

# Reclaiming Our Roots: Agrarian Law's Battle Against Land Grabbing

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## Abstract

The huge structural inequality in agrarian tenure in Indonesia after 78 years of independence, where a small elite controls the majority of land, contradicts the principles of egalitarianism and social justice enshrined in Indonesia's agrarian constitutionalism. In this context, corruption in the agrarian sector, especially in the palm oil and forestry industries, shows weaknesses in monitoring and law enforcement. The Job Creation Law and other liberal-capitalistic policies are feared to potentially violate human rights, including the rights to land, work, and a healthy environment. Failure to implement agrarian reform has impacted food sovereignty, social injustice, and environmental damage. The neglect of human rights principles in agrarian issues, such as land grabbing and discrimination in access to natural resources, as well as the failure to provide effective conflict resolution mechanisms, has increased agrarian inequality and conflict. This research uses a normative juridical approach (library research), and the analysis is carried out using a statute approach, conceptual approach, comparative approach, historical approach, and futuristic approach. Research Results To achieve agrarian justice, serious efforts are needed, including

restoring agrarian constitutionalism as the foundation of the nation's life, forming an Agrarian Reform Advisory Board, revoking the Job Creation Law, forming an Agrarian Reform Implementing Agency directly under the President, and implementing priority locations for agrarian reform. It is also important to stop arrests, intimidation, and violence against farmers, indigenous peoples, laborers, fishermen, and activists by the police, and restore fuel subsidies for small farmers, traditional fishermen, and vulnerable communities. The role of people's organizations and social movements in strengthening people's initiative-based agrarian reform practices and calling for a holistic and social justice-focused approach to address agrarian issues in Indonesia. This approach is expected to reduce the power imbalance between corporations and the people, improve social and economic inequality, and restore people's sovereignty in self-determination in the agrarian context, emphasizing the importance of leadership and political commitment from the president and government.

**KEYWORDS** *Agrarian Law, Land Grabbing, Land Reform, Social Justice, Human Rights, Indonesia*

## Introduction

Since the enactment of Law No. 5 of 1960 on Basic Agrarian Principles (UUPA), various government regimes, from the New Order to the current Reformation era, have consistently ignored the constitutionality of the people's rights to agrarian resources (SSA).<sup>1</sup> This demonstrates the discrepancy between the UUPA's principles and its actual application, where policies of the government that favor corporate interests and political elites frequently defeat the interests of the people. This action highlights the importance of genuine agrarian reform and the implementation of the UUPA in accordance with the spirit of constitutionalism to ensure the protection of farmers' rights and the equitable and sustainable utilization of agrarian resources.<sup>2</sup> Fundamental to the ideology of Indonesian independence is liberation from all forms of

<sup>1</sup> Istijab, "Sesudah Berlakunya Undang-Undang Pokok Agraria," *Widya Yuridika: Jurnal Hukum* 1, no. 1 (1960): 11–23.

<sup>2</sup> Achmad Basuki, "Sengketa Tenureal: Refleksi Pertentangan Sentralisme Hak Menguasai Negara Dalam UUPA Dengan Kepentingan Masyarakat Adat (Sebuah Catatan Menuju Reformasi Hukum Agraria Yang Pluralis)," *Perspektif* 7, no. 3 (July 28, 2002): 148–54, <https://doi.org/10.30742/PERSPEKTIF.V7I3.335>.

colonization of man over man, which is the main ideal of the nation's independence struggle.<sup>3</sup> This is reflected in the 1945 Constitution, which explicitly guarantees the constitutional rights of the Indonesian people to the land, water, and natural resources within, with the main objective of achieving the overall prosperity of the people, not just for the benefit of a small group.<sup>4</sup> This ideal is particularly realized through Article 33, Paragraph 3, of the 1945 Constitution, which is then further elaborated in Law No. 5/1960 on the Basic Regulation of Agrarian Principles (UUPA).<sup>5</sup>

UUPA, developed by the nation's thinkers and policymakers, serves as a legal instrument to translate these constitutional principles into real practice, with the aim of regulating the utilization of agrarian resources in a fair and equitable manner for all Indonesians. The implementation of the UUPA and the strengthening of Article 33, Paragraph 3, of the 1945 Constitution are key to realizing the vision of shared prosperity that has long been the goal of the Indonesian people since the beginning of its independence.<sup>6</sup> The adoption of Law No. 5/1960 on the Basic Regulation of Agrarian Principles (UUPA) in Indonesia marked a significant turning point in the history of the nation's agrarian law by putting an end to the 1870 Agrarische Wet-era of colonial agrarian law.<sup>7</sup> UUPA was presented with a clear mandate to completely overhaul the colonial legacy agrarian structure, which had been characterized by social inequality and widespread poverty among the people. One of the main objectives of the UUPA was to end foreign domination and monopoly over Indonesia's land and natural resources, which had long exploited national

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<sup>3</sup> Mohammad Hatta, "Indonesia's Foreign Policy," *Foreign Affairs* 31, no. 3 (1953): 441–52, <https://doi.org/10.2307/20030977>.

<sup>4</sup> Alpi Sahari, "The Rights of Controlling State in Indonesia Against Land Tenure of Customary Law Community," *Randwick International of Social Science Journal* 2, no. 2 (April 30, 2021): 141–48, <https://doi.org/10.47175/RISSJ.V2I2.224>.

<sup>5</sup> Nyoman Prabu and Buana Rumiarta, "Politik Hukum Agraria Pada Tanah Ulayat," *Jurnal Aktual Justice* 4, no. 1 (June 10, 2019): 24–38, <https://doi.org/10.47329/AKTUALJUSTICE.V4I1.472>.

<sup>6</sup> Syafwendi Syafril, "Reflection, Implementation, and Consequences of Article 33 of the 1945 Constitution (After Amendment) Towards the Economy of Indonesia and Islamic Economic Connection," *Airlangga International Journal of Islamic Economics and Finance* 3, no. 2 (2020): 68–75, <https://doi.org/10.20473/aijief.v3i2.23878>.

<sup>7</sup> Triana Rejekiingsih, Chatarina Muryani, and Diana Lukitasari, "Study of The History and Dynamics of The Agrarian Policy in Transforming The Indonesia's Agrarian Reform," *Yustisia* 8, no. 2 (October 1, 2019): 309–29, <https://doi.org/10.20961/YUSTISIA.V8I2.33610>.

natural resources for foreign interests.<sup>8</sup> The issuance of the UUPA was not only a legal reform but also a strong political and social statement, showing Indonesia's rejection of the centuries-old practices of colonialism and feudalism. Through the UUPA, Indonesians expressed their desire to eradicate the remnants of colonialism and feudalism and replace them with a more just and egalitarian system that guarantees people's rights to land and natural resources. The UUPA, in its essence, was a major step for Indonesia in reclaiming its sovereignty over its land and natural resources and in seeking a more equitable and sustainable distribution of resources for all its people.<sup>9</sup>

In Law No. 5/1960 on Basic Agrarian Principles (UUPA), there are fundamental principles that reflect the ideals of agrarian independence in Indonesia. The first principle is the abolition of the "*domein verklaring*" claim, which states that the land of the people and indigenous peoples that has not been recognized as titled land belongs to the state.<sup>10</sup> This recognizes and respects the original rights of the people and indigenous peoples to their land, an important step in correcting historical injustices. The second principle prioritizes the granting of land to farmers, agricultural laborers, and cultivators, known as 'the tillers'. In an effort to lessen inequality and enhance the welfare of smallholders, this demonstrates a commitment to making sure that those who directly work on and depend on the land manage and use it. Third, the UUPA opposes the monopolization of land ownership by a handful of private groups. This prohibition is designed to prevent excessive accumulation of land by certain individuals or entities, which often leads to exploitation and social injustice. Finally, UUPA encourages the management of agrarian resources (SSA) through mutual cooperation in the form of cooperatives. This principle supports the idea that the utilization of natural resources should be done through collective cooperation that prioritizes communal interests and sustainability, not just individual profit.

An analysis of these principles shows that UUPA aims not only to reform agrarian law but also to structurally change the way land is managed and utilized

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<sup>8</sup> Arsan Nurrokhman Nurrokhman, "Quo Vadis Indonesian Agrarian Reform: Implementation of UUPA in the President Regulation No. 86 of 2018," *BHUMI: Jurnal Agraria Dan Pertanahan* 5, no. 3 (January 2, 2019): 19–24, <https://doi.org/10.31292/JB.V5I3.385>.

<sup>9</sup> I Ketut Putra Erawan, "Political Reform and Regional Politics in Indonesia," *Asian Survey* 39, no. 4 (July 1, 1999): 588–612, <https://doi.org/10.2307/3021240>.

<sup>10</sup> Ni Ketut Suartining and Benny Djaja, "Land Rights in the Land Law System in Indonesia According to the Basic Agrarian Law Number 5 of 1960," *Journal of Social Research* 2, no. 6 (May 12, 2023): 1775–85, <https://doi.org/10.55324/JOSR.V2I6.903>.

in Indonesia.<sup>11</sup> UUPA sought to realize a vision of social and economic justice in the agrarian context, prioritizing the rights of farmers and indigenous peoples and avoiding the exploitation of land by large economic forces. It is an effort to return land to those who need it most and have the most right to it, as an integral part of achieving prosperity and justice for all Indonesians.<sup>12</sup> Unfortunately, although the ideals of agrarian constitutionalism have been clearly set out in regulations and laws, the reality is far from desirable. Since the New Order era, these concepts and principles of a just and equitable agrarian system have been betrayed. The New Order era and even the Reform period that followed did not succeed in breaking the colonialist pattern in agrarian management. On the contrary, practices reminiscent of agrarian colonialism were revived.<sup>13</sup> This can be seen in the way the government manages and distributes agrarian resources. Instead of prioritizing the rights of farmers and indigenous peoples, policies tend to benefit certain groups, such as large corporations and political elites.

The management of national land and natural resources is often caught in a web of corruption, nepotism, and policies that favor large economic interests while neglecting the needs and rights of small people. These circumstances are a result of the government's failure to implement agrarian constitutionalism in accordance with the UUPA and the 1945 Constitution's guiding principles. Instead of realizing an egalitarian and just vision in the utilization of agrarian resources, the ongoing practice has actually deepened inequality and increased poverty among farmers and indigenous peoples. This shows that the main challenge in realizing the ideals of agrarian constitutionalism is not only at the level of regulations and policies but also in the implementation and practices in the field, which are still far from ideal.

In post-reform Indonesia, strong pressure from farmers and civil society movements led to the birth of MPR Decree No. IX/MPR/2001 on Agrarian Reform and Natural Resource Management (PA-PSDA). This decree was a

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<sup>11</sup> Slamet Widodo, "A Critical Review of Indonesia Agrarian Reform Policy," *Journal of Regional and City Planning* 28, no. 3 (December 6, 2017): 204–18, <https://doi.org/10.5614/JRCP.2017.28.3.4>.

<sup>12</sup> Indah Sari Indah, "Hak-Hak Atas Tanah Dalam Sistem Hukum Pertanahan Di Indonesia Menurut Undang-Undang Pokok Agraria (UUPA)," *JURNAL MITRA MANAJEMEN* 9, no. 1 (October 13, 2020): 15–33, <https://doi.org/10.35968/JMM.V9I1.492>.

<sup>13</sup> Jeff Neilson, "Agrarian Transformations and Land Reform in Indonesia," in *Land and Development in Indonesia: Searching for the People's Sovereignty*, ed. John F McCarthy and Kathryn Robinson, Books and Monographs (ISEAS–Yusof Ishak Institute, 2016), 245–64, <https://www.cambridge.org/core/product/27A4FE84B5BA8EA46C4195EE8030F30F>.

response to the urgent need for reform in agrarian and natural resource management and significantly reaffirmed the mandate of Law No. 5/1960 on Basic Agrarian Principles (UUPA). The MPR Decree imposes great responsibility on state administrators to resolve various agrarian issues in Indonesia.<sup>14</sup> This includes a mandate to the President and the DPR to implement agrarian reform fully and consequently. They are also tasked with revoking, amending, and/or replacing all laws and regulations that contradict or are not in line with the Constitution of the Republic of Indonesia.<sup>15</sup> Furthermore, the People's Consultative Assembly (MPR) has a constitutional responsibility to hold the President of the Republic of Indonesia accountable for the performance of agrarian reform implementation.

This is important because agrarian reform is not just another government program; it is a fundamental political agenda of the nation that is directly related to the principles of social justice, people's empowerment, and the use of natural resources for public welfare.<sup>16</sup> In this context, agrarian reform symbolizes the state's commitment to the fulfillment of its people's rights to land and natural resources, as well as recognition of historical mistakes in natural resource management.<sup>17</sup> It is an effort to create a more just and egalitarian agrarian structure that not only supports economic development but also ensures environmental and social sustainability and well-being.<sup>18</sup> Therefore, the implementation and supervision of agrarian reform is crucial, not only as a legal

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<sup>14</sup> Anthony Lucas and C Warren, "The State, the People and Their Mediators: The Struggle over Agrarian Law Reform in Post-New Order Indonesia," *Indonesia* 76, no. Oct (2003): 87–126, <https://researchnow.flinders.edu.au/en/publications/the-state-the-people-and-their-mediators-the-struggle-over-agrari>.

<sup>15</sup> Onny Medaline, Fitri Rafianti, and Rahmad Sembiring, "Mapping Community Land in North Sumatra through the Implementation of Agrarian Reform," *Budapest International Research and Critics Institute-Journal (BIRCI-Journal)* 4, no. 3 (October 18, 2021): 7450–59, <https://doi.org/10.33258/BIRCI.V4I3.2654>.

<sup>16</sup> Habib Ferian Fajar et al, "Strategi Kebijakan Reforma Agraria Dalam Mewujudkan Kesejahteraan Masyarakat Yang Berkeadilan Sosial Dengan Berasaskan Konstitusi," *Jurnal Hukum Lex Generalis* 3, no. 9 (September 24, 2022): 758–75, <https://doi.org/10.56370/JHLG.V3I9.308>.

<sup>17</sup> Jagannath Adhikari, "Contentions and Prospects of Land Reform in Nepal: A Historical Review," *New Angle: Nepal Journal of Social Science and Public Policy* 1, no. 1 (December 13, 2011): 17–31, <https://doi.org/10.53037/NA.V1I1.38>.

<sup>18</sup> Sigit Santosa, Arditya Wicaksono, and Romi Nugroho, "Multi-Role Collaboration of Ministries and Institutions in the Implementation of Agrarian Reform in Indonesia," *BHUMI: Jurnal Agraria Dan Pertanahan* 5, no. 3 (January 2, 2019): 9–18, <https://doi.org/10.31292/JB.V5I3.384>.

and political responsibility but also as a real effort in realizing the ideals of independence and sovereignty of the Indonesian people.

Indonesia, after more than 77 years of independence, faces great challenges in realizing the ideals of its independence in an agrarian context. Despite having had a Basic Agrarian Law (UUPA) since 1960, reality shows that there are significant structural inequalities in land tenure and prolonged agrarian conflicts.<sup>19</sup> Data shows the dominance of land by a handful of elites, with around one percent of businessmen controlling almost two-thirds of Indonesia's land, which is often used for plantations, mining, and forestry, often in exploitative and environmentally damaging ways.<sup>20</sup>

On the other hand, millions of smallholders experience poverty and instability. Corruption in the agrarian sector further exacerbates this, with indications of overlapping use rights and illegal operations of oil palm plantations. There is also a failure in the implementation of equitable and sustainable agrarian policies, causing serious social, economic, and environmental impacts. The Job Creation Law, perceived as accelerating the exploitation and monopolization of land by business and political elites, has generated more polemics and criticism. It violates democratic participation rights, reduces protections for workers, and weakens environmental protections.<sup>21</sup> On the other hand, the reality of agrarian reform shows the government's failure to carry out the constitutional mandate to protect and respect human rights, with many local communities and smallholders losing access to land and their main source of livelihood. Failure in the implementation of agrarian reform has impacts on food sovereignty and social and environmental damage.<sup>22</sup>

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<sup>19</sup> Yanis Maladi, "Reforma Agraria Berparadigma Pancasila Dalam Penataan Kembali Politik Agraria Nasional," *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 25, no. 1 (April 3, 2013): 27–41, <https://doi.org/10.22146/JMH.16108>.

<sup>20</sup> Eko Priyo Purnomo et al., "Land Ownership Transformation Before and After Forest Fires in Indonesian Palm Oil Plantation Areas," *Journal of Land Use Science* 14, no. 1 (January 2, 2019): 37–51, <https://doi.org/10.1080/1747423X.2019.1614686>.

<sup>21</sup> Aulya Noor Rahmah, Muhammad Rasyid Ridha, and Nurul Kamriani, "The Impact of Job Creation Act Against The Participatory Principle in Environmental Law," *International Journal of Law, Environment, and Natural Resources* 1, no. 1 (April 28, 2021): 22–28, <https://doi.org/10.51749/INJURLENS.V1I1.3>.

<sup>22</sup> Fons Coomans, "Agrarian Reform as a Human Rights Issue in the Activities of United Nations Human Rights Bodies and Specialised Agencies," *Netherlands Quarterly of Human Rights* 24, no. 1 (March 1, 2006): 7–31, <https://doi.org/10.1177/016934410602400102>.

Food estate programs, for example, benefit corporations more than local farmers, and the loss of food sovereignty results in dependence on food imports. The forestry sector also faces challenges in implementing agrarian reform, with policies that tend to benefit large corporations over the rights of local communities. In this context, it is proposed to establish an Agrarian Reform Advisory Council (DPRA) and abolish the Job Creation Law and its derivative legal products that are considered liberal and capitalistic. This strategic step is expected to solve agrarian problems structurally, restore food sovereignty, and improve people's welfare. Addressing human rights violations in the agrarian crisis, particularly in terms of land grabbing, corruption, and conflict, is important to restore social justice and environmental sustainability in Indonesia. This holistic and social justice-focused approach is essential to creating a just and sustainable agrarian system in Indonesia.

The research utilizes a normative legal approach, focusing intensively on the laws and regulations concerning land rights and the pervasive issue of land grabbing. Through a detailed analysis of legal frameworks, both domestically and globally, the study employs a descriptive-prescriptive method. This means it not only describes the current state of agrarian laws and their application but also prescribes potential legal reforms aimed at strengthening land rights protections. To achieve this, the research conducts a thorough content analysis, meticulously examining various legal documents, court cases, and statutory provisions relevant to the topic. By delving into these documents, the study is able to uncover the strengths and weaknesses of existing legal mechanisms and their enforcement. The findings of this comprehensive analysis serve as the basis for proposing more robust legal strategies and reforms that can effectively address and mitigate the issues of land grabbing, ultimately aiming to enhance the security of land tenure and uphold the rights of landowners and communities against unlawful expropriations.

## **Land Tenure and Agrarian Conflict: Uncovering Injustice in Indonesia After 78 Years of Independence**

After 78 years of Indonesian independence and 63 years since the enactment of Law No. 5 of 1960 on Basic Agrarian Principles (UUPA), it is still clear that the ideals of national independence based on agrarian principles have not been fully realized.<sup>23</sup> On the contrary, the current reality shows significant deviations

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<sup>23</sup> Nugroho Setyawan, Evita Isretno Israhadi, and Borobudur University, "Implementation of Basic Agrarian Law No. 5/1960 in Indigenous Land Disputes in Malinau District," in



from the original objectives of UUPA, with structural inequality and agrarian conflicts continuing, as well as prolonged poverty and suffering for the people. Inequality in agrarian control has reached a very critical point. Data shows that only one percent (1%) of the business class controls around 68% of the total land or land assets in Indonesia.<sup>24</sup> These select few generally use the land they control for oil palm plantation concessions, mining, and forestry operations.<sup>25</sup>

These practices tend to be exploitative and often have a destructive impact on the environment. Meanwhile, on the other hand, around 16 million farming households are in a very vulnerable condition, with many of them being landless (poor and owning very limited land). This situation shows how far the reality is from the egalitarian and social justice principles that should be at the core of Indonesia's agrarian constitutionalism. This extreme inequality also reflects a failure in the implementation of agrarian policies that should favor the majority of the people, especially smallholders and indigenous peoples.<sup>26</sup> This emphasizes the need for serious revision and reform in agrarian policy, as well as stronger law enforcement, to ensure equitable and sustainable distribution and management of natural resources. Failure to address these issues not only results in social injustice but also potentially irreversible economic losses and environmental damage.

Corruption in Indonesia's agrarian sector is a growing concern, reflected in overlapping cases involving plantations, forest areas, and mining businesses, often with strong indications of corruption. Data from the Ministry of Agriculture in 2022 stated that the area of oil palm plantations in Indonesia reached 16.38 million hectares.<sup>27</sup> However, the National Land Agency (BPN)

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*Proceedings of the 1st International Conference on Law, Social Science, Economics, and Education* (European Alliance for Innovation n.o., 2021), 1–6, <https://doi.org/10.4108/EAI.6-3-2021.2306466>.

<sup>24</sup> Walhi, “Tegakkan Konstitusionalisme Agraria Untuk Kedaulatan Dan Keselamatan Rakyat, Hentikan Perampasan Tanah, Jalankan Reforma Agraria Sejati! | WALHI,” Walhi.or.id, 2022, <https://www.walhi.or.id/tegakkan-konstitusionalisme-agraria-untuk-kedaulatan-dan-keselamatan-rakyat-hentikan-perampasan-tanah-jalankan-reforma-agraria-sejati>.

<sup>25</sup> Doni Prabowo et al., “Conversion of Forests into Oil Palm Plantations in West Kalimantan, Indonesia: Insights from Actors’ Power and Its Dynamics,” *Forest Policy and Economics* 78 (2017): 32–39, <https://doi.org/https://doi.org/10.1016/j.forpol.2017.01.004>.

<sup>26</sup> Aura Dian Marta et al., “Dilemma of Customary Land Policy in Indonesia,” *Masyarakat, Kebudayaan Dan Politik* 32, no. 2 (June 28, 2019): 134–43, <https://doi.org/10.20473/MKP.V32I22019.134-143>.

<sup>27</sup> Fiona Downs and Luca Tacconi, “Corruption, Deforestation and Environmental Injustice: The Case of Indonesia,” in *Looking Within: Finding an Environmental Justice*

reported in 2021 that the government had only recognized 10.1 million hectares of plantations. This means that there are 6.28 million hectares of palm oil plantations that are indicated to be operating illegally, without HGU. This situation contradicts the Constitutional Court's ruling that stipulates that oil palm plantation companies must have HGU.<sup>28</sup> Many companies are operating only with location permits, which is a clear violation of the constitution. In the forestry sector, the Ministry of Environment and Forestry (MoEF) reported in 2022 that there were 3.37 million hectares of illegal oil palm plantations within forest areas. The combined illegal area of the plantation and forestry sectors reached 9.65 million hectares, indicating trillions of rupiah in agrarian corruption and collusion committed by entrepreneurs over the years.<sup>29</sup>

These agrarian corruption cases reflect the weakness of Indonesia's monitoring and law enforcement systems. The discrepancy between the size of oil palm plantations recognized by the government and the reality on the ground shows a huge gap in natural resource management and land management. This is not just a regulatory or policy issue but also points to serious problems in government and business practices that continue to ignore the rule of law and community rights. Effectively addressing agrarian corruption is an urgent need to ensure equitable and sustainable natural resource management in Indonesia.

In the context of palm oil plantations in Indonesia, there is a significant data gap between the figures recognized by the government and the reality on the ground. The actual area of oil palm plantations in 2020, according to data from Sawit Watch, was 22.3 million hectares, a much higher number than the government had previously acknowledged.<sup>30</sup> This disparity indicates that the potential for agrarian corruption and collusion in the palm oil business is greater than previously thought. During President Joko Widodo's administration, agrarian conflicts related to the plantation business, especially palm oil,

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*and Global Citizenship Lens* (Brill, 2013), 155–72, [https://doi.org/https://doi.org/10.1163/9781848882515\\_015](https://doi.org/https://doi.org/10.1163/9781848882515_015).

<sup>28</sup> Eusebius Pantja Pramudya, Otto Hospes, and C J A M Termeer, “The Disciplining of Illegal Palm Oil Plantations in Sumatra,” *Third World Quarterly* 39, no. 5 (May 4, 2018): 920–40, <https://doi.org/10.1080/01436597.2017.1401462>.

<sup>29</sup> Hans Nicholas Jong, “Indonesia Slammed for ‘Bowling Down’ in Amnesty for Illegal Oil Palm Estates,” *News.mongabay.com*, 2023, <https://news.mongabay.com/2023/07/indonesia-slammed-for-bowling-down-in-amnesty-for-illegal-oil-palm-estates/>.

<sup>30</sup> USDA, “Indonesia Palm Oil: Historical Revisions Using Satellite-Derived Methodology,” *United States Department of Agriculture Foreign Agricultural Service Report* 19, no. June 2019 (2018): 1–11, [https://ipad.fas.usda.gov/highlights/2012/08/Mexico\\_corn/](https://ipad.fas.usda.gov/highlights/2012/08/Mexico_corn/).

continued to be the largest contributor to agrarian conflicts in Indonesia. Data from the Consortium for Agrarian Reform (KPA) for the 2015–2021 period shows that there were 924 incidents of agrarian conflicts caused by the plantation business, placing it in first place as the largest contributor to agrarian conflicts.<sup>31</sup> This plantation business practice often involves the seizure of community land and is laden with corrupt and collusive methods in granting licenses and managing cultivation rights (HGU).

Furthermore, there is a new unconstitutional form of natural resource and agrarian management that emerged through Law No. 11 of 2020 on Job Creation (UUCK) and more than 20 derivative government regulations (PP) related to agrarian and natural resources. The UUCK reorganizes various sectors, including infrastructure development, special economic zones, new tourist areas, food estate areas, fisheries industry areas, and mining areas.<sup>32</sup> The reorganization places Indonesia in a position as a provider of raw materials, a source of cheap labor, a user of environmentally unfriendly energy sources, and a market for global manufacturing industries.<sup>33</sup> The impact of these policies is not only on the economic side but also on environmental sustainability and people's social welfare. As a result of these policies, Indonesia has not only become a global market for industrially manufactured goods but also a market for other countries' agricultural products. Dependence on imported agricultural products indicates the country's failure to optimally utilize its domestic agrarian potential. This policy has the potential to weaken food sovereignty and harm local farmers, as well as have long-term impacts on national food security.<sup>34</sup> The UUCK policy and its derivatives, which are considered to benefit large investors and industries, continue to generate polemics and criticism, especially from civil society groups and activists fighting for sustainable agrarian and environmental justice.

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<sup>31</sup> Hans Nicholas Jong, “‘Hungry’ Palm Oil, Pulpwood Firms Behind Indonesia Land-Grab Spike: Report,” News.mongabay.com, 2021, <https://news.mongabay.com/2021/02/palm-oil-pulpwood-firms-behind-indonesia-land-grab-agrarian-conflict-spike-report/>.

<sup>32</sup> Walhi, “Tegakkan Konstitusionalisme Agraria Untuk Kedaulatan Dan Keselamatan Rakyat, Hentikan Perampasan Tanah, Jalankan Reforma Agraria Sejati! | WALHI.”

<sup>33</sup> Deborah Winkler and Thomas Farole, *Export Competitiveness in Indonesia's Manufacturing Sector*, *Export Competitiveness in Indonesia's Manufacturing Sector* (World Bank, 2012), <https://doi.org/10.1596/26719>.

<sup>34</sup> David Dawe, “Can Indonesia Trust The World Rice Market?,” *Bulletin of Indonesian Economic Studies* 44, no. 1 (April 1, 2008): 115–32, <https://doi.org/10.1080/00074910802008053>.

Land grabbing in the context of National Strategic Projects (PSN) in Indonesia in 2021 showed high conflict, with 40 conflict cases recorded covering an area of 11,466.923 hectares. This is equivalent to 49.8% of the total land area required for PSN.<sup>35</sup> Numerous guarantor regulations support the objective of accelerating the completion of PSN infrastructure projects, which is closely related to the high number of agrarian conflicts. However, the land grabbing that occurs in the context of PSN is often not in accordance with the philosophy of public interest that should be prioritized. Public interest ideally includes four main aspects: (1) Meeting the needs of the people, which means that every project should be aimed at fulfilling basic needs and improving the quality of life of the people; (2) Improving the welfare of the people, which means that the project should contribute to improving the living and economic standards of the people; (3) Public service, which means that the project should provide essential services and be accessible to the wider community; and (4) Not for profit, which means that the project should not be based solely on financial gain.

Often, business interests run by political elites, government officials, and entrepreneurs within the framework of PSN do not meet these criteria. As a result, what is labeled as 'public interest' or PSN is often nothing more than an attempt to secure personal or group interests. This raises serious ethical and legal questions regarding the legitimacy and consequences of such projects, especially in the context of community rights and environmental sustainability. Failure to adhere to this public interest principle not only deprives communities of their rights to their land and natural resources but also undermines basic principles of social justice and good governance.<sup>36</sup>

Indonesia's legal reform process has proven to be very slow, especially in addressing agrarian conflicts generated by corporate land grabs, which significantly impact local communities.<sup>37</sup> Analyses of this phenomenon often start with the Reformasi era, which coincided with the Asian economic crisis in 1997–1998. In this context, articles often frame the conflicts as a direct result

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<sup>35</sup> Walhi, "Tegakkan Konstitusionalisme Agraria Untuk Kedaulatan Dan Keselamatan Rakyat, Hentikan Perampasan Tanah, Jalankan Reforma Agraria Sejati! | WALHI."

<sup>36</sup> Sri Hajati et al., "Land Acquisition for the Public Interest as an Alternative to Building a Food Estate in Indonesia: An Effort to Achieve Proportional Justice," *World Journal of Entrepreneurship, Management and Sustainable Development* 19, no. 1–2 (2023): 3–14, <https://doi.org/10.47556/J.WJEMSD.19.1-2.2023.1>.

<sup>37</sup> Ida Aju Pradnja Resosudarmo et al., "Indonesia's Land Reform: Implications for Local Livelihoods and Climate Change," *Forest Policy and Economics* 108 (2019): 1–14, <https://doi.org/https://doi.org/10.1016/j.forpol.2019.04.007>.

of the economic crisis, with local communities struggling to defend their land rights. During this time, land grabbing was often presented as a government strategy to mitigate the drastic economic impact, claiming that the utilization of "idle land" or unused land would contribute to economic recovery. However, in reality, this accumulation of land served more as a way to benefit certain parties, especially investors, than for the public good. This reflects how the food crisis and the need for agricultural land are turning into complex agrarian conflicts, where the state and corporate interests often trump the rights of local communities.<sup>38</sup>

In Indonesia, an analysis of the advantages and disadvantages of large-scale investments compared to land ownership by small asset holders reveals a number of important issues. While large-scale investments have potential benefits, there are significant problems that arise from land transfers. These issues include unilateral and unconsulted claiming processes, inadequate legal compensation, disregard for environmental and social safeguards, discretionary approval processes, and a lack of transparency, monitoring, and enforcement.<sup>39</sup> In the Indonesian context, such processes tend to bring more harm than good to local communities, contrary to the argument that such land investments aim to reduce poverty. Instead, these investments often result in negative impacts, such as ecological damage.<sup>40</sup> The analysis also examines the contradictions between Indonesia's revolutionary heritage and the principles of social justice enshrined in Pancasila and highlights the ineffectiveness of the country's legal reform movement. This imbalance reveals how current economic and legal practices often conflict with the nation's fundamental values.<sup>41</sup>

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<sup>38</sup> Kyle F. Davis, Paolo D'Odorico, and Maria Cristina Rulli, "Land Grabbing: A Preliminary Quantification of Economic Impacts on Rural Livelihoods," *Population and Environment* 36, no. 2 (2014): 180–92, <https://doi.org/10.1007/s11111-014-0215-2>.

<sup>39</sup> Lucy Rist, Laurène Feintrenie, and Patrice Levang, "The Livelihood Impacts of Oil Palm: Smallholders in Indonesia," *Biodiversity and Conservation* 19, no. 4 (March 3, 2010): 1009–24, <https://doi.org/10.1007/S10531-010-9815-Z/METRICS>.

<sup>40</sup> Rosamond L Naylor et al., "Decentralization and The Environment: Assessing Smallholder Oil Palm Development in Indonesia," *Ambio* 48, no. 10 (2019): 1195–1208, <https://doi.org/10.1007/s13280-018-1135-7>.

<sup>41</sup> Muhammad Muladi, "Indonesian Legal Reform Based on Pancasila," in *Proceedings of the 1st International Conference on Law, Social Science, Economics, and Education* (European Alliance for Innovation n.o., 2021), 1–7, <https://doi.org/10.4108/EAI.6-3-2021.2306451>.

## Job Creation Law and the New Pattern of Land Grabbing

Indonesia's Job Creation Law has sparked intense debate on the state of democracy and human rights in the country. The law, which was initially presented as an attempt to improve labor issues, turns out to regulate various aspects that go far beyond that realm, potentially having a significant impact on the economic, social, and cultural rights of citizens.<sup>42</sup> The drafting process itself has been sharply criticized for being rushed and non-transparent, raising serious questions about democratic principles in policy-making.

The main criticisms of the Job Creation Law center on three important aspects: *first*, the drafting process, which is considered not to involve adequate public participation, thus ignoring the basic principles of democracy and inclusive and participatory law-making.<sup>43</sup> *Second*, the content of the law, which is seen as threatening human rights, especially workers' rights, and neglecting environmental protection, is a serious concern for many parties. *Thirdly*, the Job Creation Law is perceived as a 'broomstick' due to its vast scope and impact on various aspects of life, which raises concerns about its long-term effects on the social and economic structure in Indonesia. Opposition to the law came from various walks of life, reflecting widespread concerns about the direction of democracy and the protection of human rights in Indonesia. Organized demonstrations and protests signaled public dissatisfaction with the way the government has handled this important issue and highlighted the urgent need to reform the legislature's approach to addressing crucial issues that affect all citizens.

Indonesia's Job Creation Law, which has generated controversy since its inception, can be seen as a manifestation of an orthodox, repressive, and authoritarian approach to regulation.<sup>44</sup> Such characteristics go against the basic values of democracy, which should be based on participation, transparency, and respect for human rights. The law, with its broad scope affecting various aspects of life, including the environment, labor, and social rights, has been criticized

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<sup>42</sup> Petra Mahy, "Indonesia's Omnibus Law on Job Creation: Legal Hierarchy and Responses to Judicial Review in the Labour Cluster of Amendments," *Asian Journal of Comparative Law* 17, no. 1 (2022): 51–75, <https://doi.org/DOI: 10.1017/asjcl.2022.7>.

<sup>43</sup> Bobi Yusuf Noor Fajar and Zaid Zaid, "A Critical Review on The Job Creation Omnibus Law-Forming Process," *Syiah Kuala Law Journal* 5, no. 2 (August 30, 2021): 195–211, <https://doi.org/10.24815/SKLJ.V5I2.21605>.

<sup>44</sup> Saru Arifin, "Illiberal Tendencies in Indonesian Legislation: The Case of the Omnibus Law on Job Creation," *The Theory and Practice of Legislation* 9, no. 3 (September 2, 2021): 386–403, <https://doi.org/10.1080/20508840.2021.1942374>.

for sidelining the interests of the people and concentrating power in the hands of the government.<sup>45</sup> Its rapid drafting process without adequate public involvement reflects authoritarian tendencies, ignoring the voices and interests of various groups of people, especially the vulnerable and marginalized. In a democratic context, policies and laws should be formulated through inclusive dialog and thorough consideration of their impact on all levels of society. Therefore, the passage of the Job Creation Law, in the manner and content that it exists, raises serious questions about Indonesia's commitment to democratic principles and the protection of human rights.<sup>46</sup>

With the passing of the Job Creation Law (UUCK), the exploitation and monopolization of land by Indonesia's business and political elites have become easier and more brutal. The UUCK, which is claimed to be aimed at facilitating investment, promoting public interest, and increasing employment, has paved the way for the establishment of various government agencies that play a role in this process.<sup>47</sup> Some of these include the Land Bank, the Investment Coordinating Board, the National Council for Special Economic Zones, the Committee for the Acceleration of Priority Infrastructure Delivery, and the Investment Management Agency. In addition to these institutions, the government also issued policies that facilitate the interests of entrepreneurs, such as the National Strategic Program (PSN), Food Estate, Forest Area with Special Management (KHDPK), Forest Amnesty or Deforestation Amnesty, and Social Forestry. These policies tend to pamper entrepreneurs by giving them wide access to utilize land and other natural resources, often at the expense of local community rights and environmental sustainability.<sup>48</sup>

This liberal and capitalistic agrarian political-economic model has reorganized the space for new capital accumulation. A clear example of this is the existence of the Land Bank and the Investment Management Agency. These

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<sup>45</sup> Adnan Hamid, "A Critical Study of the Job Creation Law No. 11 of 2020 and Its Implications for Labor in Indonesia," *International Journal of Research in Business and Social Science* (2147- 4478) 10, no. 5 (August 8, 2021): 195–206, <https://doi.org/10.20525/IJRBS.V10I5.1271>.

<sup>46</sup> Marsudi Dedi Putra et al., "Democratic Omnibus Law in Indonesia," *International Journal of Social Science Research and Review* 6, no. 6 (2023): 244–57, <https://doi.org/10.47814/ijssrr.v6i6.1148>.

<sup>47</sup> Raynaldo Sembiring, Isna Fatimah, and Grita Anindarini Widyaningsih, "Indonesia's Omnibus Bill on Job Creation: A Setback for Environmental Law?," *Chinese Journal of Environmental Law* 4, no. 1 (June 3, 2020): 97–109, <https://doi.org/10.1163/24686042-12340051>.

<sup>48</sup> Walhi, "Tegakkan Konstitusionalisme Agraria Untuk Kedaulatan Dan Keselamatan Rakyat, Hentikan Perampasan Tanah, Jalankan Reforma Agraria Sejati! | WALHI."

two institutions, often considered unconstitutional, have operated by unilaterally claiming hundreds of thousands of hectares of people's land to make way for new landlords in investments and National Strategic Projects (*Proyek Strategis Nasional*, PSN). The Land Bank, as a business operator for large entrepreneurs who need land, has been criticized for being similar to colonial practices. This can be seen in the revival of the concept of *domein verklaring* and the practice of private land in the modern context, which often disadvantages local communities and ignores aspects of social justice and environmental sustainability. In this context, the UUCK and its associated institutions have been the center of intense criticism. They are perceived as instruments that facilitate massive land takeovers by business and political elites, at the expense of people's interests and environmental sustainability. This policy, which is supposed to focus on inclusive and sustainable development, is instead perceived to have deviated from its original purpose, which is to improve the overall welfare of the people.

## **The Failure of Agrarian Reform Implementation in Indonesia: Impacts on Food Sovereignty, Social Injustice, and Environmental Damage**

Indonesia, an agrarian country rich in natural resources, is currently facing serious challenges in the context of agrarian reform.<sup>49</sup> Despite being based on constitutional ideals to create social justice for all its people, the reality shows a glaring failure. In the midst of land liberalization and the growing dominance of corporations, farmers, workers, fishermen and indigenous peoples, who should be the main pillars in the management of agrarian resources, are increasingly marginalized. This condition not only creates deep social inequality, but also contributes to the worsening ecological crisis and food security.<sup>50</sup> This article will discuss the problems of agrarian reform in Indonesia, from government policies that favor corporations to the real impacts felt by the people on the ground.

The Corporate-Based Food Estate, or Food Estate, as a controversial initiative in agrarian reform in Indonesia, reflects a deviation from the basic

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<sup>49</sup> Lilies Setiartiti, "Critical Point of View: The Challenges of Agricultural Sector on Governance and Food Security in Indonesia," in *E3S Web of Conferences*, vol. 232 (EDP Sciences, 2021), 1–12, <https://doi.org/10.1051/E3SCONF/202123201034>.

<sup>50</sup> Vanda Ningrum, "Agriculture Liberalization and Marginalized Young Local People: Evidence from a Food Plantation in Lampung," *Jurnal Ilmu Sosial Dan Ilmu Politik* 22, no. 3 (May 2, 2019): 230–44, <https://doi.org/10.22146/JSP.37654>.



principles of reform that should prioritize the interests of farmers. This ambitious project spreads across an area of 3.99 million hectares, but its approach is more about corporate profits than empowering local farmers.<sup>51</sup> Instead of supporting the principles of agrarian reform aimed at strengthening farmers' rights and welfare, the Food Estate instead exhibits structures and operational mechanisms that tend to benefit large corporate entities. Ironically, in this scheme, farmers, who should be at the core of the agricultural system, are marginalized and lose control over their own land and agricultural products. This situation not only contradicts the spirit of agrarian reform, but also illustrates how government policy can deviate from its goal of creating a just and sustainable agricultural system.

In the Food Estate project, all aspects of the production chain—from land, seeds, fertilizers, pricing, to access to markets—are controlled by large companies. This means that farmers, who are supposed to be the main actors in the agricultural system, have no control or authority over the production and distribution of their produce. Instead, they are often reduced to the role of farm laborers on what was once their own land, which is then seized to become part of the Food Estate. This practice raises a number of serious issues. First, farmers lose their land rights, which are their main source of livelihood. Second, they are forced to grow export commodities specified by the company, rather than crops of their choosing or that suit local needs. Third, although they are involved in the production process, farmers do not enjoy significant benefits from their labor due to unequal power structures.

This situation indicates that the Food Estate, in practice, is more similar to the colonial-era forced cropping system, where farmers do not have autonomy over their land and agricultural produce. In addition, the export orientation and corporate control over the production chain ignores the needs and welfare of local farmers. These conditions also suggest that the initial goal of the Food Estate to improve national food security and farmers' welfare may not be achieved. Instead, the project may end up reinforcing structural inequalities in the agricultural sector, leaving local farmers more vulnerable and dependent on corporate policies.

The loss of food sovereignty and the shift away from natural farming systems in Indonesia have been a source of great concern, especially when faced

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<sup>51</sup> Walhi, "Tegakkan Konstitusionalisme Agraria Untuk Kedaulatan Dan Keselamatan Rakyat, Hentikan Perampasan Tanah, Jalankan Reforma Agraria Sejati! | WALHI."

with the growing food crisis.<sup>52</sup> Extensive and systematic land grabs not only deprive farmers of their livelihoods but also contribute to the food crisis, which, ironically, the government is responding to by increasing food imports. Data from the Central Statistics Agency (BPS) in 2022 showed that for several key commodities such as potatoes, soybeans, sugar, corn, salt, and rice alone, total imports reached 4.4 million tons.<sup>53</sup>

This dependence on food imports is a result of the implementation of a liberal food security system based on World Trade Organization (WTO) policies, which has made Indonesia's food system increasingly dependent on foreign supplies. In the context of an agrarian country like Indonesia, which has vast and rich agrarian resources, this situation becomes even more ironic. A country that should be able to fulfill its own food needs and be sovereign in the food sector instead experiences vulnerability when facing food crises due to its inability to manage its agrarian resources independently and sustainably.<sup>54</sup> Furthermore, food businesses, which should ideally be a source of welfare for farmers, are now mostly benefiting food corporations. The transfer of the latest agricultural and food processing technology is not in the hands of farmers and peasant unions but has been controlled by agribusiness, food, fertilizer, and seed companies.<sup>55</sup> This has resulted in farmers losing control over production and distribution processes, as well as a high dependence on production inputs controlled by corporations. This powerlessness of farmers in the face of corporate domination not only reduces their income and welfare but also weakens their position in the national food system. As a result, national food security becomes vulnerable and dependent on external policies and corporate interests rather than on the sustainability and independence of domestic food production.<sup>56</sup>

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<sup>52</sup> PN Susilawati et al., "Sustainable Integrated Farming System: A Solution for National Food Security and Sovereignty," *IOP Conference Series: Earth and Environmental Science* 157, no. 1 (May 1, 2018): 012061, <https://doi.org/10.1088/1755-1315/157/1/012061>.

<sup>53</sup> Walhi, "Tegakkan Konstitusionalisme Agraria Untuk Kedaulatan Dan Keselamatan Rakyat, Hentikan Perampasan Tanah, Jalankan Reforma Agraria Sejati! | WALHI."

<sup>54</sup> Edward B. Barbier, "Cash Crops, Food Crops, and Sustainability: The Case of Indonesia," *World Development* 17, no. 6 (June 1, 1989): 879–95, [https://doi.org/10.1016/0305-750X\(89\)90009-0](https://doi.org/10.1016/0305-750X(89)90009-0).

<sup>55</sup> Patrick Mulvany, "Corporate Control Over Seeds: Limiting Access and Farmers' Rights," *IDS Bulletin* 36, no. 2 (April 1, 2005): 68–73, <https://doi.org/10.1111/J.1759-5436.2005.TB00199.X>.

<sup>56</sup> Wim Pelupessy and Luuk Van Kempen, "The Impact of Increased Consumer-Orientation in Global Agri-Food Chains on Smallholders in Developing Countries,"

In Indonesia, the forestry sector faces major challenges in the implementation of agrarian reform, particularly in the effort to acquire the target of 9 million hectares of land. This condition has worsened due to a policy issued by the Minister of Environment and Forestry (LHK), which designated 1.1 million hectares of forest area with special management (KHDPK).<sup>57</sup> This policy has been criticized as justifying messy and corrupt forest management practices, especially in Java. The history of forest management in Indonesia shows that from the colonial era to the New Order, community participation in the confirmation of forest areas was minimal.<sup>58</sup>

However, the Minister of Environment and Forestry's policy of designating these areas as state forests and then granting them to mining and plantation companies signals the dominance of business interests over environmental conservation and local community rights. In addition, the KHDPK policy, which only offers social forestry schemes, is not effective enough to address the problems faced by thousands of villages that have been considered forest areas for years. Data from LHK in 2019 recorded 25,863 villages experiencing poverty and a lack of access to development due to this forest area claim.<sup>59</sup> This designation removes local communities' rights to their land and natural resources while ignoring the structural agrarian inequalities and conflicts between the people, farmers, indigenous communities, and forest companies. This policy shows a failure to balance economic interests with social justice, often prioritizing corporations and businesses over the rights and welfare of local communities, leading to prolonged environmental and social conflicts.

According to a 2022 report by Wahana Lingkungan Hidup Indonesia (WALHI), environmental degradation in Indonesia, particularly in the forestry sector, has reached alarming levels. The problem stems from forest licensing policies covering an area of 33.4 million hectares, where the government often overlooks the negative impacts.<sup>60</sup> Indonesia's frequent natural disasters are

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*Competition & Change* 9, no. 4 (November 1, 2005): 357–81, <https://doi.org/10.1179/102452905X70870>.

<sup>57</sup> Walhi, “Tegakkan Konstitusionalisme Agraria Untuk Kedaulatan Dan Keselamatan Rakyat, Hentikan Perampasan Tanah, Jalankan Reforma Agraria Sejati! | WALHI.”

<sup>58</sup> Ko Nomura, “The Politics of Participation in Forest Management: A Case From Democratizing Indonesia,” *The Journal of Environment & Development* 17, no. 2 (February 22, 2008): 166–91, <https://doi.org/10.1177/1070496507312598>.

<sup>59</sup> Walhi, “Tegakkan Konstitusionalisme Agraria Untuk Kedaulatan Dan Keselamatan Rakyat, Hentikan Perampasan Tanah, Jalankan Reforma Agraria Sejati! | WALHI.”

<sup>60</sup> Richaldo Hariandja, “Krisis Lingkungan Makin Parah, Begini Masukan Walhi,” Mongabay.co.id, 2022, <https://www.mongabay.co.id/2022/02/18/krisis-lingkungan-makin-parah-begini-masukan-walhi/>.

partly caused by weather anomalies but are also the result of weak government oversight of companies that destroy forests and coastal areas. The government's seeming focus on revenues from forest exploitation ignores the larger costs of environmental degradation. The government recently implemented a "Forest Amnesty" policy, which the Minister of Environment and Forestry is in charge of. This policy is considered a form of facilitation for businessmen who have encroached on forests, grabbed land, and damaged the environment, on the grounds that these activities have already been carried out.<sup>61</sup> According to WALHI records, there are at least 89 companies that have been pardoned for their actions.

This policy raises serious questions about the principles of justice and environmental responsibility and can even be seen as an endorsement of agrarian corruption and environmental destruction. Furthermore, this 'forest amnesty' practice has the potential to worsen the conditions of indigenous peoples and farmers living in and around forest areas. They are often placed at a disadvantage, confronted with concessions that have been granted to companies on land they have been cultivating or their customary lands. This reflects the deepening injustice in the forestry sector, where the rights of indigenous peoples and farmers are increasingly marginalized due to business expansion and government policies that tend to favor corporate interests. This situation highlights the urgent need for more sustainable and equitable reforms of forest management policies and practices that prioritize environmental protection as well as the rights of local communities.<sup>62</sup>

Indonesia's agrarian crisis, which is already very serious, has the potential to get worse with the government's plan to push the Land Bill into the 2023 National Legislation Program (*Prolegnas*). The Agrarian Reform Movement's opposition to the Land Bill in 2019 is not without justification. The main concern is that the bill is considered an attempt to accelerate land liberalization, which can exacerbate social inequality, increase structural agrarian conflicts, cause ecological damage, as well as accelerate the conversion of agricultural land into non-agricultural land and strengthen the liberal land market. Furthermore, the Agrarian Conflict Resolution System Bill, which is also planned to be

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<sup>61</sup> Nazifah Nazifah, Meri Yarni, and Muhammad Amin Nasution, "Indonesian Government Policy in Forest Fire Handling," *Jurnal Komunikasi Hukum (JKH)* 6, no. 1 (April 30, 2020): 210–18, <https://doi.org/10.23887/JKH.V6I1.23471>.

<sup>62</sup> Annisa Indah Nuari and Supto Hermawan, "The Urgency of Strengthening the Rights and Participation of Indigenous Peoples in Realizing Sustainable Management of Customary Forest," *Kanun Jurnal Ilmu Hukum* 23, no. 3 (December 30, 2021): 399–416, <https://doi.org/10.24815/KANUN.V23I3.21881>.

pushed through, has a legal-formal orientation in dealing with structural agrarian conflicts. This raises questions regarding the relevance and urgency of the Land Bill, especially considering that most of the substance of this bill is already accommodated in the Job Creation Law (UUCK). The remaining sections, such as the chapters on agrarian reform, agrarian conflict resolution, customary territory, and land registration, are crucial. An agrarian reform bill that focuses on dealing with the impacts of UUCK is particularly important in the current context. This bill is expected to be a tool to restore the agrarian emergency situation and restore the ideals of agrarian constitutionalism that have long been the foundation of agrarian policy in Indonesia.<sup>63</sup> By recognizing and addressing the problems posed by UUCK and other land liberalization policies, the bill is expected to provide solutions that are more pro-social justice, environmental sustainability, and the rights of local communities, especially farmers and indigenous peoples. This approach is important to ensure that agrarian reform is not just a slogan but an effective policy that has a positive impact on restoring and improving the welfare of the Indonesian people.<sup>64</sup>

Current conditions in Indonesia show that capitalism has created a vast monopoly over agrarian resources, wealth, technology, and knowledge, which directly impacts the lives of people and nature. The independence and sovereignty of the nation to determine its own development model and fate are threatened. Farmers, laborers, fishermen, and indigenous peoples, including women and children, live in increasingly difficult conditions due to the growing layers of injustice.<sup>65</sup> The government has committed a series of betrayals of the constitution in the agrarian context, where the main agenda to address the inequality of agrarian resources and restore people's rights due to land grabbing is nowhere to be seen.

The government's claim that it is implementing an agrarian reform agenda often focuses only on land certification, while efforts to correct inequalities in land tenure and resolve agrarian conflicts are not prioritized. From an institutional perspective, there is no significant leadership from the President as Head of State or Head of Government in directly leading the implementation of agrarian reform. According to Presidential Regulation (Perpres) No. 86/2018 on Agrarian Reform, the National Agrarian Reform Team and the Agrarian

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<sup>63</sup> Widodo, "A Critical Review of Indonesia Agrarian Reform Policy."

<sup>64</sup> Resosudarmo et al., "Indonesia's Land Reform: Implications for Local Livelihoods and Climate Change."

<sup>65</sup> Pat Lauderdale, "Indigenous Peoples in the Face of Globalization," *American Behavioral Scientist* 51, no. 12 (August 1, 2008): 1836–43, <https://doi.org/10.1177/0002764208318934>.

Reform Task Force (GTRA), both under the leadership of the Coordinating Minister for Economic Affairs and the Minister of Agrarian Affairs and Spatial Planning/National Land Agency, have not succeeded in implementing agrarian reform.<sup>66</sup> This situation reflects the gap between policy and implementation on the ground, as well as the lack of effective policy politics that favor social justice. The challenge in addressing agrarian issues in Indonesia lies not only in policy formulation but also in implementation, which requires better commitment, leadership, and inter-agency coordination. This condition also emphasizes the importance of a more holistic and inclusive approach to addressing agrarian issues, which not only considers aspects of legality and land ownership but also social, economic, and environmental aspects. To date, the Agrarian Reform Task Force (GTRA) has not shown significant progress in terms of resolving agrarian conflicts or in establishing Land Objects of Agrarian Reform (TORA) for the people.

The quantity of GTRA establishments at the provincial and district levels, the frequency of coordination meetings, and the quantity of certified land parcels serve as the main indicators of GTRA's performance on a national scale. This approach, which focuses more on quantitative and administrative aspects, often does not reflect the real substance of agrarian reform, namely conflict resolution and land redistribution for the benefit of the people. In many cases, the work patterns of GTRA and related ministries and institutions tend to ignore or even reduce the strategic role of the Agrarian Reform Movement. This opens a gap for 'stowaways' of agrarian reform, such as political elites, local officials, landlords, brokers, and land mafia, who take advantage of the situation for personal gain or certain groups.

The Presidential Staff Office (*Kantor Staf Presiden*, KSP), which was given a political mandate by the President of the Republic of Indonesia in 2019 and 2020 to address the impasse in settlement and coordination between ministries and institutions and people's movements, has often acted counterproductively on the ground. Instead of being an effective mediator and facilitating constructive dialogue between the government and the people, KSP has failed to bring meaningful breakthroughs in solving the problems. This situation indicates a large gap between the good intentions of the policy and the reality of its implementation on the ground.

This failure underscores the need for a more holistic and participatory approach to addressing agrarian issues, involving all stakeholders, including

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<sup>66</sup> Walhi, "Tegakkan Konstitusionalisme Agraria Untuk Kedaulatan Dan Keselamatan Rakyat, Hentikan Perampasan Tanah, Jalankan Reforma Agraria Sejati! | WALHI."

people's movements, in a more effective and transparent manner. Such an approach is important to ensure that agrarian reform is not just a government program but becomes a movement that has a positive impact on society, especially those most affected by agrarian injustice. The performance of the Ministry of Environment and Forestry (MoEF) in implementing agrarian reform is also not free from criticism. In the last 8 years, instead of progress, there has been a setback in efforts to achieve the agrarian reform target of 4.1 million hectares. The Minister of Environment and Forestry and his staff are often considered anti-dialogue to the Agrarian Reform Movement (RA), with farmers and indigenous peoples still often forced and directed to accept Social Forestry (SF) schemes and to recognize state forest area claims. The working patterns of the Ministry of Agrarian Affairs and Spatial Planning (ATR), the Ministry of Environment and Forestry (KLHK), the Presidential Staff Office (KSP), and GTRA are often selective in handling agrarian conflict cases, with a tendency to avoid conflicts that are considered severe or complex.

Meanwhile, the Minister of State-Owned Enterprises (SOEs) is often perceived as not being directly involved in conflict resolution efforts, despite thousands of chronic agrarian conflicts with PTPNs in various places. As a result, many cases of agrarian conflicts between the people and PTPN, Perhutani, and protected and conservation forest claims have minimal or no resolution. This neglect of agrarian reform has had a wide impact, not only in the context of agrarian conflicts but also in the economic, political, food, water, and environmental crises faced by Indonesia. Human life, together with the earth, land, water, and other natural resources, should be managed in a just and civilized agrarian order. An order that promotes sustainable development, respects the rights of local communities, and ensures welfare and justice for all levels of society. Failure to implement effective and equitable agrarian reform has the potential to lead to increased social and economic instability as well as continued environmental damage, which ultimately harms all Indonesian people.

## **Human Rights Violations in Indonesia's Agrarian Crisis: An In-Depth Analysis**

The National Commission on Human Rights (Komnas HAM) of the Republic of Indonesia, an independent institution that provides oversight and advocacy on human rights issues, has documented a significant increase in agrarian conflict cases in Indonesia. In the last four-year period, a total of 2,275 agrarian conflict cases were recorded, with the peak incidence occurring in

2022, reaching 603 cases, followed by 2023 with 582 cases.<sup>67</sup> There is a continued upward trend in agrarian conflicts through 2023. The main focus of these conflicts is related to the procurement of national strategic projects (PSN), which is of particular concern. In addition, another aspect of concern is the increasing criminalization, especially in the plantation sector. These agrarian conflicts reported by Komnas HAM reflect structural problems in the management of agrarian resources in Indonesia, which not only concern land rights but also issues related to social justice, respect for human rights, and sustainable environmental governance. Handling these agrarian conflict cases requires a comprehensive and holistic approach that not only focuses on dispute resolution but also on conflict prevention through policy reforms that favor community interests and environmental protection.<sup>68</sup>

Of the total cases received by Indonesia's National Human Rights Commission (*Komnas HAM*), which ranges from 6000 to 7000 cases, it is estimated that 15 to 20 percent are related to agrarian conflicts.<sup>69</sup> The cases in question include various forms of land disputes and competing access to natural resources, spread across various sectors. Specifically, these conflicts cover issues related to forestry as well as non-forestry aspects, including urban, rural, and coastal areas. These land disputes often include issues such as conflicting claims to land, overlapping management rights, and conflicts between local communities and commercial or government entities. In the forestry sector, these cases usually involve competition over forests and the resources they contain, such as timber and crops. In non-forestry areas, including urban and rural areas, conflicts are often related to infrastructure development, urbanization projects, and industrial expansion. In coastal areas, conflicts are usually related to access to and management of marine resources, such as fisheries and tourism. With a significant proportion of the total cases submitted to Komnas HAM, these agrarian conflicts reflect deep social and economic

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<sup>67</sup> Icha Rastika Singgih Wiryono, "Komnas HAM Catat 2.276 Konflik Agraria Dalam 4 Tahun Terakhir Kepemimpinan Jokowi," *Kompas.com*, 2024, <https://nasional.kompas.com/read/2024/01/25/18111491/komnas-ham-catat-2276-konflik-agraria-dalam-4-tahun-terakhir-kepemimpinan>.

<sup>68</sup> Habib Ferian Fajar et al, "Strategi Kebijakan Reforma Agraria Dalam Mewujudkan Kesejahteraan Masyarakat Yang Berkeadilan Sosial Dengan Berasaskan Konstitusi."

<sup>69</sup> Komnas HAM, "Kondisi HAM Sepanjang Tahun 2021," *Komnasham.go.id*, 2021, <https://www.komnasham.go.id/index.php/news/2022/8/13/2209/kondisi-ham-sepanjang-tahun-2021.html>.



issues in Indonesia.<sup>70</sup> The cases highlight the urgent need for more equitable policies and practices in natural resource management, as well as more effective law and human rights enforcement in the context of land and natural resource management.

Within the framework of the Republic of Indonesia, the principles of human rights and democracy are upheld, as reflected in the constitution and the ratification of various international conventions. However, reality shows that there are discrepancies between these principles and the practices that occur in the field, especially in the context of agrarian conflicts.<sup>71</sup> Data recorded by the National Commission on Human Rights (Komnas HAM) reveals that a large number of incoming cases are related to agrarian conflicts, including land disputes and struggles over access to natural resources in various sectors. The phenomenon of repression carried out by the state against people fighting for their land rights is a violation of the Convention Against Torture, which has been ratified in Law No. 5 of 1998. Repressive actions, including the use of tear gas and forced arrests, represent acts of torture that cause physical and mental pain. These practices contradict Law No. 12 of 2005, which is an implementation of the International Covenant on Civil and Political Rights, as well as Law No. 39 of 1999, which emphasizes the right of every person to be free from torture and degrading treatment. The persistence of these repressive practices reflects the legacy of the New Order, where reform is just jargon without real implementation. This shows the government's failure to fulfill the constitutional mandate to protect and respect human rights. As a democratic country, the government should listen to the voice of the people and not favor certain groups. However, reality shows a betrayal of the principles of democracy, "social justice for all Indonesians," and "fair and civilized humanity".

The analysis of agrarian issues in Indonesia, which often involve land grabbing and inequality in land tenure, is closely related to human rights. Under the country's constitution, human rights principles include the right to life, the right to justice, and the right to a good and healthy environment.<sup>72</sup> However,

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<sup>70</sup> Pande Kurniawan et al., "Prevention And Resolution Of Social Conflict In Coastal Communities In Indonesia," *International Journal of Progressive Sciences and Technologies* 38, no. 2 (May 26, 2023): 256–61, <https://doi.org/10.52155/ijpsat.v38.2.5330>.

<sup>71</sup> Moh. Mahfud MD, "Politik Hukum Hak Asasi Manusia Di Indonesia," *Jurnal Hukum IUS QUIA IUSTUM* 7, no. 14 (July 14, 2000): 1–30, <https://doi.org/10.20885/IUSTUM.VOL7.ISS14.ART1>.

<sup>72</sup> Nurwati Nurwati et al., "Juridical Analysis of Land Rights According to UPPA in Indonesia," *Jurnal Justiciabelen* 5, no. 2 (December 28, 2022): 1–10, <https://doi.org/10.30587/JUSTICIABELEN.V5I2.5012>.

in practice, many aspects of these agrarian issues often violate these rights. First, the issue of land grabbing and inequality in access to natural resources has a direct impact on the right to life and a decent living. Local communities and smallholders often lose access to land, which is their main source of livelihood. This loss of access can result in severe poverty and social vulnerability, contrary to the right to an adequate standard of living guaranteed under human rights. Second, there are problems of inequality in agrarian tenure and corrupt practices in natural resource management that violate the principles of justice. These practices create discrimination and violate the right to equal treatment before the law. In addition, the government's failure to provide effective mechanisms to resolve land disputes and limited access to justice for local communities represent serious violations of the right to justice. Third, uncontrolled agrarian exploitation often has significant environmental impacts, reflecting violations of the right to a good and healthy environment. Activities such as palm oil plantations, mining, and other industries not only damage the environment but also threaten the health and well-being of communities that depend on that environment. Fourth, the implementation of the Job Creation Law and large-scale infrastructure projects often ignore the rights of local communities, especially rights to land and natural resources. This indicates an imbalance of power and a lack of respect for human rights principles in national development.

Further analysis of Indonesia's Job Creation Law (UUCK) highlights serious problems in the context of human rights, including issues of democracy, social justice, and environmental sustainability. The UUCK has generated controversy since its inception, with many viewing it as a regulation that is not aligned with internationally and nationally recognized human rights principles. The UUCK violates the Right to Democratic Participation, particularly in its rushed and less than transparent drafting process, ignoring the right to public participation in policy-making. Regulatory changes in the UUCK that weaken worker protections also pose a threat to the Right to Fair Employment and Working Conditions. In addition, the UUCK has been criticized for weakening environmental protections, potentially compromising environmental sustainability. The right to land and natural resources is also undermined by the UUCK facilitating land accumulation and monopolization, to the detriment of local community rights. Furthermore, the UUCK has the potential to widen inequalities and disadvantage vulnerable groups, including indigenous peoples and smallholders, which contradicts human rights principles to protect vulnerable groups from exploitation. Finally, the UUCK raises serious questions about Indonesia's commitment to international human rights standards.

Further analysis of agrarian reform in Indonesia in the context of human rights highlights a number of critical issues relating to violations of the basic rights of communities, including farmers, laborers, fishermen, and indigenous peoples. Aspects of human rights relevant to agrarian reform include the right to land, the right to earn a decent living, the right to food, the right to a healthy environment, and the right to participate in policy-making. One of the main issues in agrarian reform in Indonesia is widespread and systematic land grabbing by corporations and the government. These actions violate people's right to own, use, and control their land, which is essential for livelihoods. Practices such as food estates, which result in farmers losing control over their land and farm produce and being forced to work as farm laborers, demonstrate the denial of the right to earn a decent living. This practice not only reduces their income and well-being but also robs them of their autonomy and self-respect as food producers. At the same time, Indonesia's dependence on food imports, caused by liberal and export-oriented food security policies, negatively impacts people's right to have access to sufficient, nutritious, and sustainable food. This represents a failure to fulfill the human right to food, especially for vulnerable groups. In addition, environmental degradation due to the unsustainable exploitation of natural resources reflects a violation of the right to a healthy environment, impacting lives today and threatening the rights of future generations. The lack of community participation in agrarian reform policy-making represents a violation of their right to be involved in decisions that affect their lives. These processes are often non-transparent and unaccountable, often ignoring the interests and needs of local communities. There is also a significant gap between policy and implementation on the ground, reflecting a failure to ensure that human rights are effectively respected and protected. Agrarian reform in Indonesia, which should be a tool to address inequality and improve the welfare of local communities, is currently facing serious challenges in its implementation. It is important for the Indonesian government to adopt an approach that favors social justice, environmental sustainability, and the protection of human rights. This includes ensuring that the agrarian reform process does not only focus on legality and land ownership but also considers the social, economic, and environmental impacts of policies and practices.

## Toward Agrarian Justice: Redefining The Policy and Practice of Agrarian Reform in Indonesia

Restore agrarian constitutionalism as a foundation in the lives of the nation and state. This can be achieved by overhauling the orientation of agrarian policies, which currently tend to be liberal and capitalistic, into agrarian politics that favor the people. The goal is to ensure that justice and sovereignty are again centered on the people, which is the essence of agrarian constitutionalism.<sup>73</sup> In this context, the People's Consultative Assembly of the Republic of Indonesia (MPR RI), in accordance with the mandate of TAP MPR IX/2001, is expected to establish an Agrarian Reform Advisory Council (DPRA) as soon as possible. This DPRA will be responsible for ensuring several crucial matters, including:

- a) The President's accountability regarding the implementation of agrarian reform, including the resolution of agrarian conflicts and government reports on efforts to restructure the inequality of land tenure that causes people's poverty. This also includes auditing the issuance of concessions and licenses that have been issued to ensure that the process is fair and transparent.
- b) Consolidation of the implementation of agrarian reform by state institutions, including the executive, judiciary, and legislature, so that implementation is carried out nationally and systematically. This step is important to ensure that agrarian reform is not only carried out as a separate program by each institution but as a coordinated and consistent joint movement across the country.
- c) preparation and encouragement of an Agrarian Reform Bill (RUU) that is in line with the ideals of agrarian constitutionalism. This bill is expected to address the weaknesses and obstacles that exist in current agrarian law and policy, as well as encourage more effective and equitable implementation of agrarian reform. Through this approach, it is hoped that agrarian constitutionalism will not only be realized in legal documents and political rhetoric but will actually become a reality that can be felt by all Indonesians, especially those most affected by agrarian injustice.

This comprehensive, participatory, and pro-people approach is important to creating an agrarian system that is fair, sustainable, and able to uplift people's welfare. Furthermore, one of the other important steps proposed to address agrarian issues in Indonesia is the repeal of the Job Creation Law, which is considered liberal and capitalistic, and its derivative legal products. This also includes the annulment of the Land Bank and other new bodies deemed incompatible with the principles of agrarian justice. This proposal is based on

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<sup>73</sup> Habib Ferian Fajar et al, "Strategi Kebijakan Reforma Agraria Dalam Mewujudkan Kesejahteraan Masyarakat Yang Berkeadilan Sosial Dengan Berasaskan Konstitusi."

the view that the Job Creation Law and its associated structures tend to facilitate the exploitation of natural resources and labor by corporate interests, at the expense of people's rights and environmental sustainability. As a follow-up step, it is hoped that the President can straighten out the implementation of agrarian reform to be in line with the 1945 Constitution, Law No. 5/1960 on Basic Agrarian Principles (UUPA), and TAP MPR IX/2001.

This step includes revising the Presidential Regulation on Agrarian Reform in accordance with the demands of the Agrarian Reform Movement, which demands policies that are more inclusive and in favor of the people. Another crucial step is the creation of an Agrarian Reform Implementing Agency (BPRA) directly under the President, which will involve reliable people's organizations in the agrarian reform struggle. This BPRA is expected to have three main jobs, namely agrarian conflict resolution, land redistribution, and economic development in the location of agrarian reform implementation. This approach proposes an enhanced land reform model that not only focuses on land redistribution but also on sustainable and inclusive economic development in these locations. This analysis shows that a more holistic and social justice-focused approach is needed to address agrarian issues in Indonesia. These measures are expected to address the power imbalance between corporations and people, redress social and economic inequalities, and restore people's sovereignty in self-determination in the agrarian context. This approach also emphasizes the importance of leadership and political commitment from the president and the government in realizing effective and sustainable agrarian reform.

The proposal for the President to immediately execute the Priority Locations for Agrarian Reform (LPRA) submitted by people's organizations is a strategic step in efforts to resolve structural agrarian problems in Indonesia. The main focus of this LPRA is on former Cultivation Rights Title (HGU) owned by the Nusantara Plantation Limited Company (PTPN) or private companies, HGU or Building Rights Title (HGB) that are abandoned or problematic, areas managed by Perum Perhutani or Inhutani, Industrial Plantation Forests (HTI), transmigration villages, and National Strategic Project (PSN) areas.<sup>74</sup> This step is expected to address various forms of injustice in the management of agrarian resources, ensure a more equitable distribution of land, and improve people's welfare. Additionally, it's crucial for the government to stop the liberal development model and international

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<sup>74</sup> Walhi, "Tegakkan Konstitusionalisme Agraria Untuk Kedaulatan Dan Keselamatan Rakyat, Hentikan Perampasan Tanah, Jalankan Reforma Agraria Sejati! | WALHI."

agreements, which frequently involve violating people's rights, harming the environment, and implementing a food agriculture model that undermines the position of farmers, fishermen, farmers, ranchers, and indigenous peoples as the primary food producers. Development models that focus on short-term economic gains and ignore the interests of the people and environmental sustainability have caused various social and ecological problems. By implementing the LPRA and changing the development model and international agreements, the government is expected to restore food sovereignty and increase people's economic independence. These steps require a strong political commitment from the government to prioritize the interests of the people and environmental sustainability in every policy decision. An inclusive and participatory approach, involving communities in development and decision-making processes, is key to creating a sustainable and equitable development model for all.

The Chief of the Indonesian National Police (Kapolri) must also take urgent action to stop arrests, intimidation, and violence against farmers, indigenous peoples, laborers, fishermen, and activists defending land rights. This action is not only about stopping human rights violations but also about respecting and protecting the freedom of association that has been guaranteed by the Constitution and the law. Law enforcement must be fair and non-discriminatory, recognizing the rights of communities to fight for agrarian and environmental justice. Furthermore, the cancellation of fuel subsidies for small farmers, laborers, traditional fishermen, small fishermen, students, the poor, and all vulnerable communities, both in villages and cities, is an important demand. These subsidies play a vital role in sustaining purchasing power and reducing the cost of living for vulnerable communities. By restoring fuel subsidies, the government can help improve social welfare and reduce economic inequality while supporting the sustainability of people's lives amid economic pressures. Finally, the importance of the role of people's organizations and all elements of the social movement in strengthening and expanding agrarian reform practices on people's initiatives cannot be underestimated. Such initiatives serve as a bulwark against the threat of land grabbing and evictions faced by the people. Through community empowerment and local initiatives, agrarian reform can be carried out from below, focusing on the needs and rights of local communities. This can create a more inclusive and sustainable development model that is rooted in people's needs and aspirations rather than business or political interests. Thus, these steps aim to create fair and sustainable agrarian governance that prioritizes the rights and needs of the people and promotes inclusive and socially just development in Indonesia.

## Conclusion

After 78 years of Indonesian independence, there is a huge structural imbalance in agrarian control, with a small elite controlling the majority of land. This contradicts the principles of egalitarianism and social justice enshrined in Indonesia's agrarian constitutionalism. In addition, corruption in the agrarian sector, particularly in the palm oil and forestry industries, shows weaknesses in monitoring and law enforcement. Serious concerns are also raised by the Job Creation Law and other liberal-capitalistic policies that potentially violate human rights, including the rights to land, work, and a healthy environment. Failure to implement agrarian reform has an impact on food sovereignty, social injustice, and environmental damage. The neglect of human rights principles in agrarian issues, such as land grabbing and discrimination in access to natural resources, as well as the failure to provide effective conflict resolution mechanisms, has increased agrarian inequality and conflict. To achieve agrarian justice, serious efforts are needed, such as restoring agrarian constitutionalism as the foundation of the nation's life, establishing an Agrarian Reform Advisory Council, repealing the Job Creation Law, establishing an Agrarian Reform Implementing Agency directly under the President, and implementing priority locations for agrarian reform. The police must stop arrests, intimidation, and violence against farmers, indigenous peoples, laborers, fishermen, and activists. It is also important to restore fuel subsidies for smallholders, traditional fishermen, and vulnerable communities and recognize the role of people's organizations and social movements in strengthening people's initiative-based agrarian reform practices. In general, a holistic and social justice-focused approach is needed to address agrarian issues in Indonesia. These measures are expected to reduce the power imbalance between corporations and people, redress social and economic inequalities, and restore people's sovereignty in self-determination in the agrarian context. This approach also emphasizes the importance of leadership and political commitment from the president and government in realizing effective and sustainable agrarian reform.

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**Acknowledgment**

We would like to extend our deepest gratitude to the management of The Lex Scientia Law Review Journal for the opportunity to publish our article. This expression of thanks is not only a gesture of professional appreciation but also underscores the importance of academic and practical discourse in the field of law. By thanking the journal, we emphasize the value of our work being

accessible to a diverse audience, including academics, practitioners, and those outside the legal profession. Publication in such a respected journal serves several purposes. Firstly, it validates our research and arguments within the academic community, offering a platform for scholarly debate and discussion. This is crucial for the advancement of legal theory and the development of new perspectives within the field. Secondly, for practitioners, this article becomes a resource that can inform and enhance their legal practice. The practical applications of our research could influence litigation strategies, policy-making, or even everyday legal advice. We recognize the importance of bridging the gap between theory and practice in law, which often leads to more effective and equitable legal outcomes. Lastly, the mention of non-legal circles is particularly noteworthy. It indicates an intention to make the law more accessible and understandable to those outside the profession. This democratization of legal knowledge is essential in a society where the law impacts everyone. By making complex legal concepts and discussions available to a broader audience, we contribute to a more informed and engaged public. Overall, this expression of gratitude is not just a polite formality; it signifies our recognition of the collaborative nature of legal scholarship and the far-reaching impact of our work beyond the confines of academia.

### **Funding Information**

None

### **Conflicting Interest Statement**

There is no conflict of interest in the publication of this article.

### **Publishing Ethical and Originality Statement**

All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in any journal, and all sources cited in this work refer to the basic standards of scientific citation.

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