantan Dikuasai 25 Konglomerat Sawit," 30 January 2019, https://www.cnnindonesia.com/ekonomi/20190130123639-92-365032/33-juta-ha-tanah-kalimantan-dikuasai-25-konglomerat-sawit. This is an NGO estimate of land bank, including unplanted land, and is not an official figure.

[14] Konsorsium Pembaruan Agraria (KPA), *Catatan Akhir Tahun 2024* (Jakarta: KPA, 2025), as reported in Kompas.com, "Konflik Tanah Tahun 2024 Naik 21 Persen, Perkebunan Sawit Mendominasi," 22 January 2025, https://www.kompas.com/properti/read/2025/01/22/120325721/konflik-tanah-tahun-2024-naik-21-persen-perkebunan-sawit-mendominasi; and GoodStats, "Perkebunan Jadi Sektor dengan Konflik Agraria Terbanyak pada 2024," https://data.goodstats.id/statistic/perkebunan-jadi-sektor-dengan-konflik-agraria-terbanyak-pada-2024-lpeuD. Cumulative 2015–2024 figures: https://data.goodstats.id/statistic/konflik-agraria-di-sektor-perkebunan-didominasi-kasus-kelapa-sawit-pada-2024-8VMIf.

[15] KPA, *Catatan Tahunan 2025*, as reported in GoodStats, "Setahun Prabowo-Gibran, Jumlah Konflik Agraria Capai Titik Tertinggi dalam 5 Tahun," https://goodstats.id/article/setahun-prabowo-gibran-konflik-agraria-capai-titik-tertinggi-dalam-5-tahun-NByRb.

through the lens of agrarian justice.[16] It diagnoses normative shortcomings well, but three questions remain largely unexamined: which provisions produce the incompatibility and how a reform can be written in measurable, enforceable terms; through which actors, coalitions, and venues a legal reconstruction is adopted, resisted, or diluted;[17] and what advocacy strategy civil society, legal aid institutions, and affected communities can pursue. Bibliometric reviews similarly find that studies linking agrarian law reform to the policy process remain scarce.[18] This article addresses that gap.

The article poses three questions. RQ1: How is HGU regulated in plantation investment under PP 18/2021 and related instruments? RQ2: To what extent, and through which provisions, is this regulation incompatible with agrarian justice, the social function of land, and environmental sustainability as embodied in UUPA and the 1945 Constitution? RQ3: What legal reconstruction, specified by measurable criteria, and what public policy and advocacy pathway can correct those incompatibilities? The proposal also supports Sustainable Development Goal 16, particularly accountable institutions and participatory decision-making (targets 16.6 and 16.7), and the land-related ecological goals of SDGs 13 and 15.[19]

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[16] See, e.g., Sugi Asadi and Ruhadini, "Eksistensi Hak Guna Usaha (HGU) terhadap Tanah Negara dalam Perspektif Keadilan Agraria," SEIKAT: Jurnal Ilmu Sosial, Politik dan Hukum 3, no. 5 (2024): 236–242, https://doi.org/10.55681/seikat.v3i5.1577; Dinalara Dermawati ButarButar, "Implementation of Palm Oil Plantation Use Rights in the Dialectic of Investment Certainty and Agrarian Justice," Jurnal Akta 13, no. 1 (2026), https://doi.org/10.30659/akta.v13i1.51653.

[17] Slamet Widodo, "A Critical Review of Indonesia's Agrarian Reform Policy," Journal of Regional and City Planning 28, no. 3 (2017): 204–218, https://doi.org/10.5614/jrcp.2017.28.3.4.

[18] Dewi Gafuraningtyas, Raldi Hendro Koestoer, Hafid Setiadi, and Mohammad Ridwan Lessy, "Transformative Pathways of Agrarian Reform: Comparative Bibliometric Insights of Southeast Asia and Indonesia Cases," The Journal of Indonesia Sustainable Development Planning 5, no. 1 (2024): 38–53, https://doi.org/10.46456/jisdep.v5i1.534.

[19] United Nations, "Goal 16: Peace, Justice and Strong Institutions," https://www.un.org/sustainabledevelopment/peace-justice/.

The novelty is threefold: the article tests HGU regulation, provision by provision, against an explicit benchmark; it ties the reforms to the Constitutional Court's evaluation-based reading of land-right tenure; and it links the reconstruction to an advocacy roadmap that assigns actors, outputs, and milestones, applying the Advocacy Coalition Framework operationally rather than merely describing it.

Section B outlines the method; Section C tests HGU regulation against the standard of agrarian justice; Section D presents the reconstruction; Section E analyzes the coalitions that can carry it into policy and proposes a roadmap; Section F concludes.

B. Research Method

This is normative legal research with two analytical layers. The first uses a statutory approach that identifies and interprets the provisions governing the grant, term, extension, renewal, obligations, and cancellation of HGU in plantation investment, and a conceptual approach that provides the benchmark: agrarian justice, the social function of land (UUPA Article 6), and environmental sustainability (Articles 28H(1) and 33(4) of the 1945 Constitution).[20]

The second layer is a policy-process perspective that builds on the first. The statutory and conceptual layers yield a list of incompatibilities and a reconstruction proposal (RQ1, RQ2, and part of RQ3); the policy layer asks which actors would support or resist each element, with what resources and through which venues (RQ3). The two are synthesized by mapping each reform to the coalition that would carry it and to the stage of the roadmap at which it is advanced (Table 1).

TABLE 1. Research Design: From Research Questions to Outputs

RQ	Approach and Focus	Materials	Technique and Output
RQ1	Statutory approach: How HGU is granted, extended, renewed, enforced, and limited.	• PP 18/2021 (Arts. 19–33) • PP 26/2021 (Art. 3) • UUPA	• Grammatical and systematic interpretation • Inventory of provisions and

[20] Peter Mahmud Marzuki, *Penelitian Hukum*, rev. ed. (Jakarta: Kencana, 2017).

		• Law 32/2009 • UUPA Arts. 6, 7, 13(2), 17 • Constitution Arts. 28H(1), 33(3)–(4)	cross-instrument links
RQ2	Conceptual approach: Compatibility with agrarian justice, social function, and environmental sustainability.	• Constitutional Court decisions • Scholarship • Official and NGO data	• Teleological interpretation • Provision-level test (Table 2) • Counterargument analysis • Data used to test plausibility, not to prove causation
RQ3	Conceptual approach plus policy-process lens (ACF): Reconstruction and pathway.	• Outputs of RQ1–RQ2 • Court filings and decisions • Regulations • Organizational reports • Advocacy studies	• Reform design with measurable criteria (Tables 3–4) • Coalition and resource mapping (Table 5) • Roadmap (Table 6)
Synthesis	Each reform mapped to its coalition and roadmap stage.	All of the above.	Tables 5–7: Sequencing and recommendations by actor.

Source: Author's analysis, 2026.

Primary legal materials in force in October 2026, including amendments, that regulate HGU, plantation licensing, or the environmental protection of plantation land, together with Constitutional Court decisions interpreting them: the 1945 Constitution, UUPA, PP 18/2021, PP 26/2021 as amended by PP 52/2023, Law 32/2009, PP 71/2014 as amended by PP 57/2016, and Decisions 21-22/PUU-V/2007, 35/PUU-X/2012, and 185/PUU-XXII/2024. Provisions were interpreted grammatically, systematically, and teleologically. Secondary sources were retained if they were peer-

reviewed or published by academic presses on Indonesia or comparable tenure regimes, and older foundational works were also included.

Empirical data are used only to test whether regulatory gaps align with observable outcomes. Official figures were preferred; when no official equivalent was available, civil-society datasets (KPA's conflict reports and TuK Indonesia's land-bank study) were used. The NGO origin is noted, and conflicting figures are reported rather than reconciled.

The ACF is applied in five steps.[21] (1) The subsystem is defined as the regulation of plantation land rights (HGU). (2) Actors are grouped into coalitions based on beliefs expressed in documents (court filings and decisions, regulations, official statements, and organizational reports), distinguishing policy core beliefs about tenure, ceilings, and evaluation from secondary beliefs about administrative instruments. (3) Each coalition's resources are assessed: formal authority, public opinion, information, mobilizable constituencies, finance, and leadership. (4) Routes to policy change (external shocks, policy-oriented learning, negotiated agreement, and internal events) and the policy-window concept[22] are used to identify openings. (5) Each reform in Section D is mapped to the coalition most likely to support or resist it, and the Section E roadmap is derived from that mapping.

The actor analysis draws on literature and documents; no interviews or field surveys were conducted, so coalition membership is inferred from public positions and may underrepresent informal actors. Much of the conflict and concentration data comes from advocacy organizations favoring agrarian reform; figures were therefore compared with official data where available, and conclusions rest on regulatory text rather than any single dataset. The benchmark is normative: the authors' preference for the UUPA reading of land rights as a social institution is stated openly, and investment-oriented counterarguments are examined

[21] Paul A. Sabatier and Christopher M. Weible, "The Advocacy Coalition Framework: Innovations and Clarifications," in *Theories of the Policy Process*, ed. Paul A. Sabatier, 2nd ed. (Boulder, CO: Westview Press, 2007), 189–220.

[22] John W. Kingdon, *Agendas, Alternatives, and Public Policies*, updated 2nd ed. (Boston: Longman, 2011).

in Section C. Proposed thresholds and indicators require calibration through regulatory impact assessment.

C. The Compatibility of Land Cultivation Rights Regulation in Plantation Investment with the Principles of Agrarian Justice

This section tests HGU regulation against a three-part benchmark, analyzes the relevant provisions, explains how the regulation contributes to concentration and conflict, and examines the strongest counterarguments.

1. The Normative Benchmark

UUPA was enacted as a constitutional framework for agrarian justice, ensuring equitable access to land and realizing the social function of land rights. It established a unified national agrarian system to replace the dualist land regime inherited from the Dutch colonial administration, which had created legal uncertainty, unequal treatment, and structural disparities in land ownership and use.[23]

Three principles form the benchmark. The first is distributive justice: UUPA Article 7 prohibits holding land beyond limits; Article 13(2) directs the Government to prevent private monopolies in agrarian affairs; and Article 17 requires legislation to set maximum and minimum areas.[24] The second is the social function of land: under Article 6, all land rights have a social function, making land a social asset rather than a purely economic commodity. The third is environmental sustainability: Article 33(4) of the Constitution requires the economy to be organized on principles of sustainability and environmental

[23] ButarButar, "Implementation of Palm Oil Plantation Use Rights" (see note 16 above).

[24] Daniel Fitzpatrick, "Disputes and Pluralism in Modern Indonesian Land Law," *Yale Journal of International Law* 22, no. 1 (1997): 171–212; see also Anton Lucas and Carol Warren, eds., *Land for the People: The State and Agrarian Conflict in Indonesia* (Athens: Ohio University Press, 2013).

insight, and Article 28H(1) guarantees a good and healthy environment. Together, these principles make HGU a conditional public-law right whose legitimacy depends on its contribution to these ends.

HGU was introduced as a limited right to cultivate state land for agricultural and plantation activities. In practice, however, its implementation in the plantation sector increasingly prioritizes investment certainty and productivity over the distributive objectives of UUPA,[25] turning HGU from an instrument of productive land use into a mechanism that facilitates the accumulation of land control by large corporate actors.

Agrarian justice requires that access to land be distributed fairly, and that land law contribute to the welfare of society as a whole rather than to economically dominant actors. The concentration of plantation land in a small number of corporate entities reflects a structural imbalance.[26]

2. Provision-Level Analysis of the Current HGU Regime

A general statement of incompatibility is insufficient; the question is which provisions create it. Table 2 evaluates the central provisions of PP 18/2021 and related instruments against the benchmark.

TABLE 2. Provisions of the HGU Regime Tested Against the Benchmark

Provision	What it Provides	Incompatibility with the Benchmark	Proposed Correction
PP 18/2021, Art. 22(1)	HGU granted for up to 35 years,	Exceeds the 60-year horizon of UUPA	Make each stage conditional on

[25] Lego Karjoko, I Gusti Ayu Ketut Rachmi Handayani, and Adi Sulistiyono, "Setting of Plantation Land Area Limitation Based on Social Function Principles of Land Cultivation Rights to Realize Social Welfare-Promoting Plantation," Jurnal Dinamika Hukum 17, no. 1 (2017): 1–7, https://doi.org/10.20884/1.jdh.2017.17.1.606.

[26] Maria S.W. Sumardjono, Tanah dalam Perspektif Hak Ekonomi, Sosial dan Budaya (Jakarta: Kompas, 2008), https://pustakaagraria.kpa.or.id/agraria/tanah-dalam-perspektif-hak-ekonomi-sosial-dan-budaya-by-prof-dr-maria-s-w-sumardjono-sh-mcl-mpa/.

	extended for up to 25 years, and renewed for up to 35 years (95 years in total).	Art. 29; acceptable only if every stage is conditional, which the text does not ensure.	evaluation (see Table 3).
Arts. 25(1), 26(1)	Extension or renewal requires the land to remain "cultivated and utilized well," compliance with grant terms, conformity with the spatial plan, and no public-interest use; an extension may be filed once crops are mature.	Criteria are open-ended and unmeasured; no environmental, community, or conflict criteria; no midterm review; no disclosure of results.	Include an evaluation clause with measurable criteria; allow filing only after a midterm evaluation.
Art. 22(3)	The former holder may receive priority after expiry, considering natural resources, the environment, and the condition of the land and surrounding community.	Ecological and community factors appear only at reallocation, not at the extension decision under Article 25(1).	Move these factors into Art. 25(1).
Arts. 27(d), (f), (g), (i); 28(c)–(d)	Duties to maintain soil and the environment, manage high conservation value (HCV) areas and riparian zones, facilitate community plantations of at least 20%, and prohibit burning	Duties lack indicators and are not linked to renewal; cancellation under Art. 31(b)(1) is discretionary and ungraded.	Indicators (Table 4); graded sanctions; mandatory review once triggers are met.

	and environmental damage.		
Arts. 19–33 (silence)	HGU may be held by Indonesian citizens and Indonesian legal entities; no area limit applies.	UUPA Arts. 7 and 17 require limits on holdings, yet none apply to HGU held by legal entities or groups.	Group-level ceiling by ultimate beneficial owner.
PP 26/2021, Art. 3 (amended by PP 52/2023)	Nationwide ceiling of 100,000 ha per plantation company for oil palm; companies already operating are exempt; assigned SOEs may be exempted.	Applies per company, not per group; regulates the business area, not the land right; broad transitional exemption.	Applies to groups and HGU; time-limited exemptions.
Art. 22(2); Art. 31(g)	Land reverts to the State upon expiration or upon declaration of abandonment.	No obligation to allocate returned land for agrarian reform.	Public register and minimum redistribution share.

Source: Author's analysis, 2026.

Three patterns emerge. First, the regime is procedurally dense but substantively thin: renewal conditions are general and leave the decision to administrative discretion. Second, environmental and community considerations are formally present but are placed where they cannot influence the decisive step. Third, the instrument that limits area (PP 26/2021) and the instrument that grants rights (PP 18/2021) are not linked, so no ceiling binds the land right itself.

3. How the Regulation Contributes to Concentration and Conflict?

The persistence of agrarian conflict in plantation areas indicates that the social function of HGU has not been fully realized. Many disputes stem from overlapping claims, inadequate recognition of local communities, and the expansion of plantations into areas historically

used by rural populations,[27] reflecting a gap between formal legality and substantive justice.

The link is institutional, not automatic, and operates through three mechanisms. First, accumulation without a binding ceiling: because no limit attaches to the land right and the only ceiling applies per company, a group can multiply its holdings through affiliates. The Ministry's figure of about 8.64 million hectares held by private estates and TuK Indonesia's group-level estimate of 5.8 million hectares of land bank indicate the scale. However, the datasets are not directly comparable. Second, long tenure with weak review: a 95-year horizon, combined with open-textured renewal conditions, means that irregularities in the original grant, such as overlap with community land, are rarely re-examined, and disputes are often triggered by the issuance or extension of HGU without adequate consideration of local communities or ecological conditions.[28] Third, externalization of ecological harm: the duties in Articles 27 and 28 are not tied to renewal, so ecological damage does not affect tenure.

4. Counterarguments: Investment Certainty and Economic Contribution

The strongest objection is that perennial crops require substantial up-front capital and long production cycles, so predictable long tenure

[27] Eka Vidya Putra Afrizal and Linda Elida, "Palm Oil Expansion, Insecure Land Rights, and Land-Use Conflict: A Case of Palm Oil Centre of Riau, Indonesia," Land Use Policy 146 (2024): 107325, https://doi.org/10.1016/j.landusepol.2024.107325; Jacqueline A.C. Vel and Adriaan Bedner, "Palm Oil Plantations and Land Conflicts in Indonesia: Legal Uncertainty and Agrarian Struggles," Journal of Contemporary Asia 50, no. 3 (2020): 1–18, https://doi.org/10.1080/00472336.2019.1708804.

[28] Evi Hariyani, "Land Disputes in Pakel Village from the Perspective of Agrarian Reform," Indonesian Journal of Agrarian Law 4, no. 1 (2026): 1–60, https://doi.org/10.15294/jal.v4i1.58002.

underpins investment, export earnings, and rural employment.[29] It deserves weight but does not defeat reconstruction. First, the Section D reforms do not shorten the staged 35+25+35-year horizon; they make continuation conditional on performance, as the Constitutional Court required. Second, certainty depends on clarity as well as duration: explicit, measurable renewal criteria are more predictable for compliant holders than open-textured discretion. Third, the economic case for plantation investment does not extend to unlimited accumulation; the land policy literature that stresses secure tenure also stresses that highly unequal access to land impairs growth and poverty reduction. Transitional protection for existing holders, combined with clear criteria, thus addresses the investment concern without abandoning the benchmark.

Accordingly, the current regime is not fully consistent with the benchmark: it lacks a binding limit on land concentration, makes tenure depend on open-textured criteria that exclude ecological and community considerations at the decisive stage, and leaves duties unlinked to consequences. Section D proposes a reconstruction to correct these shortcomings.

D. Reconstructing Land Cultivation Rights Regulation for Plantation Investment Based on Agrarian Justice and Environmental Sustainability

Reconstruction should not depart from UUPA but should restore its normative orientation, consistent with the progressive conception of law as an instrument that must be continually

[29] Klaus Deininger, *Land Policies for Growth and Poverty Reduction* (Washington, DC: World Bank and Oxford University Press, 2003), http://documents.worldbank.org/curated/en/485171468309336484/Land-policies-for-growth-and-poverty-reduction; Herry Purnomo et al., "Reconciling Oil Palm Economic Development and Environmental Conservation in Indonesia: A Value Chain Dynamic Approach," *Forest Policy and Economics* 111 (2020): 102089, https://doi.org/10.1016/j.forpol.2020.102089.

reactualized to serve justice.[30] A reconstructed regime must realign the governance of plantation investment with agrarian reform, the social function of land, and environmental sustainability.

The reconstruction is framed as amendments to existing instruments, not as a new statute: most changes can be made through PP 18/2021, its ministerial implementing rule (authorized by Article 33), and PP 26/2021, with legislation implementing UUPA Article 17 as a longer-term step.

1. Reorienting HGU as an Instrument of Agrarian Reform

HGU should be repositioned from a purely economic entitlement to an instrument that supports agrarian reform. As Harsono explains, Indonesian agrarian law was never intended solely to provide legal certainty to economic actors but to secure social justice through equitable access to land.[31] The grant, extension, and renewal of HGU should therefore be assessed against distributive criteria as well as against investment value, productivity, or export performance. Three instruments are outlined below.

A group-level ceiling. UUPA Article 17 requires limits on holdings, but no ceiling applies to HGU held by legal entities, and the oil palm ceiling of 100,000 hectares applies per company.[32] The ceiling should apply to the land right and to the corporate group, aggregating affiliates by ultimate beneficial owner under the beneficial-ownership

[30] Satjipto Rahardjo, Hukum Progresif: Sebuah Sintesa Hukum Indonesia (Yogyakarta: Genta Publishing, 2009), https://books.google.co.id/books/about/Hukum_progresif.html?id=QQTicQAACAAJ.

[31] Harsono, *Hukum Agraria Indonesia*, 2003 (see note 3 above for full citation); see also Muhammad Salim and Wiwiek Utami, *Reforma Agraria, Menyelesaikan Mandat Konstitusi* (Yogyakarta: STPN Press, 2019).

[32] Indonesia, Peraturan Pemerintah Nomor 26 Tahun 2021 tentang Penyelenggaraan Bidang Pertanian, art. 3, https://peraturan.bpk.go.id/Details/161856/pp-no-26-tahun-2021; as amended by Peraturan Pemerintah Nomor 52 Tahun 2023 (exemption for state-owned enterprises under government assignment), https://peraturan.bpk.go.id/Details/270273.

regime.[33] A defensible starting point is the existing 100,000-hectare oil palm figure, recalibrated through a regulatory impact assessment. Holdings above the ceiling should be reduced through non-renewal and release of area at the next evaluation stage, not cancellation, to protect vested rights.

A redistribution share. Land that returns to the State after the HGU term (Article 22(2)), land released through ceiling-based reduction, and land declared abandoned should enter a public register and be allocated to agrarian reform beneficiaries, namely landless farmers, cooperatives, and indigenous and local communities, before any priority is given to the former holder under Article 22(3).[34] An illustrative minimum is one-fifth of the released area, mirroring the 20 percent community-plantation duty in Article 27(i), to be set by ministerial regulation.[35] *Enforced community plantations.* Compliance with Article 27(i) should be a renewal condition measured by the share of area actually allocated, registered, and productive (Table 3).

2. Limiting and Periodically Evaluating HGU Tenure

The legal basis for conditional tenure is strong. The Constitutional Court invalidated the upfront 95-year HGU grant in Decision 21-22/PUU-V/2007 and, in Decision 185/PUU-XXII/2024,

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[33] Indonesia, Peraturan Presiden Nomor 13 Tahun 2018 tentang Penerapan Prinsip Mengenali Pemilik Manfaat dari Korporasi dalam Rangka Pencegahan dan Pemberantasan Tindak Pidana Pencucian Uang dan Tindak Pidana Pendanaan Terorisme.

[34] Izmi Waldani, Fauzul Amri, Mhd Halkis, Hengki Andora, and Kurnia Warman, "Strengthening Land Allocation Policies for Empowering Local Farmers in Palm Oil Plantations," Lex Publica 11, no. 1 (2024): 96–117, https://doi.org/10.58829/lp.11.1.2024.248.

[35] See generally Dyah Isnaeni and Suratman, *Reforma Agraria: Landreform dan Redistribusi Tanah di Indonesia* (Malang: Intrans Publishing, 2018); Mulyono Sadyohutomo, "The Benefits of an Agrarian Reform Model in Indonesia," *IOP Conference Series: Earth and Environmental Science* 202 (2018): 012030, https://doi.org/10.1088/1755-1315/202/1/012030; Ida Aju Pradnja Resosudarmo et al., "Indonesia's Land Reform: Implications for Local Livelihoods and Climate Change," *Forest Policy and Economics* 108 (2019): 101979, https://doi.org/10.1016/j.forpol.2019.04.007.

held that the staged 35+25+35-year structure stands only if extension and renewal are subject to criteria and evaluation stages.[36] PP 18/2021 already requires land to be "still cultivated and utilized well" (Article 25(1)) but leaves "well" undefined; the reform thus makes the Court's evaluation a constitutional condition without shortening the 95-year horizon.[37]

Table 3 sets out measurable criteria. Evaluation should occur at three points: a first compliance check two years after the grant (in line with Article 27(a)); a midterm review in each term; and a decision evaluation no later than 24 months before expiry, with results published each time. Consequences should be graded: a written warning and a corrective plan; release of unused or disputed area; refusal to extend or renew; and cancellation under Article 31(b)(1) for serious or repeated breaches of Articles 27 and 28, thereby converting the Minister's present discretion into an obligation to open proceedings once defined triggers are met.[38]

TABLE 3. Proposed Evaluation Criteria for Extension and Renewal of HGU

Criterion	Measurable Indicator	Verification	Consequence if Unmet

[36] Mahkamah Konstitusi, Putusan Nomor 21-22/PUU-V/2007 and Putusan Nomor 185/PUU-XXII/2024 (full citations in the notes above). On HGU in the new capital, see Dwi Apriliastuti and Sri Wahyu Handayani, "Aspek Yuridis Pengaturan Hak Guna Usaha dalam Pembangunan Ibu Kota Negara," *LITRA* 5, no. 1 (2025): 18–33, https://doi.org/10.23920/litra.v5i1.2416.

[37] Hamjah, Imam Koeswahyono, and Shinta Hadiyantina, "The Concept of Renewal Period of Right to Cultivate (HGU) in Indonesian Land Law," International Journal of Islamic Education, Research and Multiculturalism (IJIERM) 7, no. 2 (2025): 873–897, https://doi.org/10.47006/ijierm.v7i2.515.

[38] Artaji Artaji, Lies Sulistiani, Ramalinggam Rajamanicam, and Efa Laela Fakhriah, "Resolution of Agrarian Conflicts on Plantation Land through Restorative Justice in Indonesia," Lex Scientia Law Review 8, no. 1 (2024), https://doi.org/10.15294/lslr.v8i1.14060.

Productive use	Share of the granted area planted or used under the approved plan; abandoned area (Art. 28(e)) equals zero.	Satellite imagery; annual report (Art. 27(j))	Corrective plan within 12 months; release of unused area
Conflict and consent	No unresolved overlapping claims; documented consultation; share of registered grievances resolved within 12 months.	Land office, regional government, and community verification	Disputed area excluded from the extension until resolved
Community plantation	At least 20% of the granted area is allocated, registered, and productive (Art. 27(i)).	Land and agriculture agencies; beneficiary registry	Extension conditional on allocating the shortfall
Environment	Pass all indicators in Table 4.	Joint land–environment review; independent audit	Graded ladder: warning, restoration plan, area reduction, non-extension
Labor and fiscal	No final adverse labor judgment; tax and non-tax obligations have been paid.	Labor inspectorate; tax office	Non-extension for serious or repeated breach
Area and ownership	Group holdings within the ceiling; beneficial owners disclosed.	Beneficial-ownership and land registries	Release of excess area at the next stage

Source: Author's analysis, 2026.

Model clauses illustrate the wording (*de lege ferenda*, proposed Article 25A of PP 18/2021):

(1) An HGU may be extended or renewed only if the holder has passed the periodic evaluation under paragraph (2), the results of which shall be published within thirty working days.
(2) The periodic evaluation shall assess at least the following: (a) productive use of the granted area; (b) resolution of overlapping claims and conflicts; (c) fulfillment of the community plantation obligation under Article 27(i); (d) environmental performance, as measured by indicators set by the Minister together with the Minister responsible for the environment; (e) compliance with the area ceiling; and (f) compliance with labor and fiscal obligations.
(3) An application for an extension under Article 26(1) may be submitted only after the mid-term evaluation has been completed and no later than twenty-four months before the HGU expires.

3. Integrating Ecological Considerations into the Granting and Renewal of HGU

Environmental permitting operates alongside, not within, land rights administration, so ecological compliance applies after the right is granted rather than as a condition of granting or renewal. PP 18/2021 already contains ecological duties (Articles 27(d), (f), (g) and 28(c)–(d): soil and environment, HCV areas, riparian zones, bans on burning and damage), but Article 25(1) does not make them conditions for extension. Given the documented effects of oil palm expansion on forests, peatlands, and biodiversity, this separation is difficult to justify.[39]

Law 32/2009 defines environmental carrying capacity as the environment's capacity to support human life and other living organisms while maintaining ecological balance. Its assessment is part of the strategic environmental assessment (KLHS) for spatial plans and

[39] See generally Varsha Vijay et al., "The Impacts of Oil Palm on Recent Deforestation and Biodiversity Loss," *PLOS ONE* 11, no. 7 (2016): e0159668, https://doi.org/10.1371/journal.pone.0159668; Andini Yulia Abdurrahim et al., "Relational and Instrumental Values of Tropical Peat Landscapes: Morality and Political Ecology in Indonesia," *Current Opinion in Environmental Sustainability* 64 (2023): 101318, https://doi.org/10.1016/j.cosust.2023.101318.

policies.[40] To serve as a condition for HGU, it must be translated into verifiable indicators; Table 4 proposes five.

TABLE 4. Carrying-Capacity Indicators for Granting and Renewing HGU

Indicator	Metric and Standard	Legal Anchor	Oversight and Consequence
Fire and clearing	No burning; no clearing outside the approved plan; burned area within the HGU is zero.	PP 18/2021 Art. 28(c)–(d)	Satellite monitoring; breach triggers corrective plan; repeat breach opens cancellation under Art. 31(b)(1).
Peat hydrology	Groundwater table not more than 0.4 m below the peat surface at compliance points on cultivation-function peat.	PP 71/2014 as amended by PP 57/2016, Art. 23(3)(a)	Environmental ministry data; restoration order; non-extension if damage persists.
Conservation areas	100% of mapped HCV (High Conservation Value) areas and riparian buffers maintained.	PP 18/2021 Art. 27(f)–(g)	Independent audit; restoration deadline; area reduction.
Natural cover	No unpermitted loss of natural vegetation inside the HGU relative to the baseline at grant.	PP 18/2021 Art. 27(d); Law 32/2009	Remote sensing; restoration; refusal to extend if unrestored.
Regional carrying capacity	Grant or renewal only where the	Law 32/2009 Arts. 1(7), 15	Regional government and

[40] Indonesia, Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup, arts. 1(7), 15, as amended by Undang-Undang Nomor 6 Tahun 2023.

	KLHS (Kajian Lingkungan Hidup Strategis) shows that watershed and ecosystem-service capacity is not exceeded.	ministry; refusal or phased, reduced renewal.

Source: Author's analysis, 2026.

Oversight should combine three layers: self-reporting through the annual report required by Article 27(j), extended to these indicators; independent verification by accredited auditors and satellite monitoring, with data published in an open HGU registry; and a joint decision by the land agency and the environmental authority, replacing the current separation. Article 31(b) should include consequences so that failure on any indicator advances the graded ladder.

4. Implementation: Amendments, Institutions and Resistance

Sequencing follows legal certainty, constitutional anchoring, and political feasibility. First is the evaluation clause with graded sanctions, which can be adopted by amending PP 18/2021 and its ministerial rule, which implements a constitutional requirement. Second is ecological integration through a joint ministerial rule. Third are group ceilings and the redistribution share, which require amending PP 26/2021, linking beneficial-ownership data, and are politically more difficult. Fourth is legislation implementing UUPA Article 17.

Institutionally, an open HGU registry would address the data gap that BPDPKS officials acknowledge. A joint evaluation team comprising the land agency, the agriculture and environment ministries, and regional governments, with independent verification and a community grievance channel, would conduct evaluations. Investment-oriented actors will cite the legal certainty transitional rules provide by protecting existing rights while subjecting them to an initial evaluation within a fixed period. Because administrative capacity is limited, rollout should

begin with the largest holdings and those nearest to expiry. Because regional governments may depend on plantation revenue, capture and uneven enforcement require published results and external verification.[41]

These measures give practical content to the SDG commitments: a published, criteria-based evaluation supports accountable institutions (16.6); participation supports inclusive decision-making (16.7); and ecological indicators connect HGU administration to SDGs 13 and 15.

E. Public Policy and Advocacy Pathways for Just and Sustainable HGU Governance

Sections C and D identify what a just and sustainable HGU regime should contain but not how such a design becomes enacted policy. Legal scholarship on Indonesian agrarian reform has tended to treat this step as self-evident, assuming that a well-reasoned doctrinal proposal will be adopted once its merits are shown.[42] Policy scholarship suggests otherwise: change is rarely a linear product of correct legal reasoning but the outcome of contestation among coalitions with competing beliefs that mobilize evidence, alliances, and public pressure.[43] This section asks who would carry out the reconstruction and by what route.

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[41] Bimo Hardiyanto, "Politics of Land Policies in Indonesia in the Era of President Susilo Bambang Yudhoyono," *Land Use Policy* 101 (2021): 105134, https://doi.org/10.1016/j.landusepol.2020.105134; see also John F. McCarthy and Kathryn Robinson, eds., *Land and Development in Indonesia: Searching for the People's Sovereignty* (Singapore: ISEAS Publishing, 2016).

[42] Widodo, "A Critical Review of Indonesia's Agrarian Reform Policy" (see note 17 above).

[43] Paul A. Sabatier, "An Advocacy Coalition Framework of Policy Change and the Role of Policy-Oriented Learning Therein," Policy Sciences 21 (1988): 129–168, https://doi.org/10.1007/BF00136406.

1. A Policy Analysis Framework: Advocacy Coalitions and Land Policy Change

The advocacy coalition framework (ACF), developed by Sabatier, treats a policy subsystem, here the regulation of plantation land rights, as populated by coalitions of actors who share beliefs about the problem and its solutions and coordinate to influence government decisions.[44] The documents reviewed support two coalitions. The first, oriented toward investment certainty and administrative efficiency, comprises plantation corporations, business associations, and parts of the executive responsible for investment promotion; its core belief is that long tenure, streamlined licensing, and minimal renewal review sustain investment and exports. The second, oriented toward agrarian justice and environmental sustainability, comprises farmer organizations, indigenous peoples' alliances, agrarian reform consortia, environmental groups, and parts of academia and the legal aid movement; its core belief is that land rights must remain conditional on social and ecological performance and that unchecked concentration undermines the constitutional mandate.

The investment-oriented coalition holds formal authority over licensing and financial resources. The agrarian-justice coalition has fewer formal and financial resources but holds information (conflict documentation and field evidence), public legitimacy, and mobilizable constituencies. The ACF expects policy to change slowly, through external shocks such as escalating conflict statistics or court rulings, policy-oriented learning, or negotiated agreement, rather than through legal argument alone. The current regime's persistence, despite its doctrinal weaknesses, aligns with that expectation.[45]

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[44] Sabatier, "An Advocacy Coalition Framework of Policy Change" (see note 44 above).

[45] Hardiyanto, "Politics of Land Policies in Indonesia," and McCarthy and Robinson, *Land and Development in Indonesia* (full citations above).

TABLE 5. Reform Elements, Coalition Positions and Effects on the Balance of Resources

Reform Element	Investment-oriented Coalition (Expected)	Agrarian-Justice Coalition (Expected)	Effect on Coalition Balance
Staged, criteria-based evaluation	Acceptable if the criteria are clear and the 95-year horizon is maintained.	Core demand.	Negotiable middle; creates an information resource (published results).
Ecological indicators	Concerns about cost and double regulation; accepts one joint review.	Strong support.	Aligns environmental and agrarian actors; broadens the base.
Open HGU registry and public hearings	Concern about commercial data.	Strong support.	Lowers the cost of documenting overlaps; gives formal standing.
Group ceiling with beneficial-ownership aggregation	Strong opposition.	Strong support.	Threatens existing holdings; highest resistance; sequence later.
Redistribution share of returned land	Opposition; seeks priority for former holder.	Strong support.	Shifts the resource base; requires political leadership and public pressure.

Source: Author's analysis, 2026.

Table 5 suggests a sequencing logic. A staged, criteria-based evaluation best supports negotiated agreement by preserving the 95-year horizon investors value while meeting reformers' demand for conditionality. The Constitutional Court has already made evaluation criteria a constitutional condition, so it should be advanced first. Registries, hearings, and ecological indicators strengthen the agrarian-justice coalition's information and standing resources, bring in environmental actors, and follow. Group ceilings and redistribution directly threaten existing holdings, will meet the strongest resistance,

and should be pursued once evaluation and registry mechanisms have produced evidence and a durable coalition.

2. The Role of Civil Society, Legal Aid, and Public Participation in HGU Policy Reform

Studies of Indonesian civil society advocacy show that effective advocacy depends less on the moral or legal strength of claims than on organizational capacity: sustained leadership, technical and negotiating skills, adaptability to changing political circumstances, and the ability to translate field-level grievances into coherent policy demands.[46] Legal scholars and law faculties can therefore contribute most not merely by publishing doctrinal recommendations but by supporting the technical and advocacy capacity of organizations already engaged in agrarian reform, for example, through legal drafting support and expert testimony.

Civil society organizations have long served as watchdogs and educators in agrarian policy, monitoring government decisions, documenting land conflicts, and mobilizing support for equitable land policy.[47] Legal aid institutions and the broader legal aid movement bridge affected communities (smallholders, indigenous peoples, and residents of plantation-adjacent villages) and the formal process by representing them in disputes, documenting rights violations, and translating grievances into legal arguments. Advocacy is most effective when it exploits policy windows, such as a change in administration, a

[46] Yana Fajar Basori, "Capacity of Civil Society Organizations Advocacy Realizing Agrarian Reform," Proceeding of International Conference on Social Sciences (2019), https://jurnal.umj.ac.id/index.php/ICSS/article/view/6462.

[47] Syamsuddin Pasamai and Salle Salle, "The Role of Civil Society in Sustainable Agrarian Policy Advocacy," Journal of Social Research 3, no. 8 (2024), https://doi.org/10.55324/josr.v3i8.2161; see also Ben White, Christopher Graham, and Laksmi Savitri, "Agrarian Movements and Rural Populism in Indonesia," Journal of Agrarian Change 23, no. 1 (2023): 68–84, https://doi.org/10.1111/joac.12506.

high-profile conflict, or a shift in public attention, rather than relying on constant, undifferentiated pressure.[48]

Indonesian experience offers precedents. In Decision 21-22/PUU-V/2007, brought by legal aid and farmers', labor, and environmental organizations, the Court invalidated the upfront grant of a 95-year HGU.[49] In Decision 35/PUU-X/2012, on a petition by the indigenous peoples' alliance AMAN and two customary communities, the Court held that customary forests are not state forests.[50] When the 2023 amendment to the IKN Law again allowed cycles totaling 190 years, KPA criticized it as contrary to the 2007 decision.[51] In November 2025, the Court read the provision as a staged 35+25+35-year maximum, subject to evaluation. Three lessons follow: judicial review is a venue where legal aid and community organizations have obtained durable results; a decision can be circumvented by new legislation, so monitoring and re-litigation capacity matter; and windows opened by rulings and conflict statistics should be used to press for implementing regulation. A current opening is the House of Representatives' special committee on agrarian conflict resolution, which KPA's 2025 report urges to complete its work.[52]

Public participation in HGU licensing and renewal is therefore not only a matter of procedural fairness but also a policy instrument: mandatory public hearings before renewal, public registries, and formal

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[48] Iwan Irawan, "Advocacy Strategies of Civil Society Organisations in Decentralised Indonesia: An Exploration Using a Policy Window Framework," Khazanah Sosial 5, no. 3 (2023): 534–550, https://doi.org/10.15575/ks.v5i3.29547.

[49] Mahkamah Konstitusi, Putusan Nomor 21-22/PUU-V/2007 (read 25 March 2008). Petitioners in case 21/PUU-V/2007 included the legal aid and human rights association PBHI, the farmers' unions FSPI and API, the labour federation FSBJ and the environmental organization WALHI; case 22/PUU-V/2007 was brought by farmers and others.

[50] Mahkamah Konstitusi, Putusan Nomor 35/PUU-X/2012 (read 16 May 2013), brought by the indigenous peoples' alliance AMAN and two customary law communities.

[51] Kontan, "Pemerintah dan DPR Dinilai Diam-Diam Obral HGU 190 Tahun ke Investor," 24 September 2023, https://nasional.kontan.co.id/news/pemerintah-dan-dpr-dinilai-diam-diam-obral-hgu-190-tahun-ke-investor.

[52] KPA, *Catatan Tahunan 2025*, as reported in GoodStats (full citation above).

channels for community objections give the agrarian-justice coalition durable, legally guaranteed leverage and make the reorientation self-reinforcing rather than dependent on continued external advocacy.

3. A Public Policy Roadmap for Implementation

Table 6 presents a six-stage roadmap with actors, activities, and milestones, derived from the sequencing in Table 5.

TABLE 6. Advocacy Roadmap: Stages, Actors and Milestones

Stage and Timing	Key Activities	Responsible Actors	Outcome and Milestone
1. Problem identification and evidence (Months 0–6)	Build an HGU-level dataset covering area, expiry, conflicts, and compliance; analyze provisions (Table 2); prepare policy briefs.	Universities; KPA and provincial agrarian networks; legal aid institutions.	Published dataset and brief, released ahead of the annual conflict reports.
2. Coalition building (Months 3–12)	Convene farmer, indigenous, environmental, labor, and legal aid groups; agree on a common position; identify allies in agencies and in Parliament.	Farmer and indigenous organizations; environmental NGOs; legal aid; academics.	Signed joint position; named focal points; shared monitoring protocol.
3. Regulatory advocacy (Months 6–24)	Draft amendments to PP 18/2021, the ministerial rule, and PP 26/2021; engage ministries and House commissions; keep judicial review as a fallback.	Coalition; Ministry of Agrarian Affairs and Spatial Planning/ National Land Agency; agriculture and environment ministries; House commissions.	Draft accepted into the harmonization process; evaluation clause adopted first.

4. Public participation and institutional design (Months 12–30)	Secure public hearings, open registry, independent verification, and grievance channel in the implementing rules.	Land agency; regional governments; civil society; independent auditors.	Participation and registry provisions in force; verification bodies designated.
5. Implementation monitoring (From adoption)	Track initial evaluations, publish compliance reports, document violations, and support community objections.	CSOs; legal aid; communities; academic monitors.	Share of HGUs evaluated on schedule; share of results published; objections processed.
6. Evaluation and learning (Annual)	Review outcomes against indicators; update criteria; feed lessons into the next policy cycle.	Coalition; agencies; Parliament; researchers.	Annual review report; revised criteria.

Source: Author's analysis, 2026.

The roadmap does not guarantee adoption, as resistance from the investment-oriented coalition and the ordinary friction of policymaking will persist. Still, it identifies the actors, tasks, and windows through which the reconstruction could be pursued as public policy.

F. Conclusion

The study asked three questions. First, HGU in plantation investment is governed primarily by PP 18/2021 and by area limits under PP 26/2021. The regime sets a staged 35+25+35-year tenure but makes extension and renewal depend on open-textured criteria (Article 25(1)). It applies its ceiling per company, not per group (PP 26/2021, Article 3), and does not make environmental or community

performance a condition of renewal. Second, measured against UUPA and the Constitution, these features are incompatible with distributive justice, the social function of land, and environmental sustainability, and they coincide with the concentration of control and recurring conflict, although the data support association, not causation. Third, an effective reconstruction rests on three connected measures, anchored in the Constitutional Court's requirement that tenure stages depend on evaluation, and can be advanced by a coalition strategy that puts staged evaluation first, registries and ecological indicators second, and ceilings and redistribution last.

The contribution is threefold: a provision-level test of HGU regulation against an explicit benchmark; a reconstruction in measurable criteria and model clauses adoptable without abandoning the 95-year horizon; and an operational use of the ACF that ties coalition resources, policy windows and sequencing to a roadmap with actors, outputs and milestones. Together they offer a transferable model for turning agrarian-justice scholarship into regulatory change. Table 7 presents recommendations by actor in order of priority.

TABLE 7. Recommendations by Actor

Actor	Recommendation	Priority
Government and policymakers	Amend PP 18/2021 to add the evaluation clause and graded sanctions; amend PP 26/2021 to apply ceilings to groups and to HGU; and issue a joint ministerial rule on ecological indicators.	Evaluation clause: first 12 months; ceilings: within 24 months
Land agency (Ministry of Agrarian Affairs and Spatial Planning/National Land Agency)	Publish an open HGU registry; conduct initial compliance checks; and maintain a register of returned and abandoned land for agrarian reform.	Registry within 12 months
Ministries of Environment and Agriculture	Operationalize the Table 4 indicators and conduct a	12–24 months

	joint review with the land agency.	
Regional governments	Supply spatial and KLHS data; facilitate grievance resolution; and verify community plantations.	Start within 12 months
House of Representatives	Oversee implementation, use the special committee on agrarian conflict to review evaluation results, and enact legislation implementing Article 17 of UUPA.	Long term
Civil society organizations	Compile evidence, monitor evaluations, sustain the coalition, and publish annual compliance reports.	From Stage 1
Legal aid institutions	Represent communities in evaluations and objections, document violations, and pursue strategic litigation.	From Stage 1

Source: Author's analysis, 2026.

The study is document-based; the actor analysis is inferential; and the proposed thresholds require calibration through a regulatory impact assessment. Future research should test participatory mechanisms through field studies of HGU evaluations, interview coalition members to refine the ACF mapping, and compare plantation land governance in other palm oil-producing countries.

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